

Item 5

Additional information from Durham Constabulary

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From: Iain Robertson <
Sent: Thursday, October 17, 2024 1:06 PM
To: Helen Johnson - Licensing Team Leader (N'hoods) <
Cc: Yvonne Raine < >; Caroline Dickenson
Brian Donnelly <
Subject: [EXTERNAL]:Durham Constabulary committee report - K2/Union

Hi Helen

Please find attached our report for committee on Tuesday.

Thanks

PC 1426 Iain Robertson
Durham Police Licensing
Durham Constabulary

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DCC Licensing Committee – Full Variation application for K2/Union, Front Street, Consett

22nd October 2024

Durham Constabulary Objection

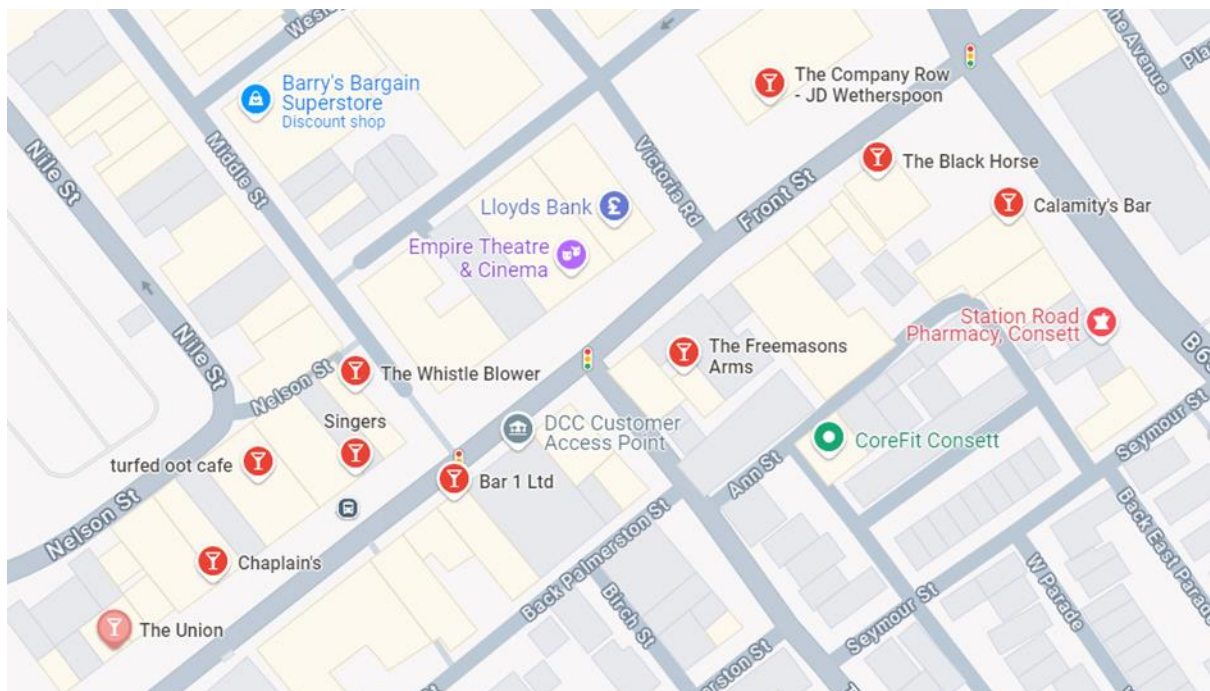
On 3rd September 2024 Durham Constabulary, a responsible authority under the Licensing Act 2003 received an application from Mr James McDonald to vary the premises licence at K2/Union, Front Street, Consett. On 27th September 2024 Durham Constabulary placed an objection to the application under the prevention of Crime and Disorder and Public Safety licensing objectives.

I am a serving police officer with Durham Constabulary and have delegated authority on behalf of the chief officer.

The current premises licence covers licensable activities from 10am until 2am daily, including the sale of alcohol, with a 30-minute extension to all licensable activities on a Boxing Day and on bank holidays. The application requests an extension of all licensable activities to 3am daily.

Licensed Premises Locations

The below map shows Consett Front Street with all licenced premises. Please note, Bar 1 is no longer operating as its premises licence was revoked in 2024.



Front Street, Consett has numerous licensed premises including two venues that are already open until 3am, namely Chaplains and Singers bar. The applicant is already PLH and DPS for Chaplains as well as another bar (Calamity's). K2/Union is a vertical drinking establishment with a nightclub atmosphere, however, so is Chaplains and Singers. Durham Constabulary feel that there is more than sufficient premises open until 3am to facilitate the members of the public out at that time of the morning. Geographically, K2/Union, Chaplains and Singers are all within 50 meters of one another.

Local Licensing Policy and Guidance

Durham County Councils statement of licensing policy 2019-2024 states that the framework hours for an establishment such as K2/Union is;

7am until midnight weekdays and 7am until 1am weekends.

The premises has 16 hours of licensable activity (including alcohol sales) per day and as such already have **2 hours beyond** the framework hours weekdays and **one hour beyond** on weekends. Durham Constabulary cannot support a further hour to an already 'stretched' premises licence.

Durham Constabulary also note that Section 7.1 of Durham County Council Statement of Licensing Policy 2019-2024, relating to the Promotion of the Licensing Objectives states;

The council also 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 are a "vertical drinking establishment" where little or no seating is provided***

The applicant is DPS at all three of his venues and Durham Constabulary are concerned that his role as premises supervisor is also 'stretched'. How can the applicant guarantee or provide confidence that the licensing objectives are being upheld when after 10pm, he would have to be in three places at once? Durham Constabulary have little confidence that the applicant can fulfil the 'good practice' recommended in the policy. As premises licence holder for all 3 premises, McDonald simply cannot hold himself to account if DPS either.

Incidentally, the applicant has applied to vary the premises licence for Calamity's to extend its hours of licensable activities/opening times which further contradicts the policy. Durham Constabulary have objected to this application also.

Licensing Objectives Concerns

Historically, both K2/Union and Chaplains were closed late 2021 after incidents of disorder and concerns for public safety that required significant intervention from Durham Constabulary. At that time, K2/Union had a 2.30am licence while Chaplains had a 4am licence and were both ran by the applicant. Both premises subsequently reopened in April 2022 with a reduction in hours to 2am; timings which were agreed with the applicant while liaising with Durham Constabulary. Bar 1 and Singers were operating until 3am. Since then, the applicant has approached Durham Constabulary about regaining a 3am licence for Chaplains in order to compete with the other premises and successfully extended the hours to 3am which took effect from December 2023. Since then, Chaplains has enjoyed an equal 'playing field' with the other late-night venues and due to the closure of Bar 1 in July 2024, it appears Chaplains has the monopoly of late-night revellers, far more than Singers.

However, this has not come without cost.

Since the granting of the 3am licence at Chaplains, there has been a 40% increase in calls to Durham Constabulary post 2am.

The total incidents reported from the beginning of 2024 at Chaplains is 30 with 12 of those incidents occurring from 2am and beyond. Of those 12 incidents, 10 relate to violence/disorder and 1 call related to concern for the safety of an intoxicated female. Another report of theft was also made.

A summary of the 11 incidents after 2am are as follows;

7th January 2024 – 2.10am – report of 2 unknown males fighting in the premises where a third male intervened and was knocked to the floor. Ambulance and police were called as the male blacked out. The initial suspects were not identified as there were too many patrons in the location for any ID to be obtained from the internal CCTV.

14th January 2024 – 3.21am – report of a concern for safety of an intoxicated female outside of the premises. Call received from parent.

25th February 2024 – 2.40am – report from an intoxicated female stating she had been assaulted by a male in the premises. Male ejected by door staff. Subsequently arrested (suspect resisted arrest) and CCTV obtained. Footage only showed certain areas in the bar but not the assault. Appears to have occurred out of camera shot.

2nd March 2024 – 3.10am – report from on scene ambulance staff of a large fight outside of the premises. Further call stating 10 people fighting with door staff.

9th June 2024 – 3.45am – report from door staff of a known male having assaulted 2 other males inside of the premises. Restrained by door staff and escorted from premises and made off. One victim rendered unconscious and sustained injuries consistent with a GBH. Incident occurred at 2.55am but appears police not called at time. Suspect part of OCG and does not appear to have been put forward for Pubwatch, which DPS chairs. Investigation concluded without prosecution due ID issues.

21st June 2024 – 2.05am – report of a disturbance involving two groups of females inside the premises. Removed by door staff, and disturbance continued outside. Both groups dispersed by police.

15th July 2024 – 2.37am – while police officers dealing with a drunken male in street, DPS reports a male having been assaulted in the premises by known male. Victim rendered unconscious and required first aid for laceration to the head, injuries consistent with a GBH. Door and bar staff gave first aid and ambulance called.

20th July 2024 – 3.03am – Initial report from an intoxicated female of possible fight outside of the premises. Recontacted and stated the issue had been resolved. No initial deployment however police contacted by CCTV at 3.30am regarding people fighting in the street. Police attended.

24th August 2024 – 2.05am – report of a group of intoxicated people fighting outside of the premises. Police attended, known female arrested and assaulted arresting officer. Another officer assaulted by known male, door staff intervened to assist officer.

31st August 2024 – 2.16am – report of 8 persons fighting outside of the premises, door staff having to intervene. Police in attendance but unable to identify persons responsible from CCTV.

14th September 2024 – 2.55am – report of an intoxicated female causing a disturbance having been ejected from the premises by door staff. Police attended.

The remaining incidents for Chaplains are 12 violence/public order related, 4 concerns for safety and 1 report of theft. All happened prior to 2am.

By further comparison, at the nearby premises **Singers**, there has been only 1 incident reported in 2024 and at **Bar 1**, the premises licence was revoked in 2024 due multiple incidents of disorder.

Durham Constabulary feel that the addition of another 3am licence is totally unnecessary and using Chaplains as a direct comparison, suggest that the granting of this will increase the amount of crime and disorder at the premises. Moreover, consideration is being given as to whether Durham Constabulary should review Chaplains premises licence due to the increase in incidents that potentially undermine the crime and disorder licensing objective.

It appears that K2/Union have not been trading regularly this year and as such there are few incidents reported there.

At the end of March 2024, the applicant gave notice of a temporary event at K2/Union for an extension in licensable activities until 3am. This is the first 'snapshot' of both premises being open and ran by the applicant and his staff until 3am. Subsequently an incident occurred during that notice that required police attendance and an arrest being made. The incident in question involved a member of door staff being punched by a heavily intoxicated male who was subsequently arrested and found in possession of 5 bags of cocaine. The suspect later stated he had been consuming alcohol since 2pm the previous afternoon, almost 12 hours of potential alcohol consumption. Does this not indicate the concerns around extending the exposure and availability of alcohol?

At the time of objection, no further TENs had been received from K2/Union, however a temporary event notice has been submitted by McDonald for K2/Union to cover 2am until 3am on 3rd November 2024 which Durham Constabulary will object to.

Durham Constabulary have liaised with Mr McDonald during the representation period. He indicated that he would potentially close Chaplains early if the K2/union extension was granted. When asked if he would reduce the hours of Chaplains he refused.

Community Impact.

The impact of extended alcohol sales on patrons, local residents and the community is rarely positive and by extending licensing hours to already late-night venues, risk cannot be measured, and we will never know a true picture of the impact this causes on people's health and wellbeing. The granting of a 3am licence allows the premises to operate into the early hours each night of the week and must have an impact on local residents having to put up with the noise and drunken behaviour of patrons still in the streets post 3am. Durham Constabulary feel this is totally unacceptable.

Due to the issues/concerns outlined in this report, Durham Constabulary feel there is sufficient to object to this application.

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