

ITEM 4 - REPRESENTATION FROM MEMBERS OF CONSETT PUB WATCH

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Letter of Representation

Concerning the Review of the Premises Licence of:

Bar 1, 28-30 Front Street, Consett, DH8 5AQ

FAO:

Licensing Committee

Durham County Council

PO Box 617

Durham

County Durham

United Kingdom

DH1 9HZ

By email only to: licensing@durham.gov.uk.

Dear Members of the Committee,

We, the undersigned, as constituent members of Consett PubWatch, wish to enter a representation concerning the review of the Premises Licence of Bar 1, Consett. It is our combined view that both Bar 1 as a business and, by extension, the current Designated Premises Supervisor (DPS) have failed to not only promote the Four Licensing Objectives but have repeatedly failed to even adhere to them. We therefore request that the Committee considers the revocation of the Premises Licence of Bar 1. Regrettably, we have come to this view jointly as a group based on the repeated breaches of the Licensing Objectives by Bar 1, culminating in the incident that preceded its temporary closure following a Closure Notice in December. We invite the Committee to consider the following in regard to each of the Licensing Objectives.

The Prevention of Crime and Disorder

As a PubWatch group, we meet collectively as a group on a monthly basis to identify individuals who engage in criminal or disorderly behaviour at our premises'. The Committee will no doubt know that the main function of PubWatch is for licensed premises to share intelligence and to enact premises bans, of varying lengths, to individuals who engage in nefarious, illicit or harmful activity. This is a clear way of promoting the prevention of crime and disorder, by removing the opportunity for individuals who breach the peace to enter licensed premises that partakes in a PubWatch scheme. Whilst it is a voluntary scheme, and should remain so, it is considered exceptionally good practice for businesses within the Night Time Economy to engage with PubWatch and to present a united front in terms of applying premises bans. The unfortunate truth is that, without sufficient sanctions, individuals who cause an issue in one licensed venue with undoubtedly cause issues at another.

Bar 1, unfortunately, does not only not attend PubWatch but actively allows individuals they know to be 'barred' under the scheme to enter its premises. This not only creates a risk to its own staff and customers, it creates a risk to all other venues by providing a reason for individuals to come into Consett town centre, as they know that they will be admitted into Bar 1 regardless. By allowing barred individuals into its premises, Bar 1 essentially allows individuals who have already engaged in disorderly and potential criminal activity to escape without sanction. Moreover, this creates a secondary risk for other premises that may partake in the scheme, but that do not have access to Door Supervisors or other safeguards, as an individual barred under PubWatch may attempt to gain access to that premises and be refused service by a member of serving staff.

In the interests of being equitable, and as the investigation has not to our knowledge been concluded, we would not want to state that the incident on Wednesday 27th December 2023 resulting in two individuals being in receipt of injuries consistent with S18 OAPA 1861 could have been prevented. However, the fact is that more could have been done to prevent an incident like this occurring by an engagement with PubWatch, more stringent security measures and engagement with the Police at the earliest point. It is our understanding that the incident began in Bar 1 and then continued into the public domain, but questions ought to be raised about why the security measures that ought to be in place should have failed so catastrophically. The high-profile nature of the investigation has had a demonstrably negative impact on Consett's Night-Time Economy, with members of the public feeling understandable trepidation that an incident of that nature could have happened at all. We invite the Committee to consider the message that it sends to the public if Bar 1 is not held accountable for such an egregious failure in its duty to promote this Licensing Objective.

The Protection of Children from Harm

As a collective of licensed premises within Consett, it is our understanding that there have been failings in terms of preventing underage drinking and protecting underage children from harm at Bar 1. Due to the conventions of the General Data Protection Regulation (GDPR) and Article 8 of the European Convention on Human Rights (ECHR), we have been advised to anonymise these events on account of the public nature of the hearing. Should the Committee wish for supporting evidence to be submitted in a matter that makes reference to individuals, then we would be happy to oblige.

One of our constituent venues has, recently, seized two valid U.K. driving licenses from individuals that did not belong to them. These IDs were taken by the SIA Door Supervisors on duty at this venue and were duly handed to police. Both of the individuals, who were clearly underage, had come from the direction of Bar 1 and, upon investigation, it has transpired that the IDs they had belonged to individuals who had lost them in Bar 1 some time ago. Whilst we would be remiss if we did not explicitly state that we do not believe that the DPS or Bar 1 as a business would issue IDs to underage individuals wilfully, questions must be asked about how these lost IDs ended up in the possession of underage individuals.

Again, a recent incident at Derwentside Pizza – which is situated opposite Bar 1 – involved an underage girl that had to be treated by paramedics following a medical emergency. When questioned by paramedics, the girl had admitted that she had been in Bar 1 throughout the night which led to her intoxication. Whilst, again, we would like to explicitly state that we do not believe that the business is wilfully endangering underage children, we would contest that they are at the least being negligent in discharging their duty to prevent children from harm. At the very least, an ID scanner being installed would have been an excellent measure to prevent the access of underage children into the venue. That being said, we invite the Committee to consider that such serious failures of processes and safeguards to protect children would require extraordinary corrective action on the part of the venue to rectify. Regrettably, we feel that any corrective action that the premises may engage in would not go so far enough as to render it not only compliant, but safe.

The Prevention of Public Nuisance

Again, whilst we do not wish to castigate Bar 1 for failings that it may possibly not be responsible for, it is clear to us as a PubWatch group that the Bar's security personnel are not doing enough to ensure that its patrons are prevented from causing a nuisance. The security personnel employed by Bar 1 do not take enough action to ensure that its patrons are keeping pathways clear and are properly dispersing crowds at the end of the night. As we are sure that the Committee will appreciate, having large crowds of intoxicated individuals present on a main thoroughfare can be intimidating for other members of the public; this is especially true where there is no visible security presence maintaining control. Indeed, large crowds of noisy individuals who are not dispersed properly at the end of the night will undoubtedly cause a nuisance to residents nearby, especially when left to their own devices. Of course, this can be

corrected with a robust security presence, but we fear that this is yet another instance of Bar 1 demonstrating its negligent attitude towards the town as a community.

The Promotion of Public Safety

The Committee will no doubt understand that the four Licensing Objectives are meant to be mutually supportive of each other, and in this regard we feel as if the representations we have made are evidence of Bar 1's lack of commitment to public safety. The fact that members of the public, who come into our premises' and our members of our community, do not feel safe to come into Consett because of the negligence of one operator, is indeed a damning indictment of that operator.

Whilst we appreciate this is somewhat anecdotal evidence, our patrons have felt more comfortable during the closure period of Bar 1, and there has been a spirit of co-operation between the other licensed venues to ensure that the public feel safe. It is unfortunate, though, that such a high-profile incident has to be the cause of a review that, sincerely, we feel should have been conducted sooner.

It is certainly true that all are wiser with the benefit of hindsight, but in this instance we as a PubWatch group feel that the best course of action to promote public safety in Consett is for Bar 1 to remain closed. It is not a position that we take lightly, comprised as we are of a mix of independent publicans and venue managers, as we understand that the revocation of the licence will undoubtedly mean the closure of an individual's business. However, we invite the Committee to consider that, by allowing the venue to remain open, the overall Night Time Economy of Consett will suffer and members of the public will continue to be put at serious risk. This is not a situation that as a collective feel is appropriate or justifiable, given the circumstances.

We thank you for your consideration of your representations, and trust in the Committee to make an appropriate decision in respect of Bar 1's Premises Licence.

Sincerely,

James McDonald – Chairman of Consett PubWatch

Shelley Hobbs (MANAGER) JD Wetherspoon Consett

SUSAN RIDLEY (OPERATOR) THE WHISTLE BLOWER

Lee Charlton (Landlord) The Turf

STUART HALL (manager) Black Horse

Sandra Wilkinson (manager) Gilly Horse

Claire Wilson (manager) The Demi Spade bar

Kay Drive (owner) The Fountain

SHARON RENWICK HORSE + GROOM

RICHARD BAGGER THE FLEET INN

LAUREN RAINE BELLAMYS BAR L. Raine (Manager)

Bianca Coombe calamitys. B-Coomb.

JAMES McDonald, Chaplins }
K2 + The Union }