

## Statutory Licensing Sub-Committee (3)

9th July 2013

### Application for the Review of a Premises Licence



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### Report of Terry Collins, Corporate Director, Neighbourhood Services

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**Name and Address of Premises:** UK Pizza, 61 Yoden Way, Peterlee. SR8 1BS

#### 1. Summary

The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of the above premises currently licensed for the provision of late night refreshment as detailed in the table below:

Licensable Activity	Timings
Late Night Refreshment (indoors and outdoors)	Monday to Thursday: 23:00 – 00:30 hrs Friday, Saturday & Sunday: 23:00 – 03:00 hrs

A copy of the premises licence is attached at Appendix 1.

A plan showing the location of the premises is attached at Appendix 2.

#### 2. Details of the Application

The application is for a review of the premises licence (DCCN/PLN0005) currently held by Mr Bakir Ahmed Ali.

On 14th May 2013, the Licensing Authority received an application from Durham Constabulary asking the Licensing Authority to consider a review of the premises licence.

The application is deemed by the Licensing Authority to be relevant. The application for review relates to the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

A copy of the application for the review of the premises licence and supporting documents are attached at Appendix 3.

The application for review was advertised in accordance with the regulations.

### **3. Representations**

Within the statutory period, no representations were received from the Responsible Authorities or any other persons.

An e-mail was received from Peterlee Town Council on 4th June 2013, supporting Durham Constabulary's application to review the premises licence.

On 20th May 2013, a letter was received from the licence holder Mr Ali, to outline the steps he has taken since the review application was submitted. A copy of the letter is attached at Appendix 4.

### **4. The Parties**

The Parties to the hearing will be:

- Durham Constabulary (applicant)
- Mr Bakir Ahmad Ali (premises licence holder)

### **5. Durham County Council Statement of Licensing Policy**

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 5.0 The Prevention of Crime and Disorder
- 6.0 Public Safety
- 7.0 The Prevention of Public Nuisance
- 19.0 Reviews

Relevant information is attached at Appendix 5.

### **6. Section 182 Guidance**

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 – 2.7 Crime and Disorder
- 2.8 – 2.17 Public Safety
- 2.18 – 2.24 Public Nuisance
- 11.1 – 11.30 Reviews

Relevant information is attached at Appendix 6.

## **7. For Decision**

The Sub-Committee is asked to determine the application for the review of the premises licence and to take any of the following steps that it considers necessary for the promotion of the licensing objectives:

- Take no further action
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

### **Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (As amended October 2012)

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**Contact: Yvonne Raine      Tel: 03000 265256**  
**E-mail: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## APPENDIX 1 – PREMISES LICENCE

The following information is provided for the purpose of assisting you to understand the requirements of the Premises Licence Act 2003. It is not intended to constitute a legal opinion and you should seek legal advice if you are in any doubt as to the interpretation of the Act or the Regulations.

- The Premises Licence Act 2003 (PLA) is a new piece of legislation that replaces the Licensing Act 1964.
- The PLA gives local authorities the power to issue Premises Licences (PLs) to premises where alcohol is sold or consumed.
- A PL is required for premises where alcohol is sold or consumed, whether the premises are licensed under the Licensing Act 1964 or not.
- A PL is required for premises where alcohol is sold or consumed, whether the premises are licensed under the Licensing Act 1964 or not.

For more information, please contact your local authority.

- You can find out more about the PLA on the Licensing Act 2003 website.
- You can also find out more about the PLA on the Licensing Act 2003 website.

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For more information, please contact your local authority.

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## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence number**  
**Granted**  
**Issued**

<b>DCCN/PLN0005</b>
<b>20 SEPTEMBER 2011</b>
<b>11 OCTOBER 2011</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>issuing Authority</b>
UK PIZZA 61 YODEN WAY	DURHAM COUNTY COUNCIL UNIT 1 DAMSON WAY DRAGONVILLE INDUSTRIAL ESTATE DURHAM DH1 2YN
<b>Post town:</b> PETERLEE	<b>Postcode:</b> SR8 1BS
<b>Telephone number:</b>	

**Where the licence is time limited the dates**

NOT APPLICABLE

**Licensable activities authorised by this licence**  
 Provision of late night refreshment

**The opening hours of the premises (all times in 24hr format)**

Monday	16:00 – 00:30	<b>Non standard/seasonal timings:</b>	
Tuesday	16:00 – 00:30		
Wednesday	16:00 – 00:30	<b>None</b>	
Thursday	16:00 – 00:30		
Friday	16:00 – 03:00		
Saturday	16:00 – 03:00		
Sunday	16:00 – 03:00		

**Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales**

NOT APPLICABLE

**The times the licence authorises the carrying out of licensable activities (all in 24hr format)**

**Late night refreshment  
Indoors & Outdoors**

Monday	23:00 – 00:30	Further details:
Tuesday	23:00 – 00:30	
Wednesday	23:00 – 00:30	Non standard/seasonal timings:
Thursday	23:00 – 00:30	
Friday	23:00 – 03:00	None
Saturday	23:00 – 03:00	
Sunday	23:00 – 03:00	

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

BAKIR AHMED ALI

61 YODEN WAY, PETERLEE SR8 1BS  
TELEPHONE [REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the sale by retail of alcohol**

NOT APPLICABLE

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the sale by retail of alcohol**

LICENCE NUMBER: NOT APPLICABLE

ISSUED BY: DURHAM COUNTY COUNCIL

**Annex 1 – Mandatory conditions**

NOT APPLICABLE

**Annex 2 – Conditions consistent with the premises Operating Schedule**

**General**

I would take responsibility for trying to calm/ease the situation however if this was going to result in further problems or confrontation I would notify the Police.

### Prevention of Crime and Disorder

Anybody unruly or causing a problem will be politely confronted, however if this kind of behaviour was to continue I would close the premises/removing the offender and notify the Police.

### Public Safety

Keep the shop floor area free of obstructions, make sure all spills are cleared as soon as seen

### Prevention of Public Nuisance

Try and calm the situation however if this is making the problem worse I would contact the Police.

### Protection of Children from Harm

Due to the hours of late night refreshment this is not going to effect the business in a big way, however if I have minors on the premises and anybody was creating problems from them I would ask them to leave the premises.

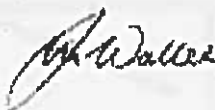
### Annex 3 – Conditions attached after a hearing by the licensing authority on 20 September 2011

In the light of and pursuant to the mediated agreement the Sub-Committee granted the application with the following conditions imposed upon the Premise Licence in addition to any already put forward in the original application.

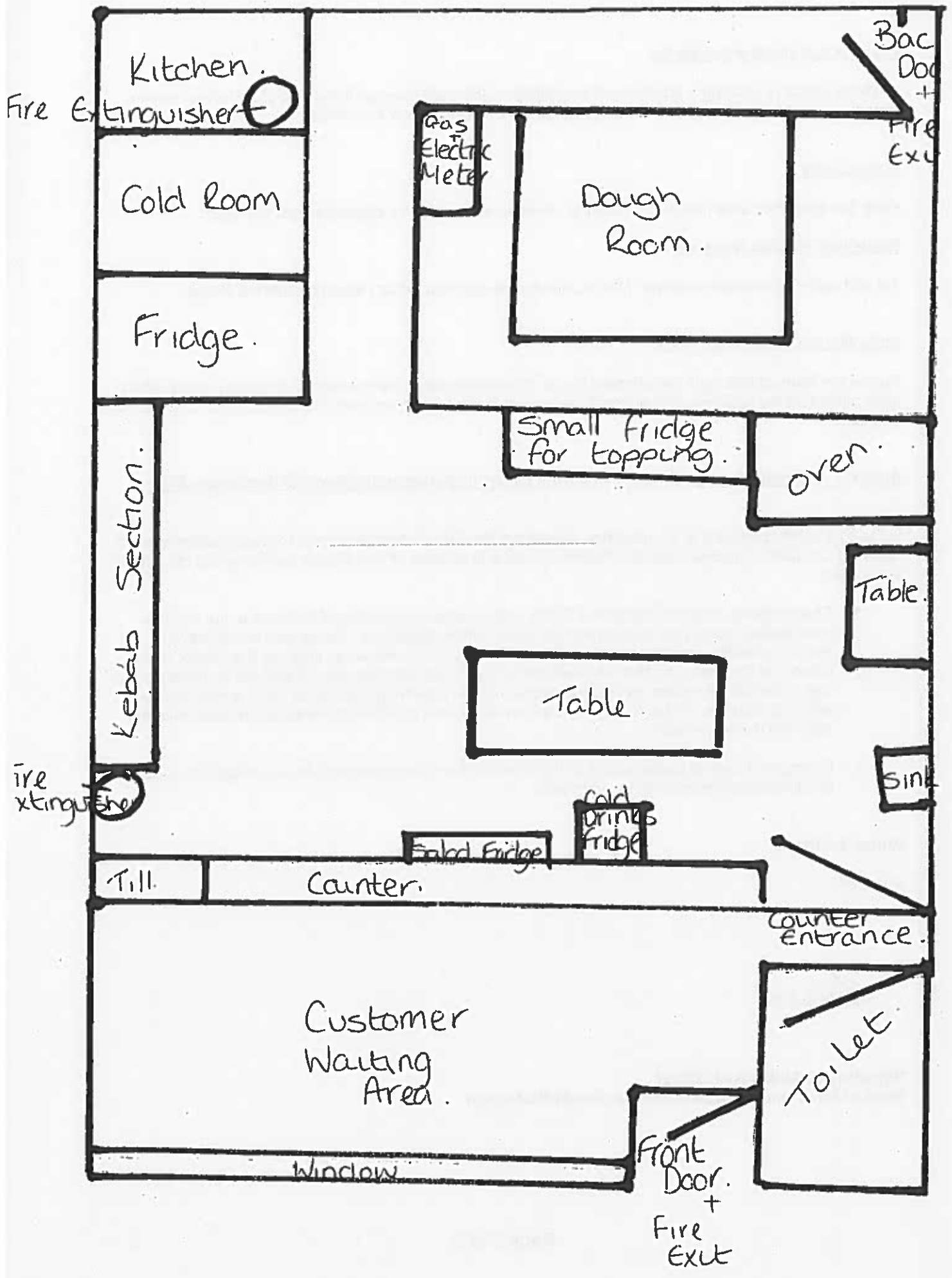
1. The premises shall be fitted with a CCTV system which is operational 24 hours a day and of a specification complying at all times with Home Office Guidelines. The system should have a recording facility available to keep data for 28 days which recordings covering the interior and exterior of the premises shall be available to the Police upon request. All staff will be trained in the use of the CCTV system and shall produce footage when requested to do so by a responsible authority. Notices will be displayed at the entrance, exit and throughout the premises confirming that CCTV is in operation
2. During the hours of business and at the terminal hour, litter collection will be carried out by staff in the immediate frontage of the premise's .

### **Annex 4 – Plans**

Attached



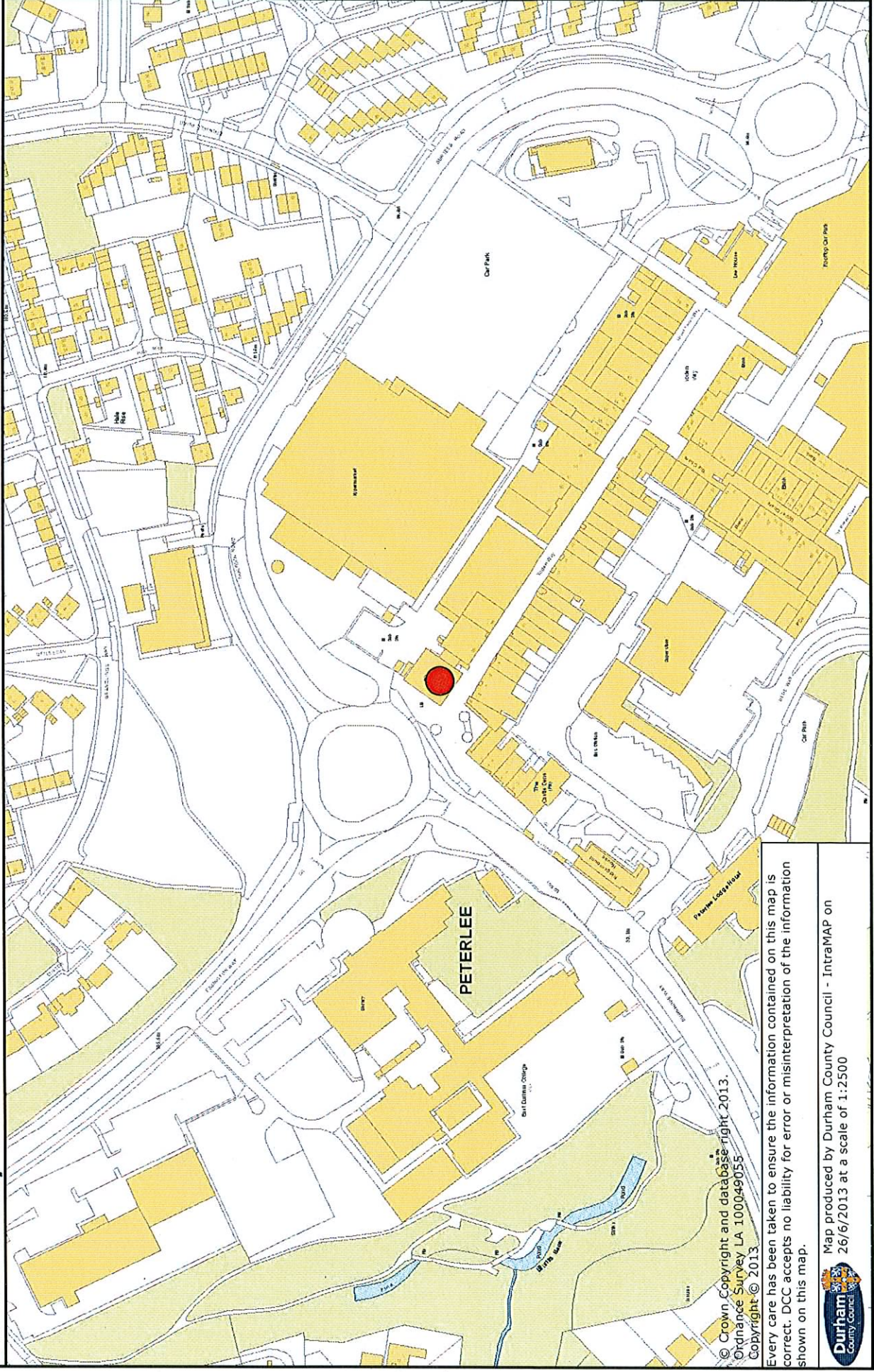
**Signature of Authorised Officer**  
**Head of Environment, Health and Consumer Protection**



## APPENDIX 2 - LOCATION PLAN



# Durham County Council - IntraMAP







Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Mr M Barton - the Chief Constable of Durham

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 Licensing Act 2003  
for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> UK Pizza, 61 Yoden Way Peterlee	
<b>Post town</b> Peterlee	<b>Post code (if known)</b> SR8 1BS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> BAKIR AHMED ALI
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<b>Number of premises licence or club premises certificate (If known)</b> DCCN/PLN0005
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**Part 2 - Applicant details**

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**Please provide as much information as possible to support the application  
(please read guidance note 2)**

See attached Grounds

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

[Redacted Signature]

Date

13/5/13

Capacity Inspector of the Alcohol Harm Reduction Unit

*delegated authority*

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Insp Colin Dobson  
Alcohol Harm Reduction Unit  
Annand House  
John Street North  
Meadowfield

Post town  
Durham

Post Code  
DH7 8RS

Telephone number (if any)

[Redacted Telephone Number]

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

## GROUNDS FOR REVIEW

1. The Applicant is seeking a review of the premises licence for UK Pizza, 61 Yoden Way, Peterlee as it is an appropriate course of action to address concerns relating to the prevention of crime and disorder, protection of public safety and the prevention of public nuisance objectives in the Licensing Act 2003.
2. The holder of the premises licence is Mr Bakir Ahmed ALI
3. On various dates from May 2011 to April 2013 there have been 17 reports of anti-social behaviour, violence, aggression and disorderly conduct at or in the vicinity of this premises.
4. On the 26<sup>th</sup> May 2012 an altercation took place between a male customer and members of staff. CCTV shows the customer become abusive and later return to damage the window of the premises. CCTV also shows Mr ALI and the male customer ready to fight. CCTV then jumps forward a few minutes to show Mr ALI leaving the rear of the premises with an implement in his hand; two further staff members also leave the premises. Peterlee town centre CCTV shows the customer and Mr [REDACTED] (a staff member) both armed with weapons, the customer runs away to which [REDACTED] and ALI both chase him with their weapons.
5. On the 29<sup>th</sup> June 2012 a licensing visit was conducted by PCSO Level and Special Constable Usher following reports that the premises was open beyond its licensing hours. Poor food hygiene levels were noted with a cigarette end visible on the floor. [REDACTED]
6. On the 10<sup>th</sup> of August 2012 officers were called to the premises following complaints that members of staff were brandishing weapons. Staff were unable to operate the CCTV system.
7. On the 14<sup>th</sup> October 2012 four customers were assaulted by four members of staff, one being the licence holder Mr ALI. The staff members had weapons and CCTV shows a customer being hit by a staff member with a broom handle.

PROTECT

8. On the 27<sup>th</sup> December 2012 there was a further complaint of an altercation between staff and customers.
9. On the 1<sup>st</sup> January 2013 the premises was still open at 3.28am (premises should have been closed at 00.30)
10. On the 21<sup>st</sup> January 2013 PCSO Bowman attended the premises to collect CCTV; staff were unable to operate the system.
11. On the 2<sup>nd</sup> February 2013 a male was stabbed at the premises, suspects are all staff members, one being the owner Mr ALI. Mr ALI has been charged with a Section 18 wounding and possession of an offensive weapon.
12. On the 4<sup>th</sup> February 2013 DC Cottrell, Sgt Robson and Insp Dobson visited the premises and found poor hygiene levels, fire breaches and evidence of smoking in the food preparation area. In addition the identity of staff found that not all were legal to work in the UK. The delivery driver had no insurance to use his vehicle for business use. Under the counter in the till area there was a collection of long pieces of wood that could be used as weapons.
13. On the 7<sup>th</sup> February 2013 PCSO Level and Fire Officer Brad Malpass attended the premises with regards to the breaches in fire regulation
14. On the 27<sup>th</sup> February 2013 a crime of affray was confirmed to have taken place at the premises on the date of the 26<sup>th</sup> November 2011. This information came to light following an appeal for witnesses regarding the incident dated the 2<sup>nd</sup> February 2013, 3 members of the public came forward to state that there had been a dispute with staff at UK Pizza where they were threatened with a baseball bat and a knife in November 2011.
15. The evidence produced by the Applicant sets out the full details of the alleged incidents at the premises and poor management by the Premises Licence Holder
16. It is for the Licensing Authority to determine the appropriate action to promote the licensing objectives. If it assists the Authority the Applicant would respectfully ask the Authority to revoke the current

PROTECT

PROTECT

premises licence. Alternatively if the Licensing Authority deems it fit for the licence to remain in force the applicant would respectfully request that the licensable hours are reduced from 3am to 1am on Friday, Saturday and Sunday evenings. In addition, could the condition that SIA registered door staff are employed at the premises on Friday, Saturday and Sunday from 9pm until the premises closes be added to the licence.

PROTECT



**Application for Review of the Premises Licence**

**UK Pizza, Yoden Way, Peterlee**

**Applicants Bundle of Evidence**

No.	Details
1	Photos of the Premises
2	Premises Licence and Plan
3	Statement PCSO Level
4	Statement DC Cottrell
5	Statement PCSO Bowman
6	Statement DC Fixter
7	Statement SC Usher
8	Statement PC Johnson

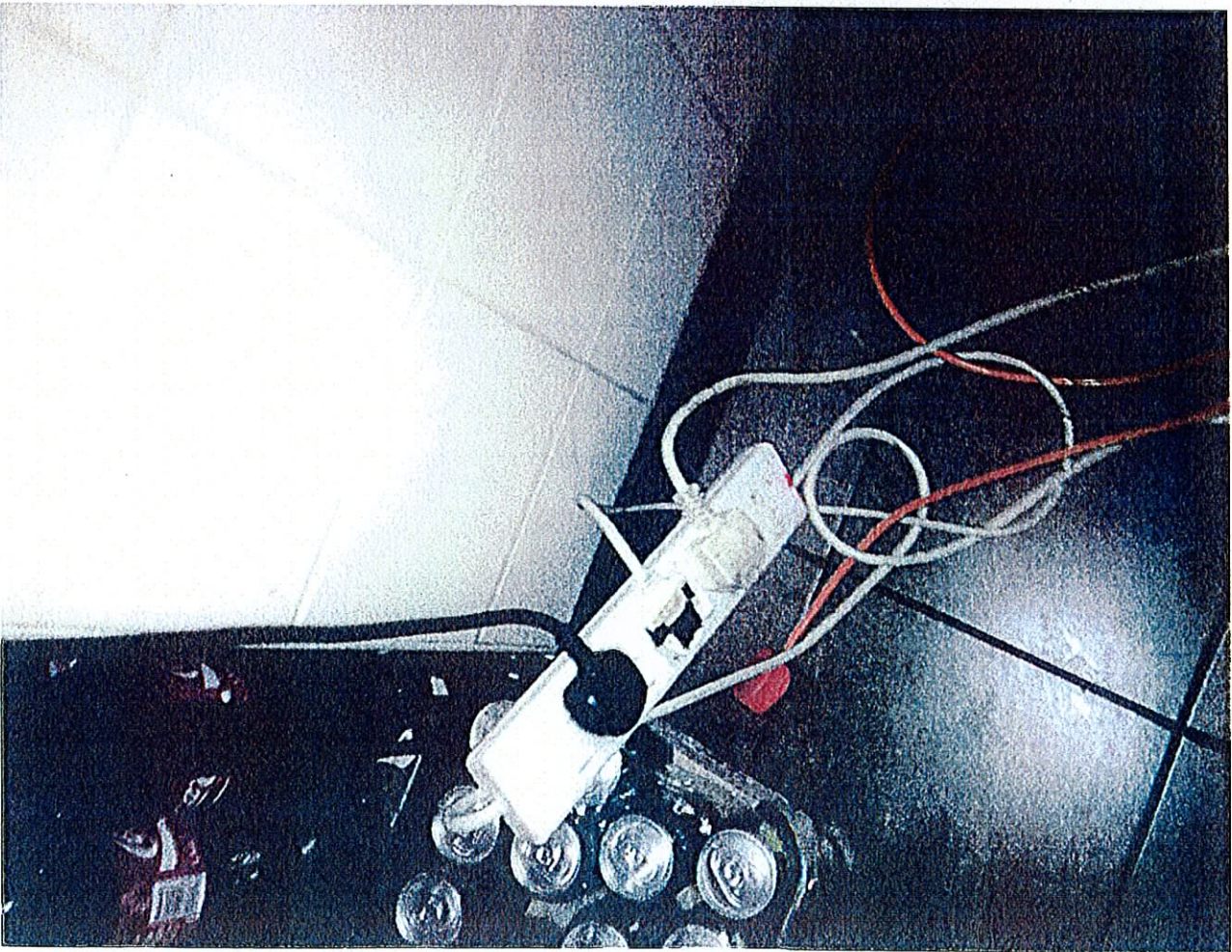
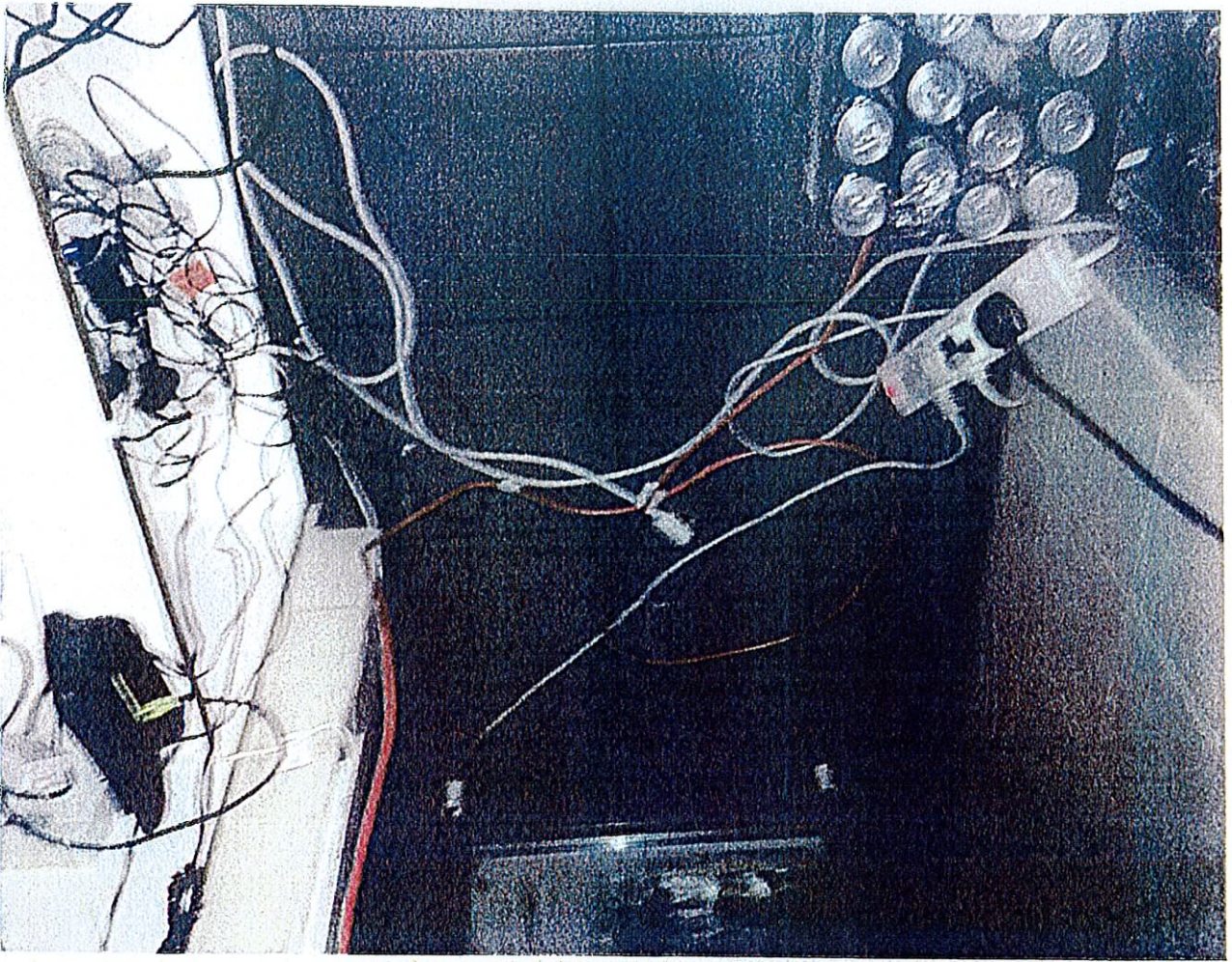
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# UK PIZZA, YODEN WAY, PETERLEE

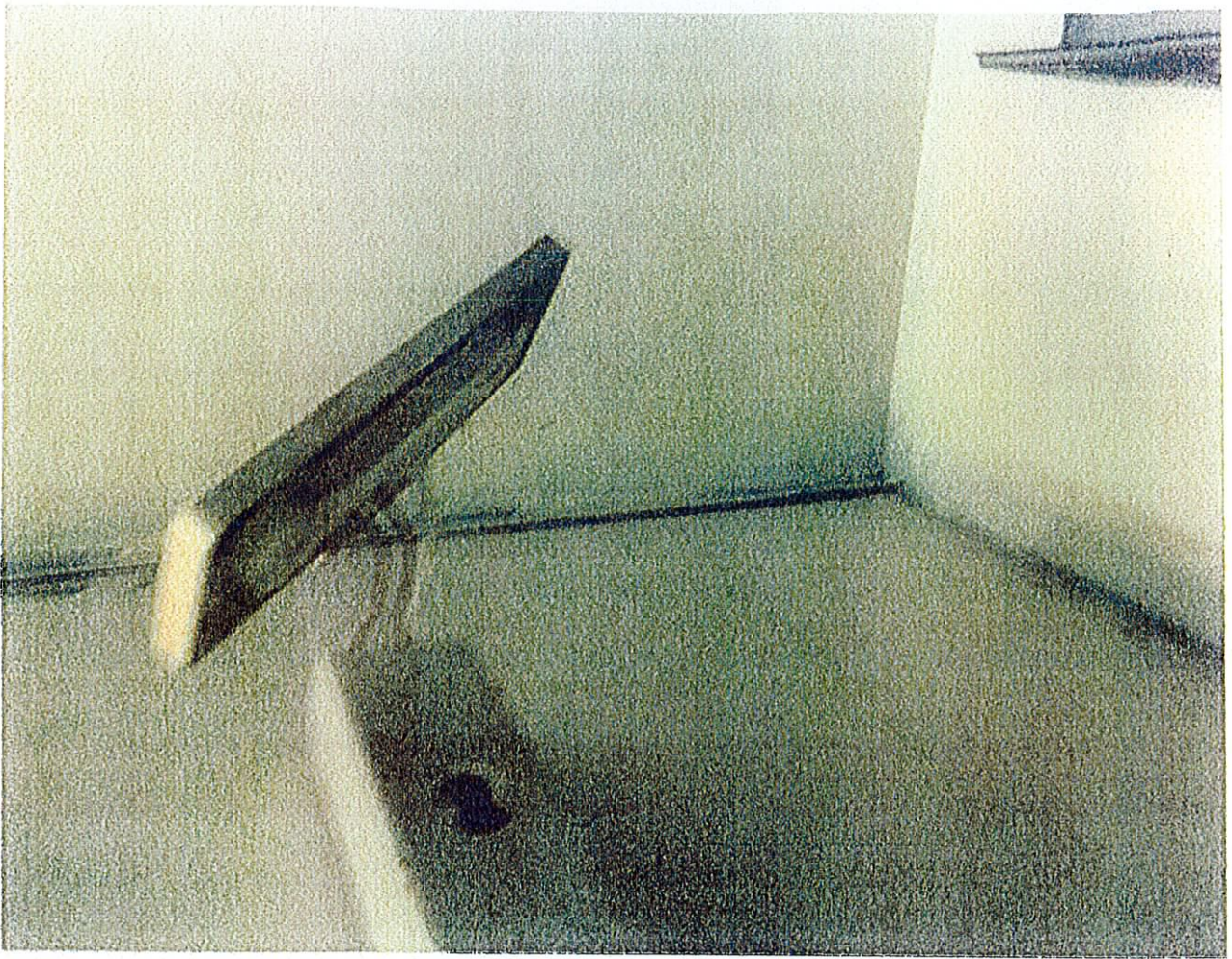




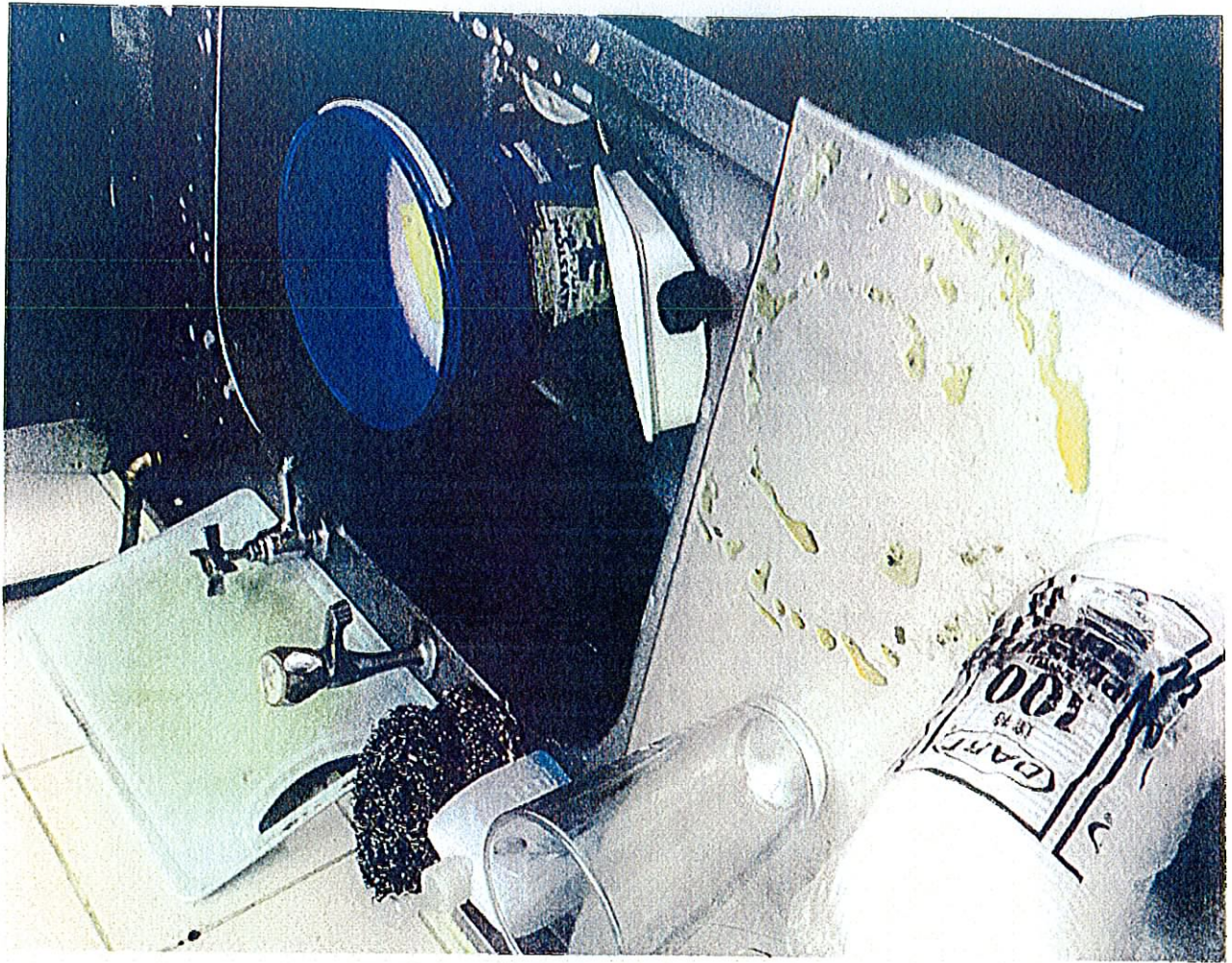




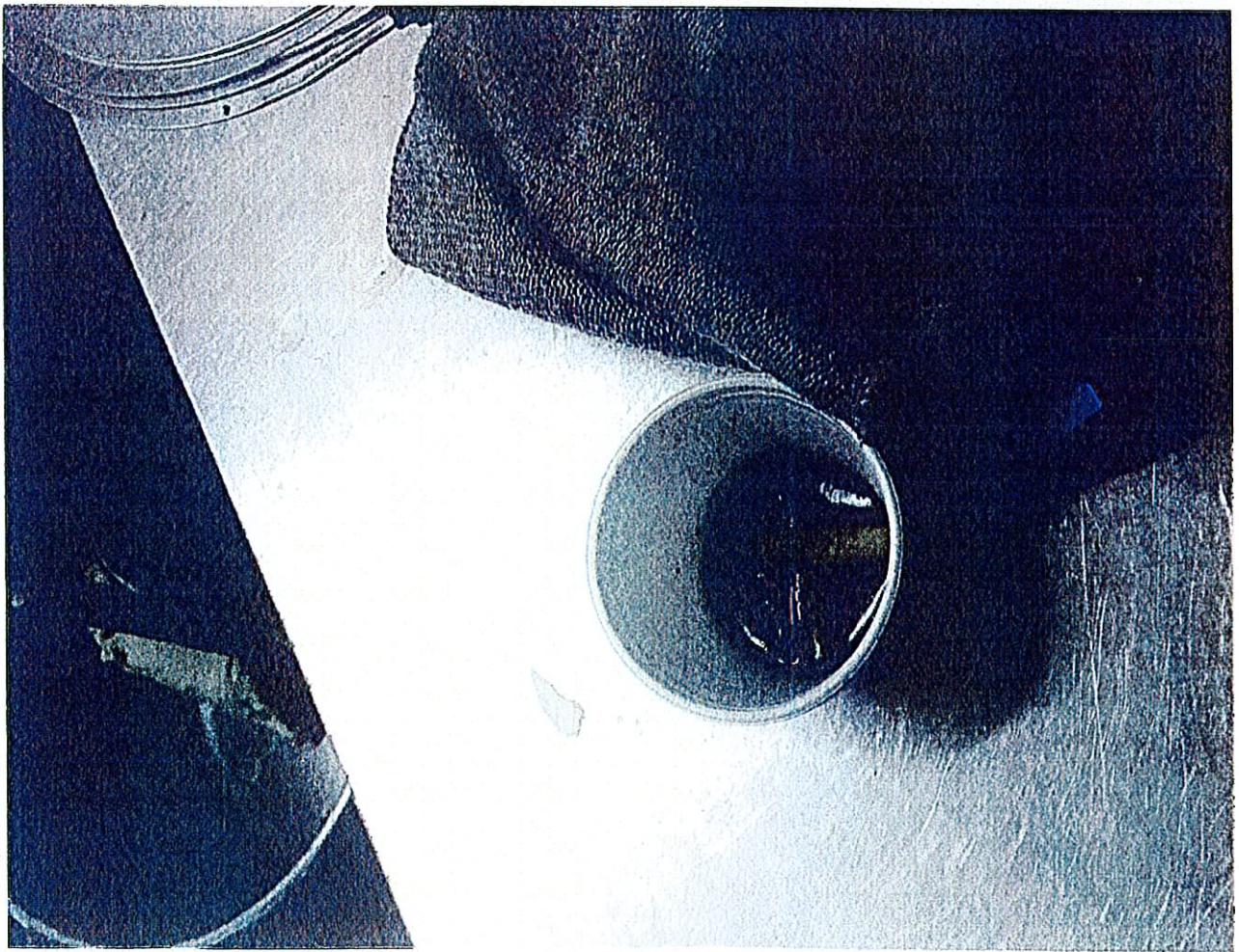




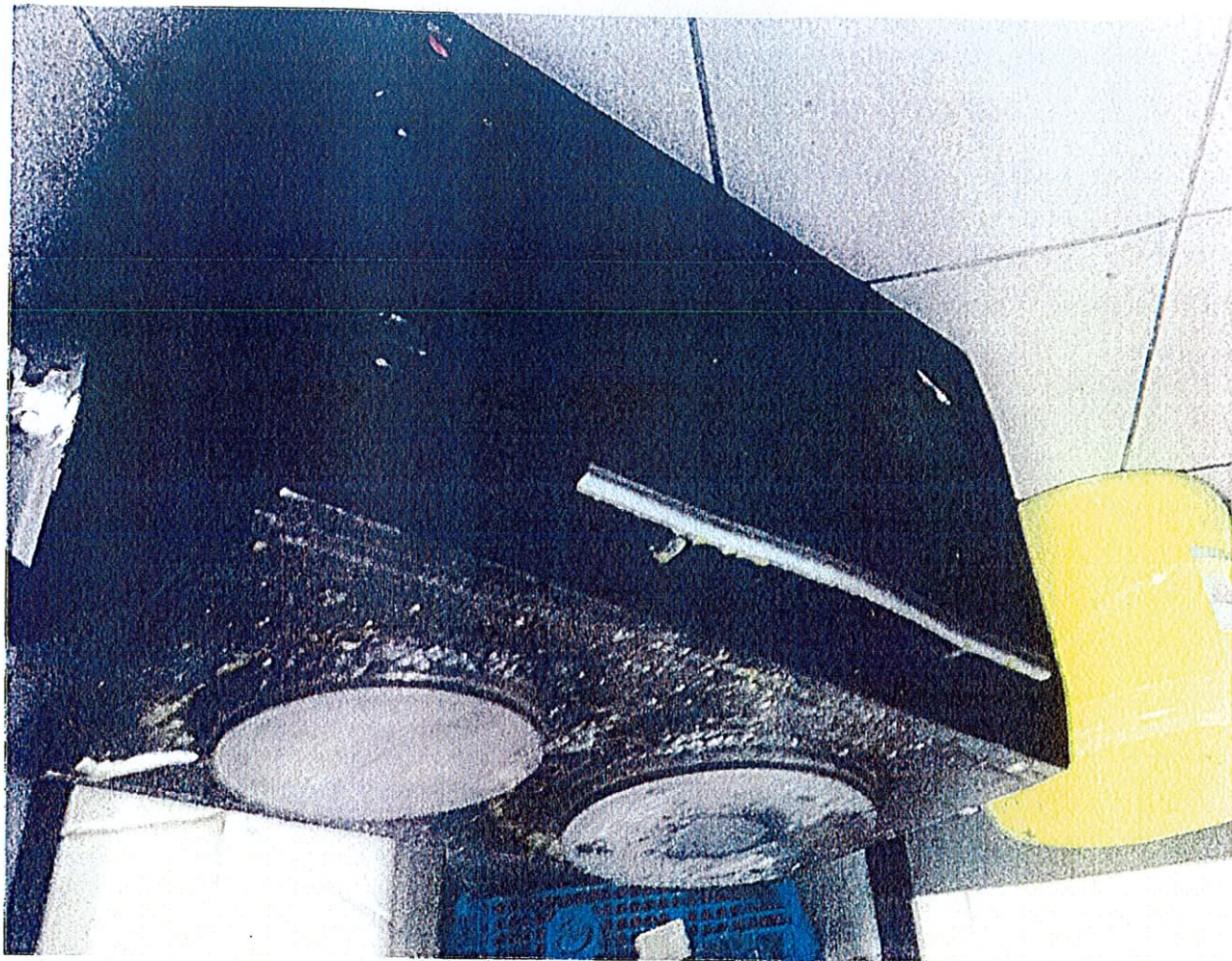




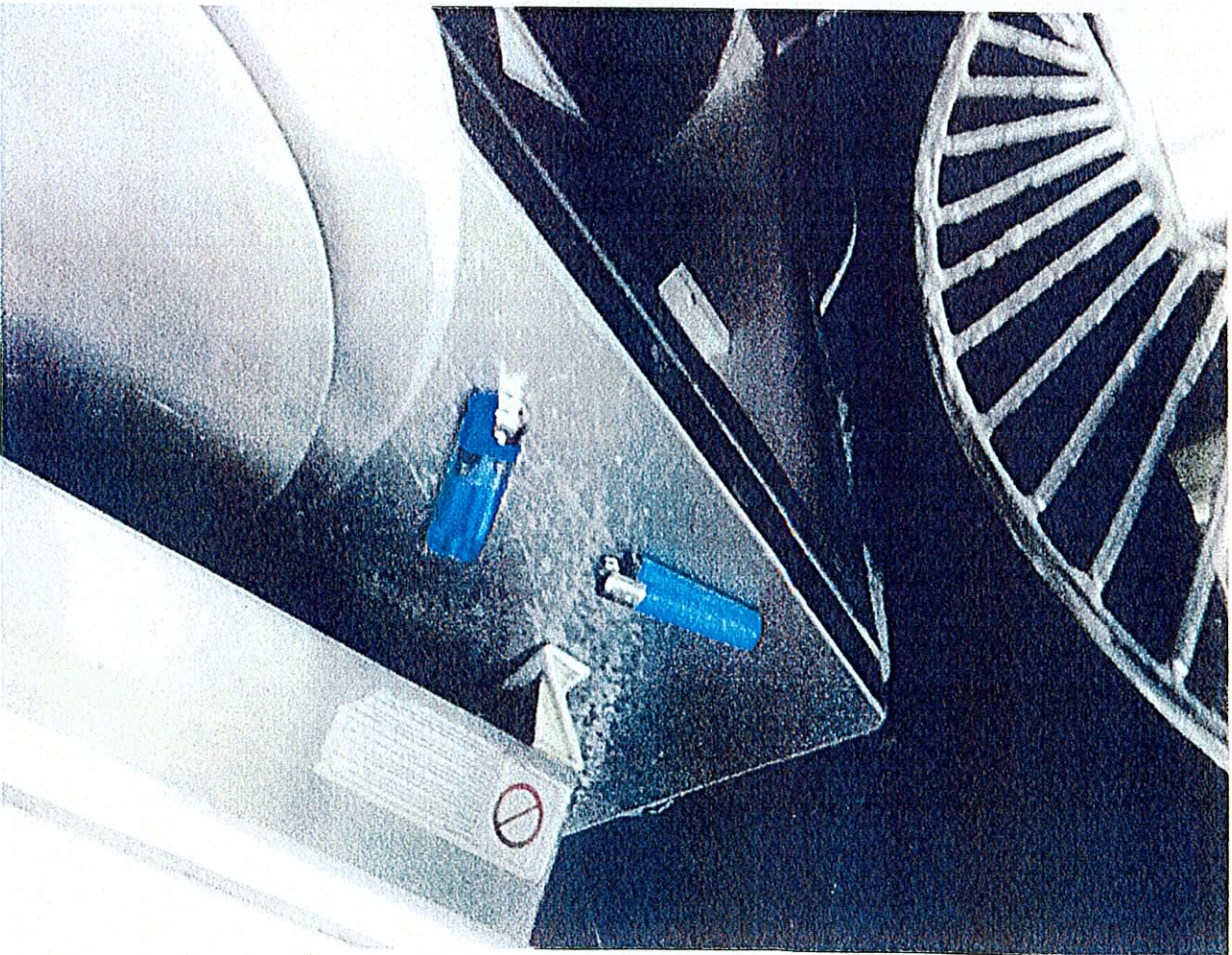
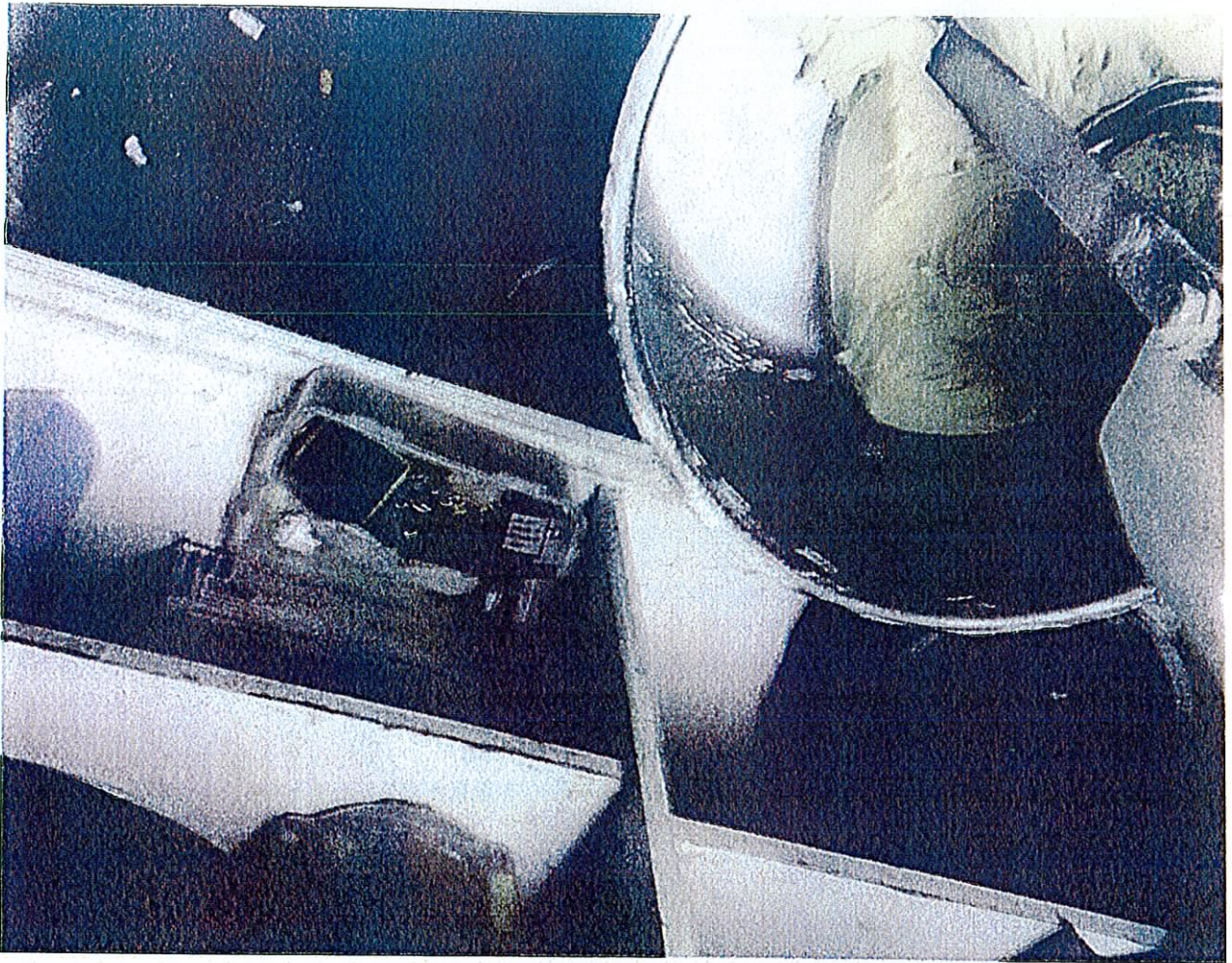
















## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence number**  
**Granted**  
**Issued**

<b>DCCN/PLN0005</b>
<b>20 SEPTEMBER 2011</b>
<b>11 OCTOBER 2011</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
UK PIZZA 61 YODEN WAY	DURHAM COUNTY COUNCIL UNIT 1 DAMSON WAY DRAGONVILLE INDUSTRIAL ESTATE DURHAM DH1 2YN
<b>Post town:</b> PETERLEE	<b>Postcode:</b> SR8 1BS
<b>Telephone number:</b>	

**Where the licence is time limited the dates**  
 NOT APPLICABLE

**Licensable activities authorised by this licence**  
 Provision of late night refreshment

**The opening hours of the premises (all times in 24hr format)**

Monday	16.00 – 00:30	<b>Non standard/seasonal timings:</b>  None
Tuesday	16:00 – 00:30	
Wednesday	16.00 – 00:30	
Thursday	16:00 – 00:30	
Friday	16.00 – 03:00	
Saturday	16.00 – 03:00	
Sunday	16.00 – 03:00	

**Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales**  
 NOT APPLICABLE

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

**Late night refreshment**  
Indoors & Outdoors

Monday	23:00 – 00:30	Further details:
Tuesday	23:00 – 00:30	
Wednesday	23:00 – 00:30	Non standard/seasonal timings:
Thursday	23:00 – 00:30	
Friday	23:00 – 03:00	None
Saturday	23:00 – 03:00	
Sunday	23:00 – 03:00	

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

BAKIR AHMED ALI

61 YODEN WAY, PETERLEE SR8 1BS  
TELEPHONE [REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the sale by retail of alcohol**

NOT APPLICABLE

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the sale by retail of alcohol**

LICENCE NUMBER: NOT APPLICABLE  
ISSUED BY: DURHAM COUNTY COUNCIL

**Annex 1 – Mandatory conditions**

NOT APPLICABLE

**Annex 2 – Conditions consistent with the premises Operating Schedule**

**General**

I would take responsibility for trying to calm/ease the situation however if this was going to result in further problems or confrontation I would notify the Police.

Prevention of Crime and Disorder

Anybody unruly or causing a problem will be politely confronted, however if this kind of behaviour was to continue i would close the premises/removing the offender and notify the Police.

Public Safety

Keep the shop floor area free of obstructions, make sure all spills are cleared as soon as seen

Prevention of Public Nuisance

Try and calm the situation however if this is making the problem worse i would contact the Police.

Protection of Children from Harm

Due to the hours of late night refreshment this is not going to effect the business in a big way, however if i have minors on the premises and anybody was creating problems from them i would ask them to leave the premises.

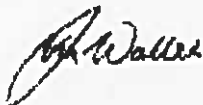
Annex 3 – Conditions attached after a hearing by the licensing authority on 20 September 2011

In the light of and pursuant to the mediated agreement the Sub-Committee granted the application with the following conditions imposed upon the Premise Licence in addition to any already put forward in the original application.

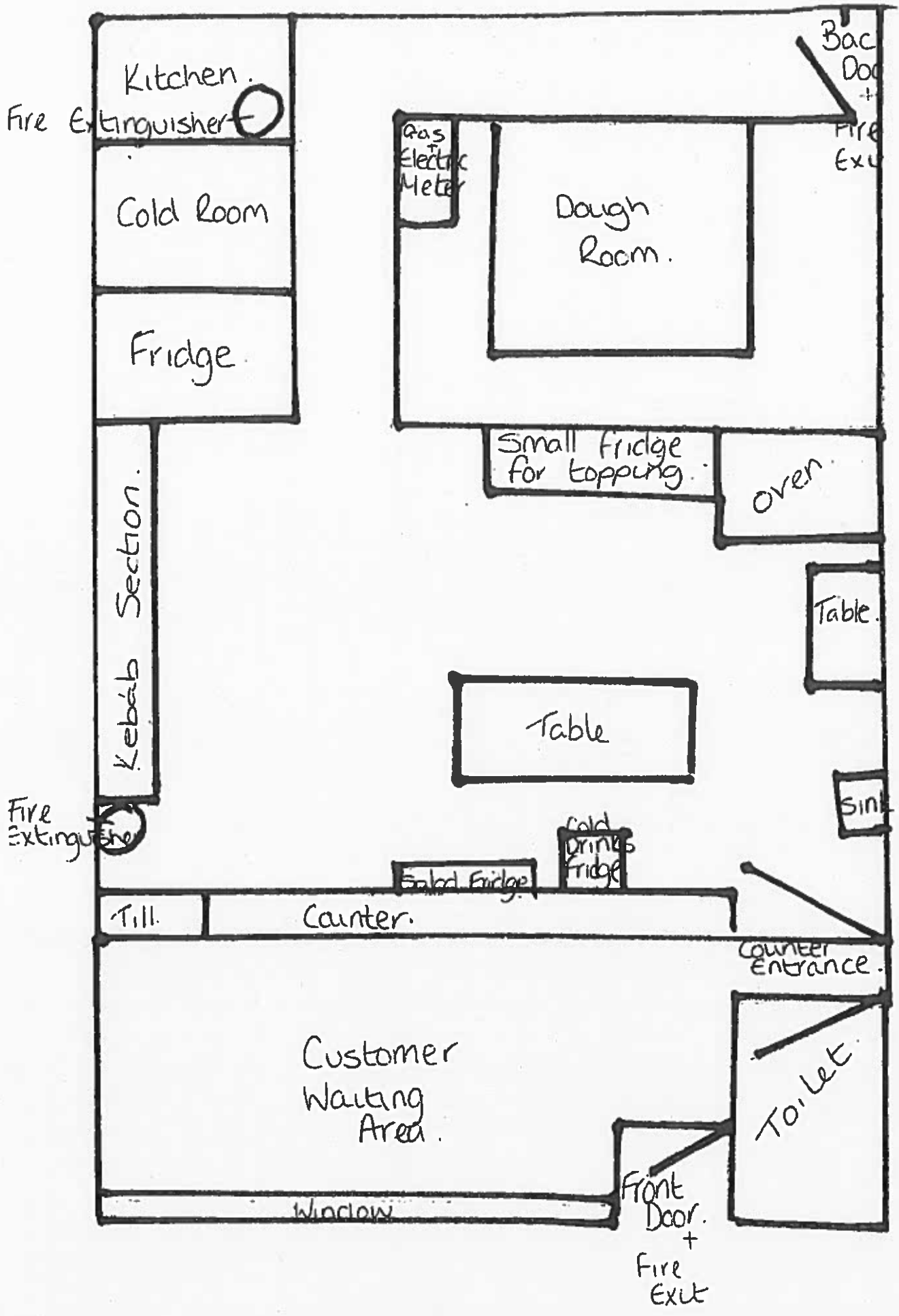
1. The premises shall be fitted with a CCTV system which is operational 24 hours a day and of a specification complying at all times with Home Office Guidelines. The system should have a recording facility available to keep data for 28 days which recordings covering the interior and exterior of the premises shall be available to the Police upon request. All staff will be trained in the use of the CCTV system and shall produce footage when requested to do so by a responsible authority. Notices will be displayed at the entrance, exit and throughout the premises confirming that CCTV is in operation
2. During the hours of business and at the terminal hour, litter collection will be carried out by staff in the immediate frontage of the premise's .

**Annex 4 – Plans**

Attached



**Signature of Authorised Officer  
Head of Environment, Health and Consumer Protection**



## WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1987, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Samantha Level 6971


Age if under 18:

*(if over 18 insert 'over 18')*

Occupation: PCSO Licensing Specialist

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  ..... (witness) Date: 13/05/2013

I am a Police Community Support Officer, Specialist in Licensing,  stationed in the Alcohol Harm Reduction Unit, Annand House, Meadowfield. I have <sup>over</sup> eight years' experience in licensing, two as a licensee and nearly six in my current role. I hold a National Certificate for Personal Licence Holders, National Certificate for Licensing Practitioners and I am the holder of a Personal Licence for alcohol retail. I also hold an Award in assessment of licensed premises, and I am a Best Bar None assessor.

UK Pizza is situated on Yoden Way, Peterlee and is licensed for the provision of Late Night Refreshment. The holder of the Premises Licence is Mr Bakir Ahmed ALI. The premises licence number is DCCN/PLN005.

Over the last 12 months there has been a progressive rise in violent incidents associated with the running of UK Pizza. Such was the concern of the police that the premise was marked as high risk and tagged as such.

It is very clear that the method and style of the premises operation persistently undermines one or more of the licensing objectives. In particular I have noted the following incidents which cause me to have concerns for the running of this premise.

26th May 2012 a caller reports a broken window at the premises following an altercation at the premises, during which staff members chased the perceived offenders with weapons.

23rd June 2012 a male reports being assaulted at the premises.

10th August 2012 officers are requested to attend the premises following complaints that the staff are brandishing weapons.

14th October 2012 male is assaulted at the premises by staff members, including the premises licence holder, following an altercation over being short changed.

27th December 2012 caller reports an altercation between customers and staff at the premises.

1st January 2013 caller reports male trying to enter premises. Staff are still in the premises at 3.28am (premises should have been closed at 00.30)

21st January 2013 PCSO Bowman attended premises to collect CCTV, staff were unable to operate the system.

Signature:  .....

Signature witnessed by: .....

2010/11

**RESTRICTED (when complete)**

1 of 3

2nd February 2013 Male is stabbed at the premises; the injury was classed as a major trauma, requiring the victim to attend hospital. Suspects are employees at the premises Mr ALI the premises licence holder is arrested for the attack.


4th February 2013 Mr ALI is charged with a section 18 wounding and possession of offensive weapon. Also on this date Sgt ROBSON, Insp DOBSON and DC COTTRELL visit UK Pizza and found poor hygiene levels and evidence that staff have been smoking in the food preparation area. Also found during this visit was weapons placed under the counter. In addition following checks it appeared that the delivery driver wasn't insured for business use on the vehicle used for deliveries.


7th February 2013 I attended the premises, along with Fire Officer MALPASS a few minor issues were apparent.

16th March 2013 officers are called to the premises following complaints that customer has thrown a traffic cone at the window of the premises.

21st March 2013 caller reports he has been assaulted by another male at the premises.

6th April 2013 officers called to the premises following complaints of rowdy males at the premises

Signature:  ..... Signature witnessed by: .....

Signature: ..... Signature witnessed by:  .....

Not Disclosable

**Witness contact details**

Home address: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Home telephone No: \_\_\_\_\_ Work telephone No: \_\_\_\_\_  
Mobile: \_\_\_\_\_ E-mail address: \_\_\_\_\_  
Preferred means of contact (specify details): \_\_\_\_\_  
Best time to contact (specify details): \_\_\_\_\_  
Gender: \_\_\_\_\_ Date and place of birth: \_\_\_\_\_  
Former name: \_\_\_\_\_ Ethnicity Code (16 + 1): \_\_\_\_\_

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness care**

- a) Is the witness willing to attend court? If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A

Signature of witness: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Signature of parent/guardian/appropriate adult: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:



**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 

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Statement of Susan Caroline Cottrell

Age if under 18: O'18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of \_\_\_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 25.03.13

I am the above named officer currently employed by Durham Constabulary currently attached to the Serious Crime Team at Seaham.

At 20:00 hours on Saturday 2<sup>nd</sup> February 2013 Bakir ALI bn.02/01/1989 was cautioned and arrested for a section 18 wounding. Information had been received that he was responsible for stabbing a male outside UK Pizza in Peterlee during the early hours the same day resulting in a male being in a critical condition having lost several pints of blood.

ALI is the owner of UK Pizza in Peterlee.

Following an initial investigation it was evident that a male customer had entered UK Pizza in an intoxicated state in the early hours of 02/02/1013 having been on a night out in Peterlee. Witness evidence supports that this male customer was verbally abusive towards members of staff working in the shop. It is evident that ALI has taken offence to this and confronted the male customer outside the front of the shop. A fight has ensued between ALI and the male customer resulting in the male customer being stabbed in the arm. The male needed urgent medical attention and was taken to hospital where he received surgery for his wound. Medical evidence confirms the males injury is consistent to that of a stab wound.

At 23:46 hours on Saturday 2nd February 2013 I cautioned and interviewed ALI on disc reference 560330 together with DC 1285 DOWD. At 01:00 hours, the following day, the interview concluded.

At 01:10 hours on Sunday 3rd February 2013 I cautioned and interviewed ALI on disc reference 560331 together with DS 1622 DOWN. At 01:32 hours the interview concluded.

ALI denied the offence in interview. He stated that he was at work at his shop - UK Pizza - in the early hours of Saturday 2nd February 2013 when a male customer entered the shop. He stated that the male customer became abusive towards him and his staff. He claimed that this did not bother him despite witness statements contradicting his account. ALI claims he was at the back of his shop when he became aware of a disturbance outside the front customer entrance. He stated he left the rear of his shop and walked around the gable end of the building to establish what was occurring. ALI claims that he was then approached by

Signature:  Signature witnessed by: .....

the abusive male customer and a fight ensued but claimed he was not responsible for stabbing him.

A knife was not found at the scene and the CCTV system within the shop had been deliberately removed and has not been recovered.

Post interview I sought advice from the Crown Prosecution Service (CPS). Upon review of the evidence, CPS authorised a charge for section 18 wounding on the basis that the evidence suggests ALI was responsible for the stabbing.

At 00:17 hours on Monday 4th February 2013 I cautioned and charged ALI bn.02/01/1989 with section 18 wounding and possession of an offensive weapon. ALI made no reply to charge.

At approximately 15:30 hours, the same day, I conducted a licensing check at UK Pizza together with Inspector Colin Dobson and Sergeant Tim Robson. Upon inspection the food hygiene levels appeared poor. The food preparation areas were not wiped clean and were food stained. The floor itself looked dirty and had also not been mopped clean for the start of a new shift of preparing and serving food. In addition it was evident that staff smoked on the premises as there were dirty ash trays present and I recall seeing an ashtray next to the dough balls in the room where the pizza bases were being prepared.

From speaking to staff members present and conducting checks with Immigration, it was clear that ALI employs persons not legally allowed to work in this country to work at his shop on a regular basis, paying them cash in hand.

When I looked underneath the till area I could see several long pieces of wood, what appeared to be cut off table legs, stored beneath the counter. I believe these pieces of wood were being stored as weapons and were placed deliberately under the service counter for easy reach.

This incident received a significant amount of media attention and public interest due to the severity of its nature. As a result I have been contacted by a female member of the public who reported an historic public order incident that occurred in UK Pizza some time ago. This female member of the public came forward after hearing that a male had been stabbed outside UK Pizza. She stated that a male worker at UK Pizza, identified as ALI, had armed himself with a baseball bat and a knife following a verbal altercation in the shop with her partners brother. This female was heavily pregnant at the time of the incident. She stated she was frightened for her safety and described that if ALI had not been held back by other members of staff she believed he would have caused her partners brother serious harm. She expressed that she felt guilty for not bringing this incident to police attention earlier. She stated that perhaps if she had done; someone may not have been stabbed. She expressed her concerns of the males suitability to run a pizza shop.

As a result, an investigation into this matter was opened and ALI has been arrested for an affray. He has been interviewed and denies the offence. Advice with regards to this incident is being sought from the CPS however it is highly likely he will be charged.

Signature .....

Signature witnessed by: .....

I have grave concerns about ALI's suitability to have a premises licence and own a pizza shop. It is evident that there have been a number of incidents whereby ALI has armed himself with a weapon and taken the law into his own hands. He has not acted responsibly by dealing with the matter in an appropriate manner and has never called the police for assistance.

UK Pizza is situated close by to the bars and nightclub in Peterlee. The members of public who enter UK Pizza are predominantly intoxicated making them vulnerable. Alcohol related crime is more likely to occur in these types of environments meaning that the owner of the premises/shop need to demonstrate they can act appropriately and deal with disorder. ALI has not displayed these attributes and has clearly demonstrated his violent nature.

I am aware that ALI also owns another pizza shop in the New Brancepeth area and I have concerns over this matter also. I am aware that there has been a similar incident in October last year whereby ALI was arrested for an affray.

Signature



Signature witnessed by .....

Signature: ..... Signature witnessed by: .....

Signature: ..... Signature witnessed by: .....

# WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of Sharon Bowman

Age if under 18: over 18 (if over 18 insert over 18)

Occupation: PCSO

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature

[Redacted Signature]

(witness) Date: 11/02/2013

I am a Police Community Support Officer 7037, of DURHAM CONSTABULARY currently stationed at PETERLEE POLICE OFFICE

On Monday 21<sup>st</sup> January 2013 at 20:20 I attended UK Pizza on Yoden Way in Peterlee as I was tasked to sieze CCTV if possible in relation to a nearby criminal damage incident. I attended the shop and spoke with staff who informed me that they had recently had a new system installed as Police had siezed the old hard drive in November 2012.

I spoke directly to a male who stated he was the owner and he gave me his name as [Redacted]. He told me that he was unable to work the new system as his cousin who was in London had the instructions. He invited me to the back of the shop to see if I could download it but as I looked at it from across the counter I did not feel confident as I had no knowledge of the system. I could clearly see that there was a hard drive and screen from approximatley 5 meters away, It was mounted on the wall and the equipment was up a height at arms length but side by side I was stood on the customer side of the shop with the counter standing between myself and [Redacted]. I could see myself on the screen standing in the shop so it was live but I did not check to see if it was recording at that time.

[Redacted] mentioned during the conversation that the incident I was referring to would be captured on the CCTV and stated that another officer would be welcome to attempt to download it as he could not.

Signature:

[Redacted Signature]

Signature witnessed by: .....

Signature:

[Redacted Signature]

Signature witnessed by: .....

2010/11

RESTRICTED (when complete)

1 of 2

Not Disclosable

Witness contact details

Home address: Postcode:

Home telephone No: Work telephone No:

Mobile: E-mail address:

Preferred means of contact (specify details):

Best time to contact (specify details):

Gender: Date and place of birth:

Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A

Signature of witness: [Redacted] PRINT NAME: .....

Signature of parent/guardian/appropriate adult: ..... PRINT NAME: .....

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:



recognised [redacted] from previous dealings and annoyed by him and his friends have acted as shown on CCTV.

After the group walks away, what happens next is partially but not completely caught on camera. One male has not been identified which is unfortunate as he is at the centre of the disturbance. [redacted] and [redacted] bear the brunt of the attack. ALI can be seen shaking [redacted] hand as if admitting a mistake that he was attacked and [redacted] appears to have been singled out as a "friend" of ALI and so not attacked. This supports OIC view that it was [redacted] who was the "target". [redacted] runs and is unhurt. It is [redacted] who is seen "recording" something in the shop although phone battery was flat. Regardless of what may have been said the CCTV shows an unnecessary and unprovoked (in light of length of time from when the group walk from the shop) attack. All 4 staff members have weapons and CCTV shows [redacted] hit [redacted] with the broom. The unknown male wields a pole and the other two admit violence against the group. ALI admits using the "belt" and [redacted] to kicking and pushing one of the men. He is seen to walk brandishing aggressively his own particular weapon.

[redacted] does not wish to complain of assault. [redacted] says he will but OIC believes he will not do so. CCTV shows clear evidence of offence. [redacted] from the shop shouted for her colleagues to stop fighting. [redacted] although experienced in such events states he was disturbed by what he saw.

By way of background information Bakir Ali and [redacted] were interviewed over an incident 26/05/2012 when a male has approached the shop with a long piece of wood attempting to smash the front window. Ali have reacted by exiting with weapons and attacking [redacted]. As result [redacted] is charged with damage and racial sect. 5/Ali and [redacted] are NFA for affray as there actions were just about justifiable. CCTV was available. This shows how Ali and staff will react.

At present a full file has been submitted to Prosecutors for a decision regarding charging of staff members

Signature: [redacted]

Signature witnessed by: .....

Signature: ..... Signature witnessed by: .....





Not Disclosable

Witness contact details

*c/o Peterlee Police Office*

Home address:

Postcode

Home telephone No:

Work telephone No:

Mobile:

E-mail address:

Preferred means of contact (specify details):

Best time to contact (specify details):

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? *Yes* If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable e.g. child care proceedings, CICA Yes  No  N/A

Signature of witness: ..... PRINT NAME: .....

Signature of parent/guardian/appropriate adult: ..... PRINT NAME: .....

Address and telephone number (of parent etc.), if different from above:

Statement taken by: *D.1804 hxt*

Station: *14 E - W/S*

Time and place statement taken: *Peterlee P.O.*



DURHAM CONSTABULARY  
**Witness Statement**

(CJ Act 1967, s 9, MC Act 1980, ss 5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of **Adam Usher**

Age if under 18 **Over 18** (if over 18 insert 'over 18')

Occupation: **Special Sergeant 3594**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date: 09/12/2012

Tick if witness evidence is visually recorded  (supply details on rear)

I am **Special Police Sergeant 3594 Adam Usher** of Durham Constabulary, and I am based at **Peterlee Police Office**.

On Friday 10<sup>th</sup> August 2012, I was on mobile patrol in the Peterlee area, with PC 2495 SMITH. At approximately 23:05hrs, we received a request via pocket-set to attend a public order incident near 61 Yoden Way, Peterlee.

We arrived on scene at approximately 23:10hrs and found a large group of youths outside of UK Pizza on Yoden Way, Peterlee. A number of youths were eager to tell me that there had been a disturbance in and around the premises and that there had been physical violence.

As we were the second unit to arrive on scene, we were not directly responsible for dealing with the incident. Whilst the officers dealing with it were trying to ascertain what had gone on, it was suggested that the CCTV footage from UK Pizza would show the incident that had taken place, prior to Police arrival. Officers went into the shop and asked the male in charge if they could look at the CCTV. The male claimed that he did not know how to work it and that none of his colleagues were able to either. I found this odd as I had visited the shop with PCSO 6971 LEVEL only weeks prior and the male in question was able to use the CCTV without assistance. I reminded him that I had been into the shop prior and remembered him using the system unaided. He stated that he did not remember and that he was unable to use the system, to assist Police with their enquiries.

As a result of this, the decision was taken to seize the CCTV unit, to assist Police with enquiries in relation to the incident.

I did not take any further role or responsibility in investigating the incident.

PROTECT

Signature:

Signature witnessed by

# WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Neil Johnson

Age if under 18: 0' 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: ..... (witness) Date: 08/02/2013

I am Pc 1713 Johnson of the Durham Constabulary currently stationed at HQ with the Professional Development Unit.

On Saturday 26<sup>th</sup> May 2012 at around 03:15hrs an incident took place at UK Pizza, Yoden Way, Peterlee. As a result of enquiries that I carried out, with both witnesses and CCTV, the following was established.

On Saturday 26th May 2012 at 03:55hrs police were called to UK Pizza, Yoden Way, Peterlee following reports of a disturbance at that location. Police officers attended and spoke to a number of people present, both members of the public and staff members from UK Pizza. It was established that a male had entered the takeaway and caused problems inside. The male left the premises then returned shortly after carrying a piece of wood. Using the piece of wood, the male damaged a window to the takeaway. The male was chased off by staff members, who appeared to have armed themselves. The piece of wood used by the male was seized by police.

At around 03:15 the suspect, [REDACTED] entered UK Pizza, possibly with other unknown males. Whilst in the premises, [REDACTED] demanded a pizza with all toppings. Staff member, [REDACTED] tried to explain to [REDACTED] that they did not serve such a pizza and [REDACTED] became abusive to all present. CCTV footage shows [REDACTED] in the premises. There is no audio but he is clearly agitated and waving his arms around. [REDACTED] racially abused the staff members and was abusive to [REDACTED].

[REDACTED] briefly left before returning. Due to his behaviour [REDACTED] was given a free pizza in order to calm him down. [REDACTED] remained agitated and can be seen on CCTV to take his jacket off. This is just after staff member Bakir Ali removes his jacket. It should be noted at this point that the CCTV from UK Pizza 'jumps' forward a number of minutes.

CCTV taken from Peterlee town centre security, shows [REDACTED] emerge from a nearby subway holding a long piece of wood. [REDACTED] approaches UK Pizza and appears to strike the front of the premises. [REDACTED] is then confronted by staff member, [REDACTED] who had armed himself with a metal implement used in kebabs. [REDACTED] can be seen to strike [REDACTED] as [REDACTED] tries to strike him. [REDACTED]'s piece of wood hits a metal railing and he drops

Signature: ..... Signature witnessed by: .....

2010/11

RESTRICTED (when complete)

1 of 4



the wood: [REDACTED] was joined by staff member, Bakir Ali. Ali had armed himself with a pole and left the rear of the premises. Once at the front, Ali joins [REDACTED] and strikes the suspect.

A third staff member, [REDACTED], joins in. He picked up the piece of wood dropped by [REDACTED] and very briefly chased him. He swings this piece of wood at [REDACTED], who ran off out of view, followed by [REDACTED].

Below is a detailed account of the CCTV footage taken from UK Pizza on 26/05/2012, camera 1. This covers part of the service counter.

03:19- Suspect [REDACTED] enters UK Pizza. he is wearing a black jacket with a blue/white check shirt underneath. Staff members are present. [REDACTED] clearly agitated and can be seen to wave his arms. He is seen to speak towards the staff members present.

03:24- Bakir Ali removes body warmer.

03:25- [REDACTED] removes his jacket.

03:25- CCTV footage jumps forward to 03:35.

03:35- Bakir Ali and [REDACTED] stood behind the counter. Both look towards the entrance.

Camera 2- Rear entrance to premises.

Bakir Ali leaves premises with an implement in his hand. Two other staff members also leave.

CCTV footage taken from Peterlee town centre.

03:44:15- [REDACTED] emerges from a subway holding a piece of wood. His hood is up. He walks towards UK Pizza and removes his hood. [REDACTED] appears to strike the front of the premises.

03:45:07- [REDACTED] leaves the premises with object in hand and approaches [REDACTED], who is still holding the piece of wood. [REDACTED] swings at [REDACTED] and hits a metal railing, causing him to drop the wood. [REDACTED] starts to run away. [REDACTED] is joined by Bakir Ali who appears to strike [REDACTED] with an object. [REDACTED] falls but quickly gets up.

03:45:21- [REDACTED] chases [REDACTED] a few steps and swings an object at him. It is not clear if this makes contact. [REDACTED] runs off out of view followed by [REDACTED].

03:46- All staff members return to the premises.

The staff members were all interviewed under caution as voluntary attenders. Initially there were concerns over their actions, which may have gone beyond self-defence. Both [REDACTED] and Ali were armed when they left the premises and [REDACTED] later armed himself with the piece of wood dropped by the suspect. Another concern is the apparent 10 minutes of missing footage from UK Pizza CCTV. The owner of UK Pizza, Ali, was unable to account for its disappearance.

Signature ..... Signature witnessed by .....

2010/11

RESTRICTED (when complete)

2 of 4

The investigation was passed to the CPS for a charging decision. As a result [redacted] was charged with a number of offences, including two racially aggravated offences. He is currently on bail awaiting trial. The CPS recommended no further action be taken against the staff members present.

Signature: ..... Signature witnessed by: .....

Signature: ..... Signature witnessed by: .....

Not Disclosable

Witness contact details

Home address: Postcode:
Home telephone No: Work telephone No:
Mobile: E-mail address:
Preferred means of contact (specify details):
Best time to contact (specify details):
Gender: Date and place of birth:
Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form MG6.
b) What can be done to ensure attendance?
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)
a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
b) I have been given the Victim Personal Statement leaflet Yes No
c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
Signature of witness: PRINT NAME:
Signature of parent/guardian/appropriate adult: PRINT NAME:
Address and telephone number (of parent etc.), if different from above

Statement taken by: Station:

Time and place statement taken:





DURHAM COUNTY

2000000000

LICENSING

Bakir Ahmad Ali

61 yoden way

Peterlee

Sr8 1BS

Dear Sir,

I have recieved your letter about reviewing my licence for UK Pizza 61 yoden way. I am writing to inform you that I now have a security guard who works at UK Pizza on a weekend preventing any trouble in and around the premises, and we now close the shop twenty minutes early preventing trouble from drunken customers

yours faithfully



APPENDIX 5 – STATEMENT OF  
LICENSING POLICY



## **5.0 The Prevention of Crime and Disorder**

5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

5.5 The Licensing Authority will only impose a maximum number of people that can attend a premises or an event where there is a clear and justifiable need in respect of that particular premises or event, any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

5.6 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

5.8 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

## **6.0 Public Safety**

6.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

6.2 Applicants are advised to seek advice on such matters as the examples outlined from the Council's Occupational Safety and Health team, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and

incorporate any recommendations in their Operating Schedule before submitting their applications.

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

## **7.0 Prevention of Public Nuisance**

7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

7.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style and characteristics of the premises and events.

7.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

7.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- Assessment of likely noise levels in the premises.



- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, openable windows, double doors / lobbies to entrances).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
- Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
- Ways to limit noise / disorder from patrons leaving the premises.

7.6 The extent to which the above matters will need to be addressed will be dependant on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

7.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

## **19 Reviews**

19.1 The Licensing Act provides a mechanism for reviewing a Premises Licences and Club Premises Certificates where problems associated with a premises undermine the Licensing Objectives following grant or variation.

19.2 At any stage during the life of a Premises Licence or a Club Premises Certificate, an application for a review can be made to the Licensing Authority by any Responsible Authority, Elected Member or Interested Party. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the Licensing Objectives the Licensing Authority will reject it

19.3 The proceedings set out in the Act for reviewing Premises Licences and Club Premises Certificates represent a key protection for the community. Unless the application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the Licensing Objectives, the Licensing Authority will hold a Hearing and take any necessary steps to promote the Licensing Objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the Licence for up to 3 months or the revocation of the Licence.

19.4 The Licensing Authority will not expect a Premises Licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

**APPENDIX 6 – SECTION 182  
GUIDANCE**



## CRIME AND DISORDER

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to cooperate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances

associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

### **PUBLIC SAFETY**

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to

promote the public safety objective and demonstrate how they achieve that.

### **Ensuring safe departure of those using the premises**

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

### **Maintenance and repair**

2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

### **Safe capacities**

2.13 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.14 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

2.15 The special provisions made for dancing in section 177 of the 2003 Act apply only to premises with a "permitted capacity" of not more than 200



persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the 2005 Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.

- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.
- 2.17 Public safety includes the safety of performers appearing at any premises.

## **PUBLIC NUISANCE**

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of

- the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## **THE REVIEW PROCESS**

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives

occur after the grant or variation of a premises licence or club premises certificate.

- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the

licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

#### **REPETITIOUS GROUNDS OF REVIEW**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or



- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

#### **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities

should not merely repeat that approach and should take this into account when considering what further action is appropriate.

- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

#### **REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing)

#### **REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.