

Statutory Licensing Sub-Committee (2)

1ST October 2013

Application for the Review of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name & Address of Premises: The Red Lion, Burnhope Way, Peterlee.
SR8 1BT

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 sale of alcohol and the provision of regulated entertainment as detailed in the table below:

Licensable Activity	Timings
The Sale of Alcohol (on and off sales)	Monday – Wednesday 09:00 – 00:00 Thursday - Sunday 09:00 – 02:30 Additional seasonal hours as per current licence
Films Recorded Music Live Music Performance of Dance Anything of a similar description Making Music Dancing Entertainment of similar description	Monday – Wednesday 09:00 – 00:00 Thursday - Sunday 09:00 – 02:30 Additional seasonal hours as per current licence
Late Night Refreshment	Monday to Wednesday 23:00 – 00:30 Thursday – Sunday 23:00 – 02:30 Additional seasonal hours as per current licence
Opening times of the premises	Monday – Wednesday 09:00 – 00:00 Thursday - Sunday 09:00 – 02:30 Additional seasonal hours as per current licence

A copy of the premises licence is attached at Appendix 1. Plans showing the location of the premises are attached at Appendix 2.

2. Details of the Application

The application is for a review of the premises licence (Licence Number 834) currently held by Cameron's Brewery Ltd.

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

The application is deemed by the Licensing Authority to be relevant.

This application for a review relates to the following licensing objectives:

- The Prevention of crime and disorder
- The Protection of children from harm

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 20th March 2013, supporting Durham Constabulary's application to review the premises licence.

4. Mediation

The licence holder's solicitor entered into discussions with Durham Constabulary and subsequently submitted a minor variation to include a list of additional conditions (attached as Appendix 4). The licence holder's solicitor has also replaced the existing designated premises supervisor by submitting an application to vary the designated premises supervisor to Mr Stephen Thoburn. This would reinforce the management of the premises and Durham Constabulary have confirmed these proposals were satisfactory and both applications have been granted.

Under Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005, the applicant and Durham Constabulary have given notice to the authority that a hearing was unnecessary and should be dispensed with, provided that any licence granted would include the additional conditions submitted in the minor variation. Copies of the signed mediation documents are attached as Appendix 5 & 6.

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
- 8.0 The Protection of Children from Harm
- 19.0 Reviews

Relevant information is attached at Appendix 7.

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:

- Part 11.

Relevant information is attached at Appendix 8.

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 June 2013)

Contact: Karen Monaghan Tel: 03000 265104
E-mail: karen.monaghan@durham.gov.uk

APPENDIX 1 – EXISTING PREMISES LICENCE



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DOEP179
24 November 2005
14 December 2012

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>THE RED LION BURNHOPE WAY PETERLEE SR8 1BT</p>	<p>DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 0191 5862370</p>	

<p>Where the licence is time limited the dates N/A</p>
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<p>Licensable activities authorised by this licence</p> <ul style="list-style-type: none"> Films Live Music Recorded Music Performances of Dance Anything similar to live music, recorded music or performance of dance Provision of Facilities for Making Music Provision of Facilities for Dancing Entertainment of a similar description to making music or dance Late Night Refreshment Sale by Retail of Alcohol
--

<p>The opening hours of the premises (all times in 24hr format)</p>		
Monday	09:00 - 00:30	<p>Non standard/seasonal timings: In respect of Bank Holidays falling on a Monday, and Burns Night, Valentines Day, St. David's Day, St Patrick's Day, St George's Day, Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.</p> <p style="text-align: center;">An additional hour shall be allowed for the change from GMT to BST.</p>
Tuesday	09:00 - 00:30	
Wednesday	09:00 - 00:30	
Thursday	09:00 - 02:30	
Friday	09:00 - 02:30	
Saturday	09:00 - 02:30	
Sunday	09:00 - 02:30	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales ON AND OFF ALCOHOL SALES</p>

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

Films

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Live music

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Recorded music

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Performances of dance

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Anything of a similar description to live music, recorded music or performances of dance

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Provision of facilities for making music

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Provision of facilities for dancing

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Provision of facilities for entertainment similar to making music or dancing

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Late night refreshment

Indoors only

Monday	23:00 - 00:30	Further details
Tuesday	23:00 - 00:30	N/A
Wednesday	23:00 - 00:30	
Thursday	23:00 - 02:30	Non standard/seasonal timings:
Friday	23:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	23:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	23:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Sale by retail of alcohol

On and off sales

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

CAMERONS BREWERY LTD
 MAINGATE HOUSE
 WALDON STREET
 HARTLEPOOL
 TS24 7QS
 01429 266 666

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

Company no:	3571101
Charity no:	NOT APPLICABLE

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


 DURHAM

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where- (a) the film classification body is not specified in the licence, or (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section- "children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: embedded restrictions

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

Annex 3 – Conditions attached after a hearing by the licensing authority

Licensing Committee - 18th November 2009

On any day where the licensable activities extend past midnight there shall be provided at the premises radio communications equipment to be operated in conjunction and liaison with the local Police.

Any radio communication system provided under the provisions of the above shall:-

- a) Be capable of sending and receiving messages to and from the local police and other licensees, designated premises supervisors, door supervisors, managers and club operators incorporated into any joint and mutually beneficial scheme operating in the area.
- b) Be maintained in good working order at all times when the premises are being used for licensable activity.
- c) Be activated, made available to and monitored by the designated premises supervisor or a responsible member of the stall at all times when the premises are being used for a licensable activity.

The Licensee, designated premises supervisor or other person having responsibility for monitoring radio communication systems provided under the provision above shall comply with the instruction or directions received through the system from the police.

The Licensee, designated premises supervisor or other responsible person shall use the radio communication system provided under the provision of the above shall report any incident of crime and disorder to the police as soon as practicably possible in accordance with agreed protocols.

A CCTV system shall be designed, installed and maintained in proper working order on the premises. Such system shall:

- a) be operated by properly trained staff
- b) be in operation at all times that the premises are being used for a licensable activity
- c) ensure coverage of all entrances and exits to the licensed premises internally and externally
- d) ensure coverage of such other areas as may be required by the Licensing Authority and the Police
- e) Provide continuous recording facilities for each camera to a good standard of clarity. Such recording shall be retained (on tape or otherwise) for a period of one month and shall be supplied to the Licensing Authority or a Police Officer on request.

Windows fire escapes and doors must remain closed during proposed entertainment events within the premises, except for access and egress.

No children under 18 must be admitted to any entertainment of an adult nature. For the purpose of this condition entertainment is regarded as being adult entertainment if it includes foul or abusive language nudity or violence or such mater which is likely to offend good taste or decency.

The designated premises supervisor or their representative shall conduct regular assessments of the noise coming from the premises on each occasion it is used for regulated entertainment and shall take steps to reduce the level of the noise is likely to cause disturbance to local residents. The checks shall be documented in a log book kept for this purpose and shall include the time and date of any checks, the person making them and the results, including any remedial action. The logbook shall be made available for inspection on request by the Police or an authorised officer of the Council.

The designated premises supervisor or their representative shall respond immediately to any complaints and or queries concerning noise or other disturbance.

No person shall be permitted to leave the premises with bottles or glasses after 23:00pm.

Annex 4 – Plans attached

Attached



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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DOEP179
24 November 2005
14 December 2012

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>THE RED LION THE CASTLEDENE BURNHOPE WAY PETERLEE SR8 1BT</p>	<p>DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 0191 5862370</p>	

<p>Where the licence is time limited the dates N/A</p>
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<p>Licensable activities authorised by this licence</p> <ul style="list-style-type: none"> Films Live Music Recorded Music Performances of Dance Anything similar to live music, recorded music or performance of dance Provision of Facilities for Making Music Provision of Facilities for Dancing Entertainment of a similar description to making music or dance Late Night Refreshment Sale by Retail of Alcohol
--

<p>The opening hours of the premises (all times in 24hr format)</p>		
Monday	09:00 - 00:30	<p>Non standard/seasonal timings: In respect of Bank Holidays falling on a Monday, and Burns Night, Valentines Day, St. David's Day, St Patrick's Day, St George's Day, Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.</p> <p style="text-align: center;">An additional hour shall be allowed for the change from GMT to BST.</p>
Tuesday	09:00 - 00:30	
Wednesday	09:00 - 00:30	
Thursday	09:00 - 02:30	
Friday	09:00 - 02:30	
Saturday	09:00 - 02:30	
Sunday	09:00 - 02:30	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales ON AND OFF ALCOHOL SALES</p>
--

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

Films

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Live music

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Recorded music

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Performances of dance

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Anything of a similar description to live music, recorded music or performances of dance

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Provision of facilities for making music

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Provision of facilities for dancing

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Provision of facilities for entertainment similar to making music or dancing

Indoors only

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Late night refreshment

Indoors only

Monday	23:00 - 00:30	Further details
Tuesday	23:00 - 00:30	N/A
Wednesday	23:00 - 00:30	
Thursday	23:00 - 02:30	Non standard/seasonal timings:
Friday	23:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	23:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	23:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday through to Sunday the licensable activities shall terminate at 02:30am with the premises closing at 03.00am, with the exception of late night refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

Sale by retail of alcohol**On and off sales**

Monday	09:00 - 00:00	Further details
Tuesday	09:00 - 00:00	N/A
Wednesday	09:00 - 00:00	
Thursday	09:00 - 02:30	Non standard/seasonal timings:
Friday	09:00 - 02:30	In respect of Bank Holidays falling on a Monday, and Burns Night,
Saturday	09:00 - 02:30	Valentines Day, St. David's Day, St Patrick's Day, St George's Day,
Sunday	09:00 - 02:30	Christmas Eve and Boxing Day, unless these days fall on Thursday
		through to Sunday the licensable activities shall terminate at 02:30am
		with the premises closing at 03.00am, with the exception of late night
		refreshment, which shall terminate at 03.00am.

An additional hour shall be allowed for the change from GMT to BST.

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

CAMERONS BREWERY LTD
MAINGATE HOUSE
WALDON STREET
HARTLEPOOL
TS24 7QS
01429 266 666

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

Company no: 3571101
Charity no: NOT APPLICABLE

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

[REDACTED]

State whether access to the premises by children is restricted or prohibited

NO ADULT ENTERTAINMENT WILL TAKE PLACE AT THE PREMISES WHEN PERSONS UNDER THE AGE OF 18 ARE PRESENT.



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

APPENDIX 2 – LOCATION PLAN

APPENDIX 3 – REVIEW APPLICATION

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

Postal address of premises or, if none, ordnance survey map reference or description The Red Lion Burnhope Way Peterlee	
Post town Peterlee	Post code (if known) SR8 1BT

Name of premises licence holder or club holding club premises certificate (if known) Camerons Brewery Ltd

Number of premises licence or club premises certificate (if known) DCCDOEP179

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  Insp 220

Date 13/3/13

Capacity Delegated authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Sgt. 1590 Timothy Robson Alcohol Harm Reduction Unit Annand House John Street North Meadowfield	
Post town Durham	Post Code DH7 8RS
Telephone number (if any) 01913754980	
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 The Red Lion of Burnhope Way, Peterlee as it is an appropriate course of action to address concerns relating to the prevention of crime and disorder and the prevention of public nuisance objectives in the Licensing Act 2003.
2. The holder of the premises licence is Camerons Brewery Ltd and the Designated Premises Supervisor (DPS) is [REDACTED].
3. On various dates from the start of 2012 to the end of September 2012, the Police received 17 reports of violent, aggressive and disorderly conduct at or in the vicinity of this premises.
4. On the 20th October 2012 PC Wilson attended an incident at the premises at 3.11AM to find numerous, heavily intoxicated people outside in the smoking area holding alcoholic drinks. Upon seeing the Police many people started to walk off. PC Wilson could see a female crying and spoke to the door staff who described a brawl that had just taken place. The female was spoken to but would not give details to the Police.
5. On the 21st October 2012 reports were received of patrons outside the premises with glasses and bottles after 11PM and a female alleged that she was assaulted on the dance floor at 1.00AM. This incident was caught on CCTV but was of such poor quality that the offender was never identified.
6. On the 27th October 2012 a male was slapped and hit with a bottle following an alleged sexual assault at the bar. Further problems then continued throughout November 2012 and on the 24th November 2012 a male was assaulted at the premises, suffering a broken nose and a cut to the head. The suspect was an individual banned under the local Pubwatch Scheme.
7. Then on the 20th December 2012 three members of the door staff working at the premises (only one of whom was SIA badged) pleaded guilty to an affray whilst working at the premises in March 2011. The

NOT PROTECTIVELY MARKED

victim of the affray had been banned under the local Pubwatch Scheme

8. In December 2012 the Police received a report about heavily intoxicated females gaining access to the premises and fighting amongst themselves and with others on the 22nd December 2012. The next day on the 23rd December 2012 a male, banned under Pubwatch, gained access to the premises and assaulted two males.
9. On the 6th January 2013 at 12.50AM a witness reported hearing a male assaulted outside the venue. The witness reported the door staff were present yet took little action to assist the injured party and the witness called for an ambulance. The CCTV shows the injured party was punched to the back of the head as he walked down the steps upon exiting the premises. The male suffered a fractured cheekbone and complications to his eye.
10. On the 10th January 2013 the Alcohol Harm reduction Unit tried to contact the DPS on a number of occasions to discuss concerns over the rise in incidents. They received no reply so texted the DPS with the details of a proposed meeting on the 10th January 2013. The DPS said she could not attend but her husband would. As he was the head of the door staff and the Unit wished to discuss problems with the door staff this was not felt to be appropriate. The Unit texted the DPS with alternative dates when she could attend but no reply was received. As a result the meeting took place on the 10th January with only the Premises Licence Holder and relevant officers. The Unit raised the concerns over the rise in violent incidents, the problems with the CCTV, that drinks are being taken outside the premises and that intoxicated persons are being served alcohol. The Premises Licence Holders stated they would speak to the DPS to make sure she contacted the Police to re-arrange the meeting and that the Premises Licence Holder would contact the Crime Prevention Officer with a time to visit the premises and advise on the CCTV as well as action the issues discussed and update the Unit. To date the Unit has heard nothing from the DPS or the Premises Licence Holder.
11. In the early hours of the 3rd February 2013 a male was assaulted by another male who punched him in the face whilst they were in the pub grounds observing two females scuffling.

NOT PROTECTIVELY MARKED

12. On the 16th February 2013 Sgt Robson of the Alcohol Harm reduction Unit visited the premises at 10.43AM and found noise from the speakers being heard outside as the doors were open. Upon entering a male customer warned others, who appeared to the Officer to be very young, of his presence and then took his bottled beer outside. A number of males were seen stood around and using a boxing machine.
13. The evidence produced by the Applicant sets out the full details of the alleged incidents at the premises and poor management by the DPS and Premises Licence Holders.
14. 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 remove the DPS, reduce the licensable hours and suspend the premises licence for 3 months as the most appropriate action to promote the relevant licensing objectives.

NOT PROTECTIVELY MARKED

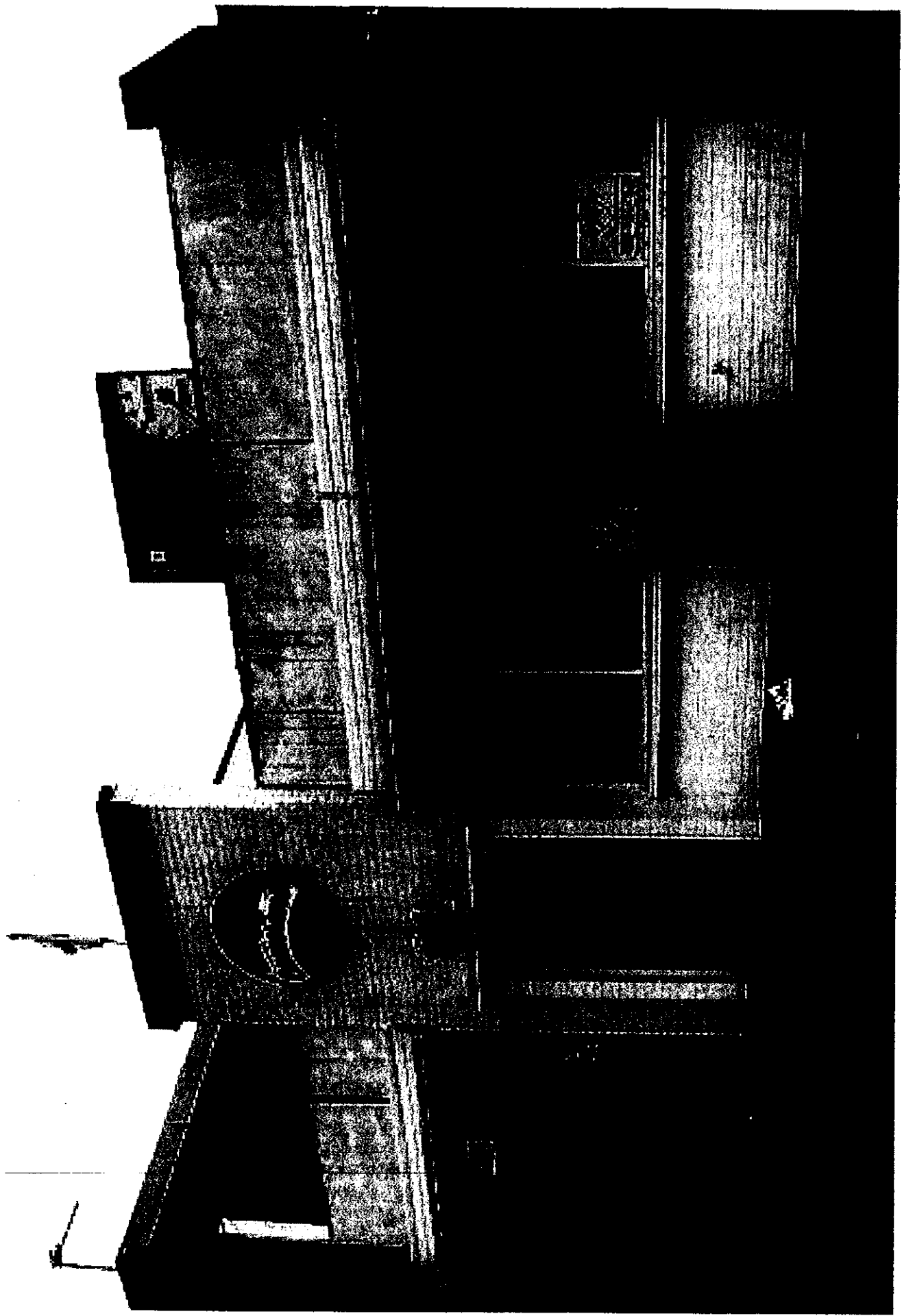
APPLICATION FOR REVIEW OF PREMISES LICENCE

THE RED LION, BURNHOPE WAY, PETERLEE, SR8 1BT

APPLICANT'S BUNDLE OF EVIDENCE

No Details

1. Photograph
2. Premises Licence and plan
3. Statement of Sgt Robson dated the 18th February 2013
4. Statement of DC Wilson dated the 25th January 2013
5. Statement of PC Jassat dated the 8th February 2013
6. Statement of PCSO Level dated the 13th February 2013
7. Statement of PC Renshaw dated the 22nd January 2013
8. Statement of Anonymised Witness dated the 12th January 2013
9. Statement of PC Gaskin dated the 25th January 2013
10. Statement of PC Wilson dated the 22nd January 2013



RED LION, BURNHOPE WAY, PETERLEE

From: [REDACTED]
 Sent: [REDACTED]
 To: North Area Licensing Unit
 Subject: VARIATION TO PREMISE LIC DOEP179 The Red Lion (Castle Dene) Burnhope Way Peterlee

LICENSING ACT 2003
 Section 24



Premises Licence

Durham County Council Licensing Authority
 Council Offices, Seaside Lane, Easington Village
 Peterlee, Co.
 Durham

Reference Number: 834

DCCDOEP179	Premises Licence Number
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Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description. THE RED LION BURNHOPE WAY	
Post town PETERLEE	Postcode SR8 1BT
Telephone number 0191 5862370	

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Films Live Music Recorded Music Performances of Dance Anything of a similar description
--

Making Music
Dancing
 Entertainment of a similar description
 Provision of late night refreshment
 Supply of alcohol on and off the premises

The times the licence authorises the carrying out of licensable activities

Films, Monday to Wednesday 09:00 to 00:00 Thursday to Sunday 09:00 to 02.30

Live Music, Monday to Wednesday 09:00 to 00:00 Thursday to Sunday 09:00 to 02.30

Recorded Music, Monday to Wednesday 09:00 to 00:00 Thursday to Sunday 09:00 to 02.30

**Performances of Dance, Monday to Wednesday 09:00 to 00:00
Thursday to Sunday 09:00 to 02.30**

**Anything of a similar description, Monday to Wednesday 09:00 to 00:00
Thursday to Sunday 09:00 to 02.30**

Making Music, Monday to Thursday 09:00 to 00:00 Thursday to Sunday 09:00 to 02.30

Dancing, Monday to Wednesday 09:00 to 00:00 Thursday to Sunday 09:00 to 02.30

**Entertainment of a similar description, Monday to Wednesday 09:00 to 00:00
Thursday to Sunday 09:00 to 02.30**

**Provision of late night refreshment, Monday to Wednesday 23:00 00:30
Thursday to Sunday 23:00 to 02.30**

Supply of Alcohol, Monday to Wednesday 09:00 to 00:00 Thursday to Sunday 09:00 to 02.30

An extension to the hours during which licensable activities are permitted at New Year from 09:00 on New Years Eve until 01:00 on the morning of 2nd. January, save for late night refreshment, which will take place between 23:00 on the 31st. December until 05:00 on 1st. January and between 23:00 on the 1st. January and 01:30 on the 2nd. January.

To allow an additional hour when there is the change from GMT to BST. To extend until 02.30 the following day, the standard terminal hour for all licensable activities for any Bank Holiday that falls on a Monday and any other day that falls on the following: Burns Night, Valentines Day, St David's Day, St Patrick's Day, St George's Day, Christmas Eve and Boxing Day. On these days the premises will close at 03.00 the following day unless the day is Thursday to Sunday when the premises shall close at 02.30.

Opening hours of the premises

As per sale of alcohol


Where the licence authorises supplies of alcohol whether these are on/or off supplies

On and off Supplies

Part 2

Name, registered address telephone number and e-mail (where relevant) of holder of premises licence

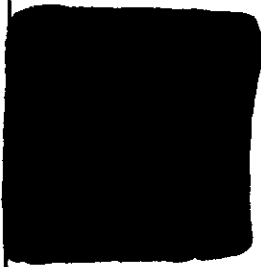
Camerons Brewery Ltd.
140 Coniscliffe Road
Darlington
Co. Durham
DL3 7RT



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

3571101

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol



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

DOEI482 Durham County Council

Annex 1 – Mandatory conditions.

1. No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor in respect of the Premises Licence or at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is

suspended.

2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Annex 2 – Conditions consistent with the operating Schedule

1. On any day where the licensable activities extend past midnight there shall be provided at the premises radio communication equipment to be operated in conjunction and liaison with the local police.
2. Any radio communication system provided under the provisions of the above shall:-
 - Be capable of sending and receiving messages from the local police and other licensed, designated premises supervisors, door supervisors, managers and club operators incorporated into any joint and mutually beneficial scheme operating in the area.
 - Be maintained in good working order at all times when the premises are being used for licensable activity.
 - Be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
3. The licensee, designated premises supervisor or other person having responsibility for monitoring radio communication system provided under the provision of the above shall comply with the instructions or directions received through the system from the police.
4. The licensee, designated premises supervisor or other responsible person shall use the radio communication system provide under the provision of the above to report any incidence of crime and disorder to the police as soon as practicably possible in accordance with agreed protocols.
5. A CCTV system shall be designed, installed and maintained in proper working order on the premises. Such system shall:-
 - Be operated by properly trained staff
 - Be in operation at all times that the premises are being used for licensable activities
 - Ensure coverage of all entrances and exits to the premises internally and externally
 - Ensure coverage of such other areas as may be required by the Licensing Authority and police; and
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recording shall be retained (on tape or otherwise) for a period of one month and shall be supplied to the Licensing Authority or a Police Officer on request.
6. Windows, fire escapes and doors must remain closed whilst regulated entertainment is taking place on the premises except for access and egress.
7. No children under the age of 18 must be admitted to any entertainment of an adult nature. For the purposes of this condition entertainment is regarded as being of an adult nature if it includes or is likely to include foul or abusive language, nudity or violence or such matter which is likely to offend good taste or decency.
8. The DPS or their representative shall conduct regular assessments of the noise coming from the premises on every occasion it is used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. These checks shall be documented in a logbook kept for this purpose and shall include the time and date of any checks, the person making them and the results including any

remedial action. This logbook shall be made available for inspection on request of the police or any authorised officer of the local authority.

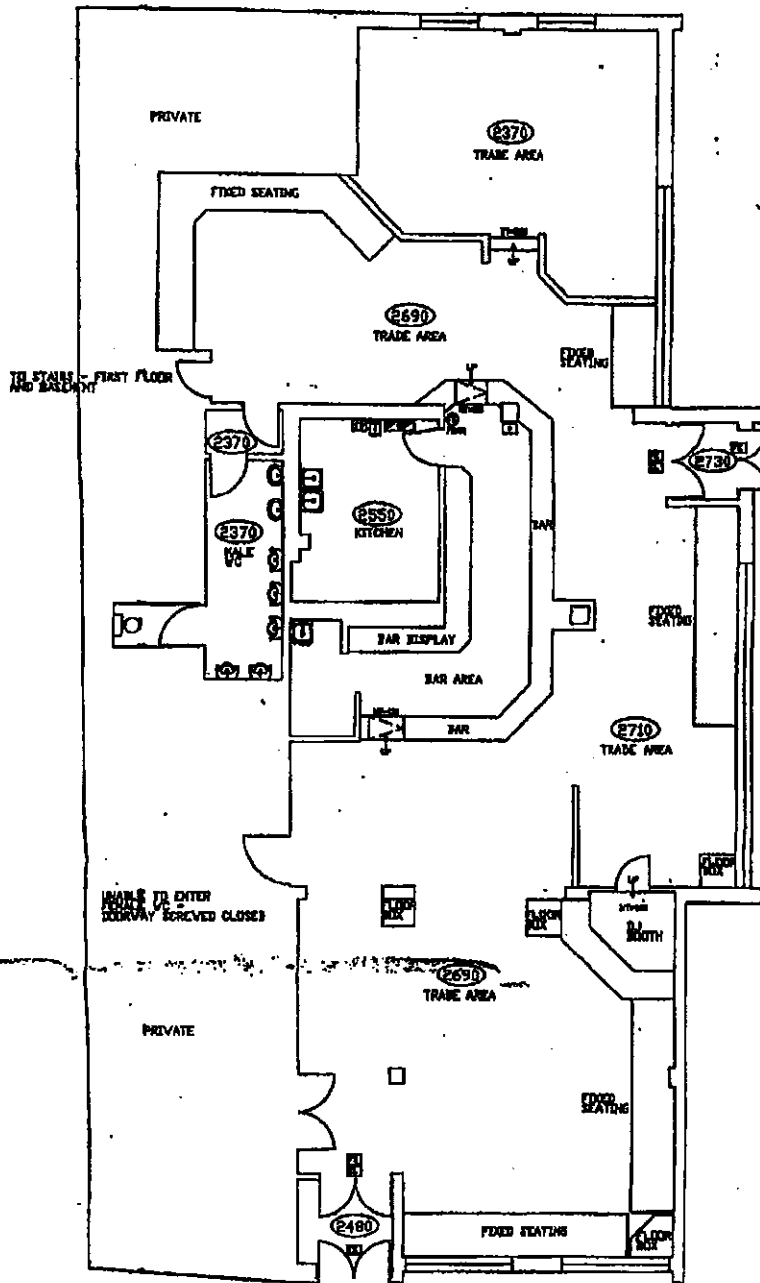
9. The DPS or their representative shall respond immediately to any complaints and queries concerning noise or other disturbance.

Annex 3 – Conditions attached after a hearing by the licensing authority.

1. All licensable activities shall cease at 02.30 Thursday to Sunday
2. The premises shall close at 02.30 Thursday to Sunday
3. No persons shall be permitted to leave the premises with bottled or glasses after 23.00

Annex 4 - Plans

Attached










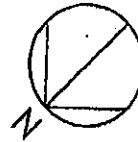
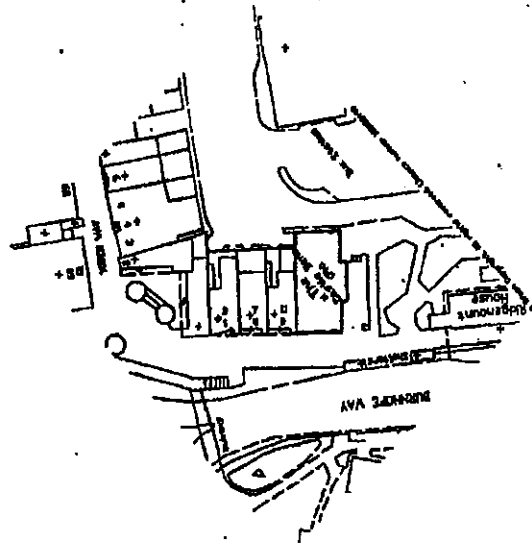
NO OUTSIDE DRINKING AREA

BUILDING SURVEYED AREA = 232.6 SQ. M

ALL LOCATED ON FIRST FLOOR

SCALE 1:100
GROUND FLOOR

-  DRY RISER
-  VET RISER
-  FIRE ALARM CALL POINT
-  STEPS
-  SINK UNIT
-  AMUSEMENT WITH PRIZES
-  BAR FLAP





























INDICATIVE ONLY
SCALE 1:1250

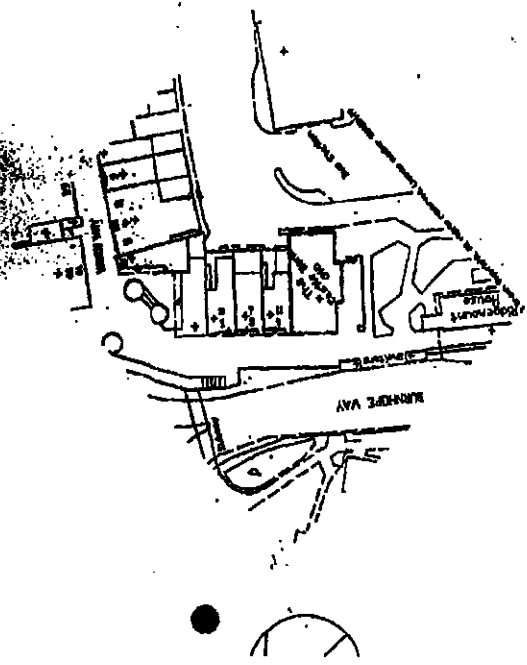
		LICENSING SURVEY PLAN	
Property ID	Property Name	Date of Survey	Drp. Scale
026028/03	Castle Benz	23/05/05	AS SHOWN
	Address		
	Burnhope way		
	Peterlee		
	County Durham		
	SR8 1BT		

SCHEDULE OF ADDITIONAL ACCOMMODATION:

- | | |
|------------------------------------|------------------------|
| 1: Number of storeys of building. | 2 storeys and basement |
| 2: Staff accommodation. | 3 bedrooms |
| 3: Letting rooms with mini bar. | 0 rooms |
| 4: Letting rooms without mini bar. | 0 rooms |

LEGEND

-  CEILING HEIGHT
-  WINDOW
-  FIRE PLACE
-  DOOR
-  TOILET
-  URINAL
-  WASH HAND BASIN
-  BOILER
-  FIRE EXIT
-  EMERGENCY LIGHT
-  DISTRIBUTION BOARD
-  SMOKE DETECTOR
-  HEAT DETECTOR
-  FIRE BLANKET
-  FIRE EXTINGUISHER CO₂
-  FIRE EXTINGUISHER FOAM
-  FIRE EXTINGUISHER WATER
-  FIRE EXTINGUISHER POWDER
-  SPRINKLER OUTLETS
-  DRY RISER
-  WET RISER
-  FIRE ALARM CALL POINT
-  STEPS
-  SINK UNIT
-  AMUSEMENT WITH PRIZES
-  BAR FLAP



WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1987, s. 9; Magistrates' Courts Act 1980, s.6B

URN

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Statement of: Timothy John Robson


Age if under 18: 021 (if over 18 insert 'over 18')

Occupation: Police Sergeant 1590

This statement (consisting of 5 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: 18/02/2013

I am a Police Sergeant in the Durham Constabulary, presently stationed in the Alcohol Harm Reduction Unit. I have 10 years experience in all aspects of pure licensing. I hold a National Certificate for Personal Licence Holders, a National Certificate for Designated Premises Supervisors, a National Certificate for Licensing Practitioners and I am the holder of a Personal Licence for alcohol retail. I hold an Award in assessment of licensed premises, and I am a Best Bar None assessor.

The Red Lion Public house is situated in Burnhope Way, Peterlee and the Designated premise Supervisor is . Door staff at this premise are "in house" and are not subject to any specific company.

The management have persistently failed to attend Pubwatch meetings.

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

I have looked only at the last 12 months of operation of this premise and it is very clear that the method and style of its 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. I have highlighted only a small number of the incidents.

On the following days namely the 15th and the 30th January, 25th February, 5th March, 12th May, 6th and 14th October, 18th and 22nd November 2012 an ambulance was requested to the Red Lion to take an individual/s to hospital. There were no records made of these incidents and they were not reported to the police.

On the 29th January 2012 a caller reported being assaulted in the Red Lion. Again nothing was reported or recorded.

On the 5th March 2012 a heavily intoxicated male was injured in the Red Lion, the injured party was so drunk that he could not account for how they he had received the injury.

Signature:  Signature witnessed by:

Reports of heavily intoxicated patrons were reported three times in May 2012. On the 29th June 2012 following a police visit to the red Lion it was discovered that there were a number of customers who were suspected to be under age, did not have identification and stated that they had not been asked for identification. The premise operates a challenge 21 policy.

On the 8th July 2012 the police received a report of a male having been glassed in the face in the Red Lion.

On the 29th July there were two separate incidents relating two separate assaults, on the first the female was heavily intoxicated and on the second the male was assaulted and the door staff stated that they were unable to deal with the clientele who were associated with the travelling fraternity.

On the 13th August 2012 a heavily intoxicated male was assaulted in the Red Lion. The injured party refused to assist police and by his own admission stated that he was heavily intoxicated and had been served in the premise whilst intoxicated.

On the 18th August 2012 an intoxicated male was arrested at the premise for being drunk and disorderly.

During September 2012 there were four reported assaults at the Red Lion, one of which was a 17year old female.

On the 20th October 2012 the police received a report of an intoxicated family who were shouting and punching each other, a statement has been made by the visiting officer PC Wilson.

On the 21st October 2012 police officers report a number of customers outside after 11pm with glasses and bottles. This is contrary to the conditions of its licence and an offence.

Again on the 21st October 2012 a female was assaulted at the Red Lion by another female and following this call there was a report of a male and female fighting outside of the premise. The attending officer PC Gaskin has provided a statement outlining his concerns.

On the 27th October 2012 a male was assaulted in the Red Lion where he was slapped and hit with a bottle. This was caused by a sexual assault on a female at the bar. The male was cautioned.

On the 3rd November 2012 a 17year old female born 14/11/1994 had her mobile phone stolen and £10 cash from her handbag. She was in the premise at 2am and had not been checked for identification.

On the 6th November 2012 intelligence was received by the police that specific individuals would attend the Red Lion to cause unprovoked fights.



Signature: Signature witnessed by:

On the 18th November and the 18th December 2012 police received intelligence that known individuals renowned for drug misuse, dealing and violence were admitted to the premise. As a result a male was assaulted and suffered a head injury, two males were arrested.

On 20th December 2012 at Durham Crown Court three males pleaded guilty to an affray which occurred on 25th March 2011 at the Red Lion. At the time of the assault one of the three men was a door supervisor badged with the SIA. The other two males were both working in a door supervisor role and were not badged as is required within the law. The three men were working on the door of The Red Lion. The male that they assaulted has a history of violence and has been on the banned list of Pubwatch a number of times. The DPS of this premise in March 2011 was Mr [REDACTED] who operated the in house door team business with a Mr [REDACTED]. The DPS changed to [REDACTED] in December 2012 and [REDACTED] is married to [REDACTED] the Head Door Supervisor. There has been no real management change since this affray and the door team are managed in house. I have produced a video showing the affray in March 2011 and the conduct of the door staff.

On the 23rd November 2012 police received information that an individual who is banned from all Pubwatch premises was inside the Red Lion PH dealing Drugs.

On the 24th November 2012 a male was badly assaulted at the Red Lion, and suffered a possible broken nose and a cut to the rear of his head, again the suspect was a known individual barred under Pubwatch.

On the 22nd December 2012 police received a report that heavily intoxicated females' had arrived at the Red Lion and were granted access. They had then started a fight with other female customers and then amongst themselves.

On the 23rd December 2012 a male who is barred under Pubwatch for violence was seen in the Red Lion, he went on to assault two males. This male was also believed to be dealing drugs within the premise.

On the 6th January 2013 a male was badly assaulted in the Red Lion public House. As a result of the assault he suffered a fractured cheekbone, and is currently suffering complications with his eye. Door staff stated that the injured party was intoxicated. Door staff did little to prevent the assault or detain the individual responsible. Officers investigating the assault were of the opinion that information was being deliberately withheld. During the investigation intelligence gathered suggested that The Red Lion was known as being a premises where individuals would attend and systematically start unprovoked assaults. This was the case in this instance and I have produced the CCTV footage for to demonstrate the conduct of the patrons and door staff. A statement has been produced by DC Renshaw regarding this matter.

At 10.43pm on Saturday 16th February 2013 I visited The Red Lion. Two door staff were outside of the premise. The doors were open allowing breakout of noise from the speakers. Upon entering there were only a few customers within. I saw a drink had been spilled and the fluid was pouring from a pedestal table onto the floor along with ice cubes. As I crossed the dance floor a male carrying a bottle of beer whistled to persons at the far end of the dance floor to warn them of my presence. The male did not realise I was near him and he

Signature: [REDACTED]

Signature witnessed by:

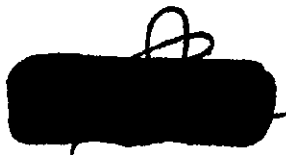
pointed in my direction whilst looking at his friends. I firmly believe that he was warning his friends of police presence. All of the customers seated in this area appeared very young. I passed the bar and noted some males gathered around a boxing machine. As I approached it one of the males punched out at the punch ball. The boxing machine has a limit of 999 as a top score, the highest score was displayed as 896 and the male who had just struck the punch ball scored 784. On leaving I spoke to a door supervisor who informed me that it would be 11.30pm before it started to fill up, and that when all of the other premises around Horden and Peterlee shut their doors then they would turn up at the Red Lion in the busloads. The male who had warned his friends was now outside the premise holding what appeared to be a bottled beer. Persons gathered in this area were loud and intoxicated. I have produced the CCTV in relation to this visit. I would describe this premise as run down, dilapidated and seedy in its operation. Its clientele style is that of young heavy drinkers and aggressive males.

I am aware that there has been previous discussions with the Premise licence holder and with the DPS, yet The Red Lion remains one of the most problematic and disorderly premise in the area. The management of the premise is poor at best. There are continued flaws in the operation and running of the premise and little has been done, or demonstrated to have been done to remedy the heightened levels of violence and disorder of which this premise contributes to. The premise has a boxing machine within the bar. I firmly believe that such machines actively cause heightened levels of aggression in individuals who use them and have been the precursor to a murder in another licensed premise. Socially responsible managers would remove such a machine from any premise that has such high levels of violence. I have not seen this addressed in the Red Lion as it has and still remains in the venue contrary to my recommendations. The premise has a clear reputation as a fighting venue, which attracts young drinkers, some under 18yrs to its doors after other premises have ended their night.

The Red Lion only becomes busy late at night and attracts intoxicated customers including some barred under Pubwatch for violence and drugs sales, who are allowed entry by door staff and management. The management have employed unlicensed door staff who have proved to be violent and without control. Under the current management the door supervisors have demonstrated little regard for the safety and wellbeing of customers. The management have failed to attend Pubwatch and thereby demonstrate any due regards to matters of violence and disorder highlighted by other responsible retailers in the area.

The police have actively tried to engage with the management of the premise and prevent further incidents however the effect, if any was only small and the premise has very quickly drifted back to its previous ways. In view of my findings in relation to the Red Lion and its operation I do not feel that conditions can be put in place to remedy the issues that are now inherent in the premise.

If the Red Lion continues to operate and offer licensable activities then I have no doubt that there will be more serious offences associated with it.



Signature: Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.6B

URN

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Statement of: **Martin James Wilson**

Age If under 18: **018** (If over 18 insert over 18) Occupation: **Detective Constable 2246**

This statement (consisting of Two 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] (witness) Date: **25/01/13**

I am a Detective Constable no 2246 with Durham Constabulary currently stationed at Peterlee Police Office with in the Serious Crime Team. My role here involves the response to, and investigation of, all serious criminality, which has occurred with in the East Durham District; I have worked in this role for approximately 1 year.

During this time my team have had cause to investigate a number of serious assaults resulting in serious injury which have occurred within the Red Lion Public house, a licensed premises located on Burnhope Way, Peterlee. Common themes throughout police investigations into disturbances at this pub in my view are, poor door supervision, persons banned on pub watch entering the pub and being served alcohol, patrons leaving the boundaries of the pub with glass bottles and congregating in large numbers, poor reporting of incidents to police by staff, poor management, poor environmental factors such as lightening and lack of bins, known criminals frequenting the premises and intimidating patrons, the sheer number and frequency of assaults occurring on or contacted with this licensed premises. When I have interviewed both offenders and victims a common factor in these assaults are the extreme drunkenness of both offenders and victims; my enquiries have shown that they either, enter the premises intoxicated, or become heavily intoxicated inside the premises.

Local businesses in the area including ASDA, Blockbuster, UK Pizza and McDonalds have complained about the amount of broken glass, bottles and vomit present in the locality, especially the morning after this public house has been open on weekends. In response to these concerns Police have initiated a Time Limited Project (TLP) with external agencies including the county council and street wardens to examine all the issues and put in place strategies to increase the public safety for patrons attending this public house, and reduce the crime and disorder. This is a long-term project and it will be a number of months before we can put into place solutions such as adding additional council ran CCTV in the area and improving the environmental conditions.


In my view the CCTV at the Red Lion is substandard, which has a direct effect on the effectiveness of any subsequent investigation. The poor quality hinders the identification and prosecution of offenders. Over the last 12 months my team alone has had at least 6 incidents associated with this premise, which are from common assaults up to serious

Signature: [REDACTED] *DC 2246* Signature witnessed by:

grievous bodily harm the offenders and the injured party are in nearly all of the cases very drunk and I have witnessed the aftermath of serious assaults committed both in and in the immediate vicinity of the Red Lion where individuals have received serious injuries which have affected their employment, mental health and have required long term treatment from the NHS. One serious assault alone can cost the tax payer thousands upon thousands of pounds when you take into account the cost to the Police, National Health Service, Crown Prosecution Service, Criminal Justice System, Probation Service and the Prison Service, it is in all our interests to reduce the amount of alcohol related violence at this premise.

Presently I am extremely concerned for the safety of the general public who frequent this public house, and if nothing is done we will only see a continuation of violence and disorder associated with the Red Lion Public House. To put this into context we are barely into the new year of 2013 and we have already had a serious assault reported, which occurred on 5/01/12. The victims injuries include a fractured cheekbone, fractured jaw, broken eye socket, broken nose and loss of consciousness; early investigations into this assault show that door staff did not give the unconscious man any first aid or place him into the recovery position, most alarmingly not a single member of staff made any request for police assistance. With out wishing to be over dramatic, in my opinion, it is only a matter of time until somebody sustains serious life altering injuries or there is loss of life. We all have a responsibility to protect the public and keep people safe.

In my view the Red Lion Public House has failed to respond, manage, and report incidents of violence, they have shown a blatant and flagrant disregard for their current licensing obligations. I respectfully request that the premise licence is revoked.

Signature:  *DC 2011* Signature witnessed by:

Signature:  *DC 2011* Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.85

URN

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Statement of: PC ADAM JASSAT

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

Occupation: POLICE CONSTABLE

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: [redacted] (witness) Date: 08/02/2013

I am a Police Constable in the Durham Constabulary presently stationed on the Neighbourhood Policing Team. I am aware that there have been a number of previous assaults at the Red Lion pub in Peterlee in the last four months which has resulted in increased police attention. Officers regularly walk through the pub to show a visible presence on Friday and Saturday nights and deter any potential criminal activity.

On Sunday 3rd February 2013 I took a statement from [redacted] who was the victim of an assault that had taken place in the early hours of that day at the Red Lion pub in Peterlee. The incident number is DHM-03022013-0042 and was crimed on crime reference number EE1300258. My colleague PC 2632 MOLE spoke with the injured persons partner, who witnessed the incident and also provided a statement detailing what happened.

[redacted] had been standing outside observing two females who were scuffling in the pub grounds. [redacted] talking and laughing with a male unknown to himself. This male I now know to be [redacted] who after a short period of time talking to [redacted] punched him in the side of the face, causing him to fall to the floor. By all accounts, the attack was unprovoked and neither party knew each other. [redacted] immediately fled the scene before door staff could intervene. As a result of this assault, the injured person suffered a cut to the back of his head from where he hit the floor and a cut to the inside of his mouth from the initial strike.

By his own admission [redacted] was drunk and cannot fully recall the incident, having consumed approximately 10 drinks prior to arriving at the Red Lion and a further 1-2 drinks whilst on the premises. He recalls he was served 1-2 bottles of alcohol in the Red Lion and was already feeling a bit drunk on arrival. [redacted] was arrested later on the 3rd February for the offence and brought into Peterlee Custody where he stated to the Custody Sgt he had consumed at least five pints the previous night, before the assault took place. In a Victim Personal Statement taken from [redacted] he said that he would never go out drinking at the Red Lion and the surrounding area due to the associated trouble over the past months.

Signature: [redacted] Signature witnessed by:

Signature: [redacted] Signature witnessed by:

DURHAM CONSTABULARY
Witness Statement

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2006; Rule 27.1)

URN

Statement of **Samantha Level 6971**

Age if under 18

(If over 18 insert 'over 18')


Occupation: **Licensing PCSO**






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: 18th February 2013

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

I am a Police Community Support Officer, Specialist in Licensing, presently stationed in the Alcohol Harm Reduction Unit, Annand House, Meadowfield. I have over 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. 

As a result of a rise in incidents in the Red Lion, Burnhope Way, Peterlee, a meeting was planned to discuss the issues with the Designated Premises Supervisor (DPS). I tried on a number of occasions to contact the DPS,  by telephone, but there was no reply to the messages I left. I then text her to say a meeting was planned for 10th January 2013. She replied to say she could not attend but would send her husband, . I initially stated that would be ok, but then I received information that  was the head doorman, and as part of the meeting was to discuss problems with the door team this did not seem appropriate. I then text  and requested some dates when she would be available, stating that the issues at the premises required discussion with the licensee. She did not reply. 

PROTECT

Signature: 

Signature witnessed by:



Continuation of Statement of:

I then contacted [REDACTED] Camerons Brewery area manager. Camerons hold the premises licence for the Red Lion. Mr [REDACTED] agreed to attend the meeting at Peterlee Police Station on the 10th January at 10.30am. Also present at the meeting was DC Martin Wilson of the Serious Crime Team, myself and PC Graeme Davison, the Crime Prevention Officer for the area. The meeting began with a general discussion of the Time Limited Project which is currently being conducted in the area. I then went on to highlight the specific issues with the Red Lion; that the DPS was not contactable, that there is a rise in violent incidents at the premises, that staff are unable to download CCTV and that the quality of the CCTV images needed addressing, that drinks are being taken outside the premises and that intoxicated persons are being served alcohol. [REDACTED]

Mr [REDACTED] stated he would speak to the DPS and make sure she contacted us to re-arrange a meeting; at this time there has been no contact from the DPS. Mr [REDACTED] also said he would make contact with PC Davison to arrange a time for him to visit the premises to offer advice regarding the CCTV quality. In addition Mr [REDACTED] stated he would action the other issues we had brought to his attention and that he would update us. At this point I have heard nothing from Mr [REDACTED].

PROTECT

Signature: [REDACTED]

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: Michael John Bottomley Renshaw

Age if under 18: 0'18 (if over 18 insert 'over 18') Occupation: Police Constable 2400

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: 22/01/2013

I am a Police Constable in the Durham Constabulary currently stationed at Peterlee Police Office.

On Saturday 6th January 2013 i was on duty in full uniform in company with PC2693 Martin. We were dispatched to a report of an unconscious male outside of The Red Lion Pub, Peterlee and arrived on scene at 01:20hrs.

Upon arrival there we spoke to a doorman who i know now to be [REDACTED] stated to us that the male had already left in an ambulance and at that time it was believed that he had fallen down some stairs whilst drunk. [REDACTED] stated that he had found the male unconscious at the bottom of the stairs, an ambulance had been contacted for him and he had put him in the recovery position. [REDACTED] led us to the area where the male had been lying, which was at the foot of a stairwell to the right hand side of the pub entrance (if facing the pub).

The concrete floor area was wet as if liquid had been recently been deposited there. There was a small amount of blood on the floor also which was still clearly visible, despite the liquid being present. [REDACTED] pointed out to us a CCTV camera on the side of the building which overlooked the area. He stated he had not seen how the male had come to be on the floor unconscious, but he had been told by an unknown customer that the male had fallen down the stairs whilst drunk.

We then spoke to the bar manager [REDACTED] and we asked to see the CCTV. [REDACTED] escorted us upstairs and played the CCTV to us. The CCTV showed the male (I.P) stagger out of the bar and stand near the top of the stairs for a 10-20 second period. The I.P is alone. To his left was a group of around 4-5 males stood, they appeared to be talking amongst themselves. The I.P then begins to walk down the stairs. He is followed by a single male from the group. As the I.P gets around half way down the stairs the male strikes him once to the back of the head from behind, knocking the I.P immediately to the floor. The male responsible then walks away from the pub in the direction of Bede Way, Peterlee.

Having viewed the CCTV i then passed a description of the suspect male over the Police Airwave system for colleagues to search the local area. The description passed by me was:

Signature:..... Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1987, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of: [REDACTED] [REDACTED] [REDACTED] URN [] [] [] []

Age if under 18: over 18 (If over 18 insert 'over 18') Occupation: factory worker

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: [REDACTED] Date: 12/1/13Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and reside at the address above.

On Saturday 5th January I went out drinking with friends in Petter. I went out at 8PM.

At about 1250 in the morning I was making my way to the Red Lion from the EDEN BAR which is just over the road. I was with [REDACTED] (24yrs) and his girlfriend [REDACTED] (22yrs).

I was approaching the steps leading up to the entrance to the Red Lion. The steps were to my left. I was still walking but turned away from the steps looking over my right shoulder talking to [REDACTED] & [REDACTED]. We were about 5 metres from the steps. At this time I heard what sounded to me as words to the effect of "OI YOU DAFT CUNT" and the sound of a punch. I mean the sound of a connection of a fist hitting something solid. I turned round and there was a male laid out on the floor at the bottom of the Red Lion Steps. I didn't see who threw the punch and no one was around near [REDACTED].

Signature: [REDACTED] Signature witnessed by: [REDACTED]

Continuation of Statement of: [REDACTED]

him. At first I thought he must have come down the steps & someone at the top of the steps must have done it.

I then saw one of the bouncers go over to the lad on the floor who was laid on his back motionless. The bouncer nudged the male on the floor 2 or 3 times, ~~to me~~ to me it appeared to be to see if he was awake. He then gently moved his head with his hand & shouted up to a colleague "He's LAYED ON GLASS."

At this point concerned for the lad laid on the floor I called for an ambulance. When the ambulance arrived I heard the bouncer tell the ambulance that the male had fallen. At no point whilst I was there was the male put in the recovery position. No one tended to the male on the floor. One bouncer remained to wait for the ambulance. He checked to see if he was breathing but that was it. When police arrived I told them what I saw.

I know it was a punch I have heard the sound many times before. It is hard to distinguish & explain exactly how I know it was a punch I can just associate the sound of it with a punch. I didn't see who threw the punch or anyone near the male on floor. Someone may have walked past me but I was focused on the male on the floor.

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

Continuation of Statement of: [REDACTED]

I cannot recall anything about the male on the floor or what he was wearing.

I thought the response of the doorknobs was disgusting. They didnt appear to help the male & just stood watching & didnt appear to offer any medical assistance.

I am willing to attend court as a witness if necessary & I have had the opportunity to read, edit & amend this statement. [REDACTED]

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

11/10/11

RESTRICTED (when complete)

NO11(PA)

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of: DAVID ALLAN GASKIN URN [] [] [] []

Age if under 18: 0 18 (if over 18 insert 'over 18') Occupation: POLICE CONSTABLE 2372

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: [Redacted] Date: 25/1/13

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

I AM PC2372 DAVID GASKIN OF THE DURHAM CONSTABULARY CURRENTLY BASED AT PETERLEE POLICE OFFICE.

ON MONDAY 22ND OCTOBER 2012 I ATTENDED A DETAIL AT [Redacted] PETERLEE, HOME ADDRESS OF A FEMALE I NOW KNOW AS [Redacted]

[Redacted] REPORTED THAT SHE HAD BEEN ASSAULTED THE PREVIOUS DAY WHILST IN THE RED LION PUBLIC HOUSE, CASTLE DENE, BURNHOPE WAY, PETERLEE. THE ASSAULT HAD OCCURED AT 0100HRS ON SUNDAY 21ST OCTOBER 2012 WHILST SHE WAS DANKING WITH FRIENDS ON THE DANCEFLOOR WITHIN THE BAR.

THE ASSAULT WAS AN UNPROVOKED ATTACK WHEREBY [Redacted] WAS PULLED TO THE GROUND BY HER HAIR FROM BEHIND AND PUNCHED NUMEROUS TIMES TO THE HEAD AND FACE.

UNFORTUNATELY EVEN THOUGH THE INCIDENT WAS CAUGHT ON CCTV, IT WAS OF VERY

Signature: [Redacted] Signature witnessed by: [Redacted]

2010/11

RESTRICTED (when complete)



Continuation of Statement of:

DAVID ALLAN GASKIN

Page no: 2 of 2

POOR QUALITY SO THEREFORE THE OFFENDER
 WAS NEVER IDENTIFIED, CONSEQUENTLY
 THE CRIME REMAINS UNDETECTED.
 I BELIEVE AN ESTABLISHMENT LIKE
 THE RED LION HAS A DUTY TO PROVIDE
 A DECENT CCTV SYSTEM TO ENSURE
 THE SAFETY OF THEIR PATRONS.



Signature: 

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.6B


URN

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Statement of: **Richard Wilson**

Age if under 18: **OV 18** *(if over 18 insert 'over 18')* Occupation: **Police Constable**

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:  (witness) Date: **22.01.2013**

I am the above named person and am a Police Constable in Durham Constabulary, based currently at Peterlee.

On 20.10.2012, I was on duty in full police uniform, completing IRT duties in the Peterlee Town Centre area. At 03:11hrs, the same day, I received a call from control room of an incident at The Castledene Public House, known as the Red Lion in Peterlee. As I was in the area, I attended within seconds and attended the pub.

There were numerous, heavily intoxicated people outside in the smoking area of the pub holding alcoholic drinks and as colleagues and I arrived, many started to walk off. Nobody came forward to identify what had happened and a female could be seen crying, I spoke to the door staff, who called the incident, he stated that two females were pushing and shoving and others got involved and started throwing punches at each other.

The crying female was spoken to, she was visibly upset but would not speak to even give her name, details or what had gone on, another unknown female stated there had been a domestic but it was sorted, nobody else made themselves known or disclosed any offences to Police and we left.

The people drinking were heavily intoxicated, possibly due to the time of night and length of drinking. People could be heard slurring words as per why the Police were there also.

Signature:  Signature witnessed by: 

Signature:  Signature witnessed by:

APPENDIX 4 – ADDITIONAL CONDITIONS

Proposed Operating Schedule

1. A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of, and in connection with, Durham constabulary. Such a system shall:
 - (i) be operated by properly trained staff;
 - (ii) be in operation at all times the premises are open to the public;
 - (iii) ensure coverage of all public entrances and exits to the licensed premises;
 - (iv) ensure coverage of such other areas as may be required by the Licensing Authority and Durham Constabulary;
 - (v) provide continuous recording facilities for each camera to a good standard of clarity.
 - (vi) Such recordings shall be retained on for a period of 28 days, and shall be supplied to the Licensing Authority or Police Officer upon reasonable request.
(To replace existing CCTV condition)
2. A minimum of 2 door supervisors shall be provided on a Thursday, Friday and Saturday. On such occasions door supervisors shall be employed from 21:00 until close. Door supervisors shall be provided outside these times at the discretion of Durham police for specific events where their presence is justified and necessary, for example on Bank Holiday Mondays. A record shall be kept at the premises of door staff employed including times and dates, their name and badge number.
3. All staff will be trained on their responsibilities under the Licensing Act, with a particular focus upon sales of age restricted products and proxy sales. A record will be kept of training in a manual, which will be available for inspection by the Police, Trading Standards or the Licensing Authority upon request. Such training will be refreshed every 6 months. Refresher training will also be documented. New members of staff will be trained prior to starting work, where such start dates should fall between training dates, and that training shall be documented.
4. A refusals book, incident book and toilet check book shall be kept at the premises. They shall be utilised and maintained at all times. Entries shall be authorised by DPS on a regular basis. These books shall be available to the Police on request.
5. All members of staff at the premises shall seek credible photographic proof from any person who appears to be under the age of 25 and is seeking to purchase alcohol. Such credible evidence shall include a photograph of the customer which will either be a passport, photographic driving licence or proof of age carrying a PASS logo. The same policy shall be operated by door supervisors before permitting entry to the premises, on any occasion they are employed at the premises. There shall be posters at the premises to promote the Challenge 25 Policy.
6. The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall take part in Police led initiatives as well as regularly attend any meetings organised by the Police in relation to those initiatives and operating an APEX radio, or similar device (when such are available and operating in the locality).
7. The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall communicate with the Police in order to identify and address incidents of disorder connected with the premises. All incidents of anti-social

behaviour or crime and disorder inside and directly outside the premises shall be reported to the Police by any member of staff in a position to do so.

8. The premises shall operate an Outside Management Policy, which shall be designed and operated with the intention of reducing the potential impact of customers leaving the premises or customers in the area immediately outside of the premises. This is a policy which can be revised to reflect changes and patterns identified responsible bodies, particularly the Police.
9. Staff at the premises shall ensure that when regulated entertainment is taking place all windows and doors must be kept shut except for access and egress. All external doors at the premises shall be self-closing.
10. The Premises Licence holder will, for the period of 6 months, from [] 2013, provide monthly updates to The Police Licensing Department in relation to refusals and incidents at the premises. Any serious incidents or concerns will of course be reported immediately. The above is agreed as a means of identifying trends and potential issues with a view to preventing crime and disorder.
11. *The premises shall operate a 3 phase search policy at the premises for the purpose of preventing drug use and identifying possession of offensive weapons. This shall include the random searching of individuals entering the premise, whilst inside of the premise and for regular toilet inspections to be made for persons using controlled drugs such a policy will form part of the premises Drugs Policy. —TIM ROBSON TO COMMENT.*
12. The premises will use and utilise a drug safe, in line with their drug policy.
13. There shall be security briefings at the beginning and end of door supervisors shifts at the premises. Such shall be documented. These briefings shall feed into and disseminate information from Pubwatch, and any meetings which take place with the Police.

Outside Management Policy

1. During regulated entertainment at the premise, checks are to be conducted of the areas surrounding the premise for possible noise escape. This will be the responsibility of the duty manager, but may be delegated to other members of staff.
2. When regulated entertainment is taking place we must make sure that all of the windows and doors are kept shut, except for access and egress. This applies in areas where regulated entertainment is taking place. The purpose of this is to prevent any noise escaping from the premises during entertainment, since this could disturb our neighbours.
3. Where door supervisors are employed at the premises, part of their role will be to reinforce this policy, and so they should be asked to read and sign the policy.
4. We operate a taxi ring back service. If customers wish to book a taxi we will happily do that for them, liaising with one of our approved providers. Reminders will be given to customers during the course of the evening in relation to the booking of taxi's. NB: We will make sure our approved providers will agreed to provide taxi's in a way which lessons the potential noise impact of collecting customers from the premises.
5. When patrons are leaving the premises they will pass signs which remind them to be considerate of our neighbours and refrain from shouting. Make sure this is monitored and that signs remain in place.
6. Behaviour of customers must be monitored upon leaving the premises. People may need to be reminded of their public responsibilities upon leaving. At the end of an evening a member of staff will assume the responsibility of monitoring the area immediately outside the premises.
7. Patrons who cause noise, or disturb the neighbours may be subject to a ban, and may be refused entry in the future. Where appropriate, kindly remind customers of this and the reasons for this policy.
8. No refuse is to be deposited in bins or the like, outside or in any area where it would be audible outside between 21:00 and 08:00. At all other times please be considerate of our neighbours and try where possible to reduce the noise of carrying out such activities in order to reduce any nuisance which might be caused.

Name:

Signed:

Date:

**APPENDIX 5 – DURHAM CONSTABULARY
MEDIATION AGREEMENT**

LICENSING ACT 2003

TO: The County Council of Durham as the Licensing Authority.

Application for Review of a Premises Licence

Premises: The Red Lion, Burnhope Way, Peterlee, SR8 1BT

Applicant: The Chief Constable of Durham

Respondent/Premises Licence Holder: Camerons Brewery Limited

Date of application: 13th March 2013

I, Stephen James Mooney (Deputy Force Solicitor on behalf of the Chief Constable of Durham – the Applicant for the Review), pursuant to Regulation 9 of The Licensing Act 2003 (Hearings) Regulations 2005, give notice to the Authority that I consider a hearing to be unnecessary and request that the Authority dispenses with such. Further to a change in management at the premises and the grant of a minor variation, submitted by Cameron's Brewery, no further conditions or changes to the premises licence are deemed necessary at this time.

Signed:..........

Full name/names: Stephen James Mooney
Deputy Force Solicitor

Date: 11th September 2013

**APPENDIX 6 – LICENCE HOLDER
MEDIATION AGREEMENT**

LICENSING ACT 2003

TO: The County Council of Durham as the Licensing Authority.

Application for Review of a Premises Licence

Premises: The Red Lion, Burnhope Way, Peterlee, SR8 1BT

Applicant: The Chief Constable of Durham

Respondent/Premises Licence Holder: Camerons Brewery Limited

Date of application: 13th March 2013

I, Matthew Foster (Solicitor for Camerons Brewery Limited – The Premises Licence holder and Respondent to the Review), pursuant to Regulation 9 of The Licensing Act 2003 (Hearings) Regulations 2005, give notice to the Authority that I consider a hearing to be unnecessary and request that the Authority dispenses with such. Further to a change in management at the premises and the grant of a minor variation, submitted by Cameron's Brewery, no further conditions or changes to the premises licence are deemed necessary at this time.

Signed:.....

Full name/names: Matthew Foster
Solicitor representing Camerons Brewery.

Date: 12th September 2013

APPENDIX 7 – LICENSING ACT POLICY
SECTIONS - 5.0 & 8.0 & 19.0

Licensing Act 2003 - 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.

Cumulative impact of Licences on the amenity of particular areas

5.9 The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.

5.10 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.

5.11 The effect of a Cumulative Impact Policy would be that applications for new Premises Licences or Club Premises Certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved would not add to the cumulative impact already being experienced.

5.12 Applicants would need to address the Cumulative Impact Policy issues in their Operating Schedules.

5.13 If such a policy is to be considered the following process is followed:

- Concerns relating to crime and disorder or public nuisance must be identified
- Consideration must be given as to whether it can be evidenced that incidents of crime and disorder and nuisance are arising from and caused by the customers of licensed premises. If so, identify the area from which problems are arising or whether risk factors are such that the area is reaching a point when a cumulative impact is imminent
- Consultation must take place with the prescribed statutory consultees on the content of the policy.
- Any special policy will be published as part of the statement of licensing policy
- Any policy must stress that the presumption against grant does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy. Therefore: if no relevant representation is received, the application must be granted.
- The Licensing Authority must regularly review any special saturation policies to see whether they are still needed or should be expanded

5.14 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.15 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.16 There is a significant difference between commercial need and the cumulative impact of premises within an area and It cannot be taken into account when considering an application.

5.17 A special policy will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.

5.18 Applicants are advised to seek advice from the Durham Constabulary and incorporate any recommendations in their Operating Schedule before submitting their applications.

8.0 Protection of Children from Harm

8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- the Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

8.3 The Licensing Authority may consider the following when dealing with a Licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).

- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four Licensing Objectives.

8.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales.

8.6 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

Access to Cinemas

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

8.8 The Act provides that it is mandatory for Licensing Authorities to include a condition in all Premises Licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

8.9 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

Children and Public Entertainment

8.10 Many children go to see and / or take part in an entertainment arranged

especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

8.11 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

8.12 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

8.13 Applicants are advised to seek advice from the Local Safeguarding Children Board 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 8 – SECTION 182 GUIDANCE

PART 11

11. Reviews

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 concerned 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). 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.