



Statutory Licensing Sub-Committee

Date Wednesday 25 January 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
 - a) Application for Summary Licence Review - The Bridge Inn, Ramshaw. Bishop Auckland (Pages 3 - 22)

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
17 January 2017

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors C Carr, B Graham, C Hampson and J Maitland

Contact: Jill Errington

Tel: 03000 269703

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ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW
 DURHAM COUNTY COUNCIL
 LICENSING SERVICES

ST JOHNS ROAD NORTH
 MEADOWFIELD
 DURHAM DH7 8RS

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Ch/Supt Jane Spraggon [on behalf of] the Chief Officer of police for the Durham Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Bridge Inn
 1 Gordon Lane
 Ramshaw**

Post town: **Bishop Auckland**

Post code (if known): **DL14 0NS**

2. Premises licence details:

Name of premises licence holder (if known): **Joseph Cunningham**

Number of premises licence holder (if known): **PL(A)0054**

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

On 16th January 2017 the IP () attended The Bridge Inn / Big Joes Steakhouse to collect owed wages and to inform his employer, Joseph Cunningham Senior (PLH) he would not be returning to work. He was not at the pub at this time so he attended his home address which is

Also present at his house was his two sons JJ (Joseph) who acts as DPS and

On hearing this an argument took place and during the argument JJ (DPS) punched the IP in the face, Joseph Cunningham Senior threatened him with a metal bar and tried to stop him running away.

The IP managed to make good his escape and sort medical treatment resulting in being told he had sustained a fracture to his upper jaw.

Joseph Cunningham (DPS) is a suspect for a section 18 assault.

Joseph Cunningham (PLH) is a suspect for affray.

As an interim measure the police seek an immediate suspension and the removal of the DPS for premises licence number PL(A)0054.

At the full review hearing the Police seek to have the premises licence revoked.

Signature of applicant:

Date: 18/1/17

Capacity: C1 Supt.

Contact details for matters concerning this application:

Address:

Rice HQ, Aykley Heads, Durham.

Telephone number(s):

Email:

Notes for guidance:

DURHAM CONSTABULARY

FORCE HQ

AYKLEY HEADS

Durham County Council

DH1 5TT

CERTIFICATE UNDER SECTION 53(a)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with ~~serious crime /~~
~~serious disorder~~ / both serious crime and serious disorder.

Premises:

The Bridge Inn
1 Gordon Lane
Ramshaw
Bishop Auckland
DL14 0NS

Premises Licence number (if known): PL(A)0054

Name of Premises Supervisor (if known): Joseph Cunningham

I am a Chief Superintendent in Durham Constabulary

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, and that it is proportionate in the circumstances because

The premises licence holder Joseph Cunningham Snr and designated premises supervisor Joseph Cunningham Jnr have been responsible for a serious assault that took place on 16th January 2017, whereby the IP who is a member of staff at the premises has sustained serious injuries from an unprovoked attack involving the use of a weapon.

This is a new family run premises that opened in October 2016, and whilst there have not been any previous incidents of note, the circumstances surrounding this application bring into serious question the management and running of this premises. This requires immediate action via an expedited review to prevent any further serious repercussions associated with disputes between management and staff, who would otherwise remain involved in the running of the premises. The expedited process would enable the police and licencing authority to seek the removal of the DPS and the suspension of the premises licence whilst the criminal investigation is ongoing and to fully determine the suitability of such persons to be involved in the ongoing running of this premises. This is the only proportionate action available at this time.

SIGNED:

PRINT NAME: V J SPRAGGON

DATED:

18/1/17

TITLE:

Chief Supt.

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THE COUNTY COUNCIL OF DURHAM

Licensing Committee

NOTICE OF DETERMINATION

Licensing Act 2003 (the Act)

Date of Hearing: 20th January 2017
Date of Determination: 20th January 2017
Committee Members: Councillor B. Kellett (Chair)
Councillor C. Hampson
Councillor P. May

1) Type of application or hearing

Summary Licence Review

2) Applicant

Durham Constabulary

3) Premises

The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland

4) Application

For the summary review of a Premises Licence under Section 53A of the Licensing Act 2003

5) Witnesses

The Sub-Committee heard from the following:

- Helen Johnson, Licensing Team Leader
- Chief Superintendent Jane Spraggon, Durham Constabulary
- Caroline Dickinson, Durham Constabulary

6) Licensing Act 2003

The Sub-Committee has taken into account the relevant provisions of the Act.

7) Section 182 Guidance

The Sub-Committee has considered and taken account of the most recent edition of the Secretary of State Section 182 Guidance. The Sub-Committee has also considered the Section 53A Summary Review Guidance.

8) Licensing Policy

The Sub-Committee has considered and taken account of the Council's licensing policy.

9) Licensing Objectives

The Sub-Committee took account of the information provided by the Applicant for the purposes of the review and with respect to the licensing objectives:

9.1 Prevention of crime and disorder

Evidence: The evidence provided was such that this objective could be breached and that some action was needed to prevent crime and disorder.

9.2 Public Safety

Evidence: It is not necessary to consider this objective for the purposes of this decision.

9.3 Prevention of Nuisance

Evidence: It is not necessary to consider this objective for the purposes of this decision.

9.4 Protection of Children from Harm

Evidence: It is not necessary to consider this objective for the purposes of this decision.

10) Evidence and Reasons

Representations of Helen Johnson, Licensing Team Leader

10.1 An application and the supporting certificate, required by Section 53A of the Act, was received by the Licensing Authority on the afternoon of Wednesday 18th January 2017.

10.2 The Licensing Authority is required to consider the matter within 48 hours of receipt of the application. The application is to be considered on the morning of 20th January 2017 and therefore within the timescales stipulated in the Act.

- 10.3 The Licensing Committee has power under section 53B to consider a number of interim steps namely:
- Modification of the conditions of the premises licence.
 - Exclusion of the sale of alcohol by retail from the scope of the licence.
 - Removal of the Designated Premises Supervisor from the licence.
 - Suspension of the Licence.
- 10.4 Ms Johnson had been to the premises to serve notices and the certificate provided by Durham Constabulary. The premises were closed so they had been served by the post-box.
- 10.5 She had made attempts to contact the Premises Licence Holder, with no answer to her telephone calls.
- 10.6 It was confirmed there would be ongoing consultation and the matter would be required to be heard at a full hearing by 15th February 2017.

Representations of Durham Constabulary

- 10.7 The evidence submitted by Durham Constabulary is that, on 16th January 2017, the chef ("the Injured Party") at the premises attended The Bridge Inn to collect wages owed to him, believed to be before Christmas.
- 10.8 On arriving it was clear that the Premises Licence Holder was not at the premises and so the Injured Party went to the rear of the premises where he knew he lived. The Premises Licence Holder, the Designated Premises Supervisor and a further male were present.
- 10.9 It is alleged they declined to pay the Injured Party and, upon hearing this, he stated he would not be working for them anymore.
- 10.10 It is at this point that it is alleged the Designated Premises Supervisor, JJ (Joseph Junior), punched the Injured Party on the side of the face. It is also alleged that the Premises Licence Holder had a metal bar and that they all chased the Injured Party, who managed to run away.
- 10.11 The Injured Party had driven immediately to his local police station and reported the matter.
- 10.12 Subsequent medical treatment at both Durham and Sunderland Hospitals revealed that the Injured Party had suffered a fractured jaw. It was not yet clear whether an operation and metal plate would be required to remedy the injury.

- 10.13 Three people had been arrested as a result of the incident, the Designated Premises Supervisor being a suspect in a Section 18 assault and the Premises Licence Holder being suspected of affray.
- 10.14 They had subsequently been placed on police bail until 10th March 2017. No charges had, as yet, been laid.
- 10.15 The Constabulary stated that these actions were in contravention of the crime and disorder objective and that it was necessary to take interim steps, namely the removal of the Designated Premises Supervisor and the suspension of the Premises Licence.

Reasons


- 10.16 Section 21 of The Violent Crime Reduction Act 2006 made amendments to the Licensing Act 2003 ("the Act") by introducing the provision for a summary review. This added to the Act section 53A with supplementary sections 53B and 53C to deal with the subject.
- 10.17 Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises licence where the same covers serious crime or serious disorder associated with premises.
- 10.18 It is accepted by the Committee that this does amount to serious crime and serious disorder and the application made in this case is in order and falls to be dealt with under sections 53A, 53B and 53C of the Act.
- 10.19 The actions had involved the Premises Licence Holder, the Designated Premises Supervisor and the Premises' chef and had taken place within the vicinity of the premises, to the rear. The actions were associated with the premises giving a clear interpretation of Section 53A(b) of the Licensing Act 2003. The connected with and involved in the premises. They worked with and had a relationship with the Injured Party who also was associated with the premises.
- 10.20 Section 53B(2) of the Act empowers the Licensing Committee to consider this application without the Premises Licence Holder having been given the opportunity to make representations. They had heard of the attempts to contact the Premises Licence Holder and had been assured the Police certificate had been served.
- 10.21 Having considered the information provided and taken account of the serious nature of it, and the clear implications that the premises are associated with serious crime and disorder, the Committee considers that it has no alternative than to make the decision that it does.

11) Decision

The Committee has considered the evidence given by Durham Constabulary today and has decided:

- 11.1 to remove the Designated Premises Supervisor, JJ (Joseph Junior) Cunningham, from the licence;
- 11.2 to suspend the premises licence with immediate effect.

Signed:



(Chair)

Dated:

20th January 2017

PLEASE NOTE:

- Under section 53B of the Licensing Act 2003 this decision has immediate effect.
- The Licensing Authority is required to serve this decision on the holder of the premises licence and the Chief Officer of Police.
- The holder of the premises licence is entitled to make representations to the Licensing Authority with respect to this decision and the Authority is required to hold a further hearing to consider such within 48 hours of receiving the same.
- Whether or not representations with respect to this decision are made the Licensing Authority will continue to process and deal with the review of the premises licence occasioned by the application in accordance with the procedure for reviews set out or referred to in the Licensing Act 2003.

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Joseph Cunningham
Craggwood caravan park

To Helen Johnson
Licensing team leader

I would like to make an appeal to the decision made by the licensing department to revoke our licence.

The grounds of our appeal are that this offence is alleged and the statement given from the chief superintendent in Durham Constabulary is biased. Nowhere in his statement does he say that the offence is alleged, is there no innocent until proven guilty, is there no correct way of conduct in the Durham Constabulary. As you can see this is a very biased and one sided statement should not be omissible.

In this case, we will provide proof of our conduct towards our customers and staff, by giving personal statements from our customers and staff that we run a very clean and family orientated premises. We have a strict policy that we do not accept any foul language or rude and boisterous behaviour, we have no gangs or yobs and no bad conduct. People who attend our premises are looked after to the point that we will refuse to serve someone that if we think they are in danger to the customer a member of the public or themselves. We would like you to take our letter into consideration when making your decision we have added copies of the statement made by the police, if you look closely you can see a very biased opinion.

We always strive to achieve to achieve the four licensing objectives

- The prevention of crime and disorder
- Public safety
- The of public nuisance
- The protection of children from harm

All the allegations made against us are FALSE and will be proven to be FALSE

Yours sincerely
Joseph cunningham

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To whom it may concern

I have been a customer

on Riverside touring park at Cragwood
for the past 8 years.

And I have found the family

(JJ, [redacted], Joseph S.A.B.) to be

Very honest trust worthy kind and

Caring people. I have heard of

the alleged offence that has been
brought against them and find it

very hard to believe, in my dealings

I would find it impossible to believe

from Mrs C Moralee.

[redacted] Swaledale Crescent. DH4 7NT

[redacted]
21/1/2017.

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Dear Joe,

I had an awkward situation about 4 years ago with an Employee.

He was verbally aggressive & abusive.
He wanted me to make him redundant so that he could claim benefits & not work anymore.

I could not do this for legal reasons.
He then wanted me to sack him. If I had done this he would have gone for unfair dismissal.

He then caused a fight with a contractor, he ended up worst off. He then called the police & said that the man he assaulted had in fact assaulted him. The contractor got a 'caution'.
He tried to sue the contractor & failed. He then tried to sue me because it happened on works time. I was advised that I could have to pay up to £28,000 compensation. I decided to fight this.

Be warned your chef may be going along the same track.

What I did was contact my Insurance Company, gave them the full story. I got the staff who witnessed the event to provide statements. The insurers employed their own solicitors & dealt with the police. The case went on for about 6 months.

In the end the solicitor for the man backed down - due to him having no solid defence & no witness to what happened other than the man he attacked, and secondly because there was doubt as to whether he was telling the truth.

All costs were dealt with by the Insurance Company and he had to pay his own legal costs. The solicitor backed out.

NB/ Please read reference - anything I have missed
Please call me 807

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Mrs Julie Robson
[REDACTED]

To Whome it may concern

We have a lodge on riverside Caravan Park and have been coming here for five years. In these five years I have found the Cunningham family to be very nice honest and helpfull where ever possible and also very freindly.

I work for the Cunningham family as head of housekeeping in the running of the kitchen restaurant. So being an employee I am there whenever the establishment is open. When the restaurant closes I often I will often stay and have a quiet drink with my husband. I have never seen or heard any trouble of any kind

I find the Cunningham family excellent to work for, they are always very nice to all employees. My wages are always there when I go to collect them. They go out of there way to make sure I have everything I need making sure the kitchen and the rest of the establishment have everything they need.

This Pub and restaurant is the only one in the small village of Ramshaw. we need this for our jobs for the village its self and also the caravan park.

Yours faithfully,
[REDACTED]

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The Centre,
Evenwood,
Bishop Auckland.
Co. Durham,

DL 14 9QF

To whom it may concern.

Friday 20th January 2017

Reference: MR JOSEPH CUNNINGHAM.
Cragwood Caravan Park,
Ramshaw,
Bishop Auckland.

Character Reference.

This is to confirm that I have known Mr Cunningham for almost 12 years.

I have business premises & live in Evenwood, Mr Cunningham and his family have been customers since we started business.

Over the years Mr Cunningham has always been a friendly and loyal customer. He and members of his family are known to our staff, who deal with them on almost a daily basis.

Mr Cunningham has built up his business and developed the Caravan Park to a high standard. The recent re-inventing of the "Bridge Inn" and his dedication to making a success of his ventures has been remarkable.

Mr Cunningham is an extremely hard worker, in my view he is honest, committed to the community, a good employer and a good citizen.

Yours Sincerely

ERIC JORDAN

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