



## Statutory Licensing Sub-Committee

**Date** Thursday 2 August 2018  
**Time** 10.00 am  
**Venue** Council Chamber - County Hall, Durham

---

### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 19 June 2018 (Pages 3 - 16)
5. Application for the Review of a Club Premises Certificate - The Leather Cap Sports and Social Club, 1-2 Browning Street, Easington Colliery (Pages 17 - 92)
6. Application for the Review of a Premises Licence - The Leather Cap Sports and Social Club - 1-2 Browning Street, Easington Colliery (Pages 93 - 166)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
25 July 2018

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

Councillors L Brown, C Hampson, L Marshall and M Wilson

This page is intentionally left blank

**DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Tuesday 19 June 2018 at 10.00 am**

**Present:**

**Councillor J Maitland (Chair)**

**Members of the Committee:**

Councillors G Darkes, D Hicks and A Hopgood

**Also Present:**

Councillor D Bell

Y Raine – Senior Licensing Officer

K Coulson-Patel – Solicitor, DCC

**Applicant**

T Shield – Solicitor

J Codona – Innspired Leisure – applicant

**Responsible Authority - Durham Constabulary**

S Mooney – Force Solicitor

Sgt C Dickenson

PCSO A Guest

**Other Persons**

J Metson

C Plummer

E Ashby – St Nicholas Community Forum

**1 Apologies for Absence**

There were no apologies for absence.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

Councillor Bell declared that he knew 'other person' Mrs Ashby of St Nicholas Community Forum, and took no part in the determination of the application in respect of the grant of a Premises Licence for Players, Unit 3, Freemans Place, Walkergate, Durham.

**4 Minutes of the Meeting held on 20 November 2017 and 16 May 2018**

The Minutes of the meeting held on 20 November 2017 and 16 May 2018 were agreed as a correct record and were signed by the Chair.

**5 Application to Transfer a Premises Licence - Best Kebab One, 1a Fore Bondgate, Bishop Auckland**

With the agreement of all parties consideration of the application was adjourned.

**6 Application for the Grant of a Premises Licence - Players, Unit 3, Freemans Place, Walkergate, Durham**

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the grant of a Premises Licence regarding Players, Unit 3, Freemans Place, Walkergate (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to members together with additional information from St Nicholas Community Forum and photographs showing the location of Players in relation to other premises in the City.

Mr Metson, other person was invited to address the Sub-Committee and advised that as a resident of Sidegate across the river, he objected to the levels of noise residents were subjected to late at night and at so many times of the year from music and drunkenness emanating from the premises. No residents should have to put up with this.

Mr Plummer, other person stated that he lived close to the river and this had the effect of funnelling noise, which residents experienced particularly on Wednesday and Saturday nights. He heard noise when the doors were open, and when customers left the premises from 02.00hrs. He echoed the objection to the application on the grounds of public nuisance.

Mrs Ashby, other person addressed the Sub-Committee as a member of St Nicholas Community Forum, a resident group which covered Framwelgate Bridge to Gilesgate roundabout, Elvet and onto the peninsula. Her representations were on behalf of the Forum and the local community. She informed the Sub-Committee that residents lived in flats only 200-300 yards adjacent to the edge of Walkergate. Next year there would be a further 400 plus student and tourist rooms, plus negotiations were underway for a hotel across the river which would be subject to the noise. This would not be good for tourism.

In terms of the application she was concerned about the potential for a further 15 occasions a year where the activities would be extended until 04.00 hrs which raised issues of public safety. Although she was aware that this application had to be considered on its own merits, this premises was part of a chain with plans to extend their operations to other student cities. Mrs Ashby also noted that adult

entertainment in the form of dance was proposed yet there appeared to be no provision for the safety and comfort of the dancers nor was it clear where in the premises this activity would occur.

The Forum also strongly objected to the sale of alcohol off the premises on the grounds of public nuisance as it would be consumed by people leaving the building.

She also noted that gaming machines were included, and whilst the operating schedule stated that the atmosphere may not be appropriate for children, it did not make clear what provisions were made to ensure their safety.

Whilst it was noted that the Police had discussed with the applicant the number of security personnel required, the Forum considered that there should be at least two provided.

Members of the Forum had witnessed glass bottles left by people queuing to enter the premises and Mrs Ashby asked how the applicant would address this.

Mrs Ashby referred to the late evidence submitted which included an on-line advertisement for a premises owned by the applicant in another City which offered 'awesome drink deals'. She did not believe that Players would operate any differently.

The operating schedule advised that music would gradually reduce in volume to create a wind down period. The Forum considered that the music should be switched off at a specified time before closing so that customers would not be talking loudly as they vacated the premises.

Mrs Ashby advised that she would be concerned if the premises allowed drinks to be ordered by phone from customers' tables as staff would not be able to effectively control drunkenness.

Mrs Ashby was grateful that the Policy recognised nuisance caused by vehicles. Customers left the premises by taxis passing residential properties and she asked for clarity about the management of taxis and other vehicles between 02.30hrs and 04.00hrs. The use of Leazes Road slip road would cause less disruption.

Included in the pack was a table listing all occasions when residents had been woken in the early hours. Whilst this could not be attached to Players, it did identify that there were existing problems in the area which affected public health. She had only had eight hours sleep in the last two days and this was not unusual.

In conclusion Mrs Ashby asked that the application be rejected as it would not uphold the licensing objectives of public safety, prevention of public nuisance and the protection of children from harm. If the application was granted she asked that the terminal hour for all licensable activities be 02.00hrs, that there be no extensions permitted to 04.00hrs but if this was agreed, the request to increase from 12 to 15 per year be rejected, as this represented more than one event per month.

Mr Shield, the applicant's Solicitor asked if any complaint had been made to existing premises in Walkergate or to Environmental Health. The applicant had not been made aware of any complaints during the consultation period.

Mr Metson responded that he was not aware of any complaints but there may have been. Mrs Ashby advised that the Forum had been in close contact with Durham University Student Police Liaison Officer and a letter had been sent to both DCC and the Police seeking to address some of the issues. The Secretary of the Forum had been in communication with Environmental Health about the matters of concern.

Mr Shield referred to the noise log submitted by the Forum which related to student accommodation on Bakehouse Lane and roundabout, and noted that the time period was prior to the application being lodged, and that it did not relate to the premises. Mrs Ashby conceded that the log could not be associated with Players but made the point that with 500 students leaving a nightclub at 02.30hrs there would be a connection with this location and disturbance to residents.

Members were informed that the log was included in the bundle as it had been submitted with relevant representations. It was for Members to decide what weight to attach to the information.

Mr S Mooney, Solicitor for Durham Constabulary addressed the Sub-Committee and advised that there had been two main issues with the original submission; door supervisors and the request to extend the hours of operation until 04.00hrs on up to 15 occasions per year. The matter of the door supervisors had been resolved following discussions with the applicant, however their objection regarding the extension of hours on up to 15 times per year remained. 04.00hrs was beyond the recommended hours in the Statement of Licensing Policy. Application could be made by way of TENs for additional events but the applicant had said that a maximum capacity of 499 permitted by a TEN was not enough. However other premises in Walkergate were able to manage within the TEN process. The Police were concerned that alcohol consumption and disorder would increase, and there would also be increased noise as customers left the premises, and increased taxi noise.

Following questions from Mr Shield, Sgt Dickenson advised that the most recent TEN received was for Loveshack, but there had been others in the City which had been reported to the Sub-Committee, following objections by the Police.

Mrs Ashby asked if a public notice could be placed in the noticeboard in Millennium Square so that the public could be made aware when these events were to occur, should this element of the application be granted. This was confirmed by Mr Mooney.

Mr Shield was invited to address the Sub-Committee. He explained that Walkergate was a purpose-built leisure facility in the centre of the City, erected in 2006. The Statement of Licensing Policy acknowledged that the County was large and diverse, and therefore clearly the Policy could not be 'one size fits all'.

The licensing hours requested had been agreed following a hearing in 2008. Due to an administrative error the Premises Licence had lapsed in October 2017 and the previous occupant had ceased trading. Had the landlord of Walkergate applied for a transfer of the premises licence in time, the hearing would not be taking place.

The applicant sought to restore the status quo that had operated successfully since 2006. There had not been any enforcement action taken around this site, although there had been a tragic accident at another premises in the complex. The applicant was fully aware of his responsibilities to the public.

The company was set up in 2005 and they had carefully developed each site, with premises in Newcastle, Sheffield, Leeds and most recently Birmingham. They were all similar premises that had not had any issues of disorder or noise and which were located in larger residential areas than Walkergate.

Players would bring something different to Walkergate, and the applicant was very experienced in dealing with clientele, particularly students.

TENs were not a viable option for Players, and he believed that the Police were likely to raise an objection to any application submitted beyond 01.00hrs. TENs were not an option because the capacity of the premises was 700; in practical terms it would not be feasible to ask 300 people to leave beyond the usual licensing hours. As had been said a notice of each event would be sent to the Police and the Licensing Authority. The Police would therefore have an opportunity to veto an event if felt necessary.

With regard to the on-line promotion referred to by Mrs Ashby he explained that this was 4 years old. In terms of the entertainment, dancers were professional, trained members of a troupe who would have a set at both Durham and Newcastle in one night and would perform on a stage. Students could pre-purchase entrance tickets which increased in price as the night progressed.

The company continued to develop all its sites and in respect of the premises in Walkergate, 61 jobs would be created. If the hours requested were not approved the business would not be viable and would not open.

Mr Shield referred to three photographs which showed the distance from the premises to residential accommodation. Licensing Policy was clear, that there was personal responsibility for the behaviour of individuals leaving the premises. The operator's responsibility was the premises and the immediate vicinity. There was no residential accommodation in the immediate vicinity; the accommodation was a purpose built student block.

The applicant had been in discussions with Environmental Health before the application was lodged to consider noise prevention measures, and acoustic lobbies had been included in the design. The interior had been designed with queuing in mind. The external queue would be supervised and anyone acting irresponsibly would not be permitted. Door supervisor provision had been agreed with the Police and there was provision for extra door supervisors at short notice if necessary.

None of the Responsible Authorities had made representation about public safety.

There would be no children permitted on the premises after 18.00hrs and the applicant would accept a condition to that effect.

Whilst the company held promotional events it did not offer heavily discounted drinks, and following a question from Councillor Maitland Mr Shield confirmed that drinks were not included in the ticket prices.

Councillor Hopgood noted that the application included off-sales and was advised that this was to allow the consumption of alcohol in the courtyard only, which would also have door supervisors.

The Member referred to the comment made by Mr Shield about there being no residential accommodation nearby. Walkergate had residential flats which were occupied by students who were also residents of the City. Mr Shield conceded this and corrected that it was a mixed area.

Councillor Hicks asked what was meant by 'awesome drinks deals' and was advised that drinks would cost less than on a Friday and Saturday night, but not to an irresponsible level.

In response to a further question from the Member, Mr Codona explained that the dancers were male street dancers who would perform for 10 minutes around 3-4 times per night.

Councillor Hopgood noted that Mr Shield had said that the business would not be viable if the hours were rolled back to 02.00hrs, yet the closing hours of premises in Leeds and Sheffield were 01.00hrs and 02.00hrs respectively. Mr Codona clarified that the Leeds premises closed at 03.30hrs.

Mrs Ashby asked about gaming machines and was advised that this had been part of the previous Premises Licence and could be removed from the application as none were intended.

All parties were invited to sum up. Mr Mooney stated that this was a credible operator with a good reputation, however their objection to the proposed extension to 04.00hrs on up to 15 occasions per year remained.

Mr Shield stated that there had previously been a premises licence at the premises for the hours applied for. There was no evidence to suggest that the former premises had been badly managed. This was a development designed for commercial use and the applicant had not been criticised for their operations other than an advert that was 4 years out of date but which had not resulted in any issues. The operating schedule had been carefully put together in discussion with the Police and Environmental Health. A policy in respect of the queuing system would be agreed with the Police before the premises opened.

The only remaining issue for the Police was the request for the sale of alcohol until 04.00hrs on up to 15 occasions per year. However if the Police had concerns about

how the business operated in the past or in future, he believed that they would have objected to the application in general. The applicant would give notice of any events and would be happy for a notice to be erected on the noticeboard in Millennium Square to inform residents of a forthcoming event.

There had been no representations from Environmental Health because noise prevention proposals had been discussed with the Responsible Authority.

The representations from other persons were limited and there had been no complaints made about the premises or Walkergate in general.

Mr Shield then addressed Section 182 Guidance and specifically the provisions of paragraphs 1.17 that each application must be considered on its own merits, paragraph 2.21 that beyond the immediate areas surrounding the premises were matters of personal responsibility, and paragraphs 9.11 and 9.12 - all the Police had said with regard to the extension until 04.00hrs on up to 15 occasions was that they did not like the idea of it.

The Statement of Licensing Policy did not have a cumulative impact policy. The County was a very wide and diverse area. Paragraph 12.5 discussed framework hours; this was the centre of the City in a mixed use, commercial area.

The applicant appreciated the concerns raised and taking into account that this was a previously licensed premises, that reduced hours would not be viable and that there were other premises in the vicinity that operated until 02.00hrs, asked Members to grant the Premises Licence as submitted.

At 12.40am the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 13.05pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and additional information, and the written and verbal representations of the Applicant, Responsible Authority and other persons. Members had also taken into account the Council's Statement of Licensing Policy, and Section 182 Guidance issued by the Secretary of State.

**Resolved:**

That the Premises Licence be granted as follows:-

<b>Activities</b>	<b>Days &amp; Hours Requested</b>
Sale of Alcohol (for consumption on and off the premises)	Monday to Sunday: 10:00 – 02:00hrs. From 10:00hrs on New Years Eve until 02:00hrs on 2 <sup>nd</sup> January.
	Extension until 03:00hrs on the morning British Summertime begins.

Films, Live Music, Recorded Music, Performances of Dance, Any Similar Entertainment (All indoors)	Monday to Sunday: 10:00 – 02:30hrs. From 10:00hrs on New Years Eve until 02:30hrs on 2 <sup>nd</sup> January.  Extension until 03:30hrs on the morning British Summertime begins.
Late Night Refreshment (Indoors)	Monday to Sunday: 10:00 – 02:30hrs. From 10:00hrs on New Years Eve until 02:30hrs on 2 <sup>nd</sup> January.  Extension until 03:30hrs on the morning British Summertime begins.
Opening Hours	Monday to Sunday: 10:00 – 02:30hrs. From 10:00hrs on New Years Eve until 02:30hrs on 2 <sup>nd</sup> January.  Extension until 03:30hrs on the morning British Summertime begins.

The Committee considered the representation of the Applicant to remove gaming machines from the Application and the Committee approved this representation.

The Committee also considered the conditions suggested within the Operating Schedule and impose the conditions on the Licence as follows:

### **The Prevention of Crime And Disorder**

a) The Licence holder shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence.

b) The Licence holder shall provide at the premises radio communication equipment to be operated in conjunction and in liaison with the local authority CCTV control room, while such a scheme is in operation. Any radio communication system provided under this condition shall:-

- i. Be capable of sending and receiving messages to and from the local police and other licenses, designated premises supervisors, door supervisors, managers and club operators incorporated into any joint and mutually beneficial scheme operating in the area.
- ii. Be maintained in good working order at all times when the premises are being used for a licensable activity.
- iii. 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.

- iv. The premises will retain a note of who has responsibility for and control of the above radio. Such records shall be retained for not less than 28 days and made available to the Authorities for inspection upon reasonable request.
- c) The Designated Premises Supervisors or other responsible person, appointed by the DPS from time to time, having responsibility for monitoring radio communication system provided under the provisions of this condition shall comply with any reasonable instructions or directions receive though the system from the police.
- d) The Designated Premises Supervisor or other responsible person, appointed by the DPS from time to time, shall use the radio communication system provided under the provisions of this condition to notify and report any incident of crime and disorder to the police as soon as practically possible, in accordance with agreed protocols.
- e) The Licence holder and Designated Premises Supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events shall:-
  - i. At all times, deemed necessary by the said risk assessment, ensure an appropriate number of Door Supervisors (as defined in the Private Security Industry Act 2001) are on duty at a ratio of not less 1 per 100 customers.
- f) Such risk assessments shall be made available to the police as soon as practicable upon receipt of a formal written request.
- g) The Licence holder and Designated Premises Supervisor shall ensure that where physical searching of patrons is to be undertaken, there is sufficient number of appropriately trained staff to carry out such searches regardless of whether patrons are male and female.
- h) Door supervisors shall wear clothing of the same style, type and colour which may be appropriate to the nature of the venue, but which will ensure that they are clearly distinguished and identifiable as Door Supervisors having regard to the events and activities taking place at the licensed premises.
- i) The Designated Premises supervisor or other responsible person, appointed by the DPS from time to time, shall ensure that on each day that Door supervisors are engaged for duty at the premises that their details (names and licence numbers) are recorded in an appropriate form and kept at the premises. In conjunction with this record, the designated Premises supervisor or other responsible person, appointed by the DPS from time to time, shall also keep a record of incidents. These records must be available for inspection by the police or Authorised Officer at all times when the premises are open.

- j) No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity, save when they have been purchased at the premises.
- k) No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage except for consumption in the area immediately outside of the premises. This condition shall not apply to patrons who have purchased beverages for consumption of the premises with the express consent to the designated Premises Supervisor or responsible person so authorised to do so by the designated Premises Supervisor. No alcohol may be sold for consumption off the premises save for consumption in an external area provided by the premises for that purpose.
- l) There should be no sale of alcoholic drinks for consumption off the premises on New Year's Eve/New Year's Day or when an event is taking place, subject to notice in writing being given to the Licensee for the Licensing Authority (in conjunction with the Durham Constabulary) at least seven days prior to the respective day(s).
- m) The Licensee shall not advertise, promote, and sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.
- n) A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in conjunction with the local Police. Such system shall:-
  - i. Be operated by properly trained staff,
  - ii. Be in operation at all times that the premises are being used for a licensable activity save for periods of maintenance or repair,
  - iii. Ensure coverage of all entrances and exits to the Licensed premises internally and externally,
  - iv. Ensure coverage of such other areas as may be required by the Licensing Authority and the local police,
  - v. Provide continuous recording facilities for each camera to a good standard of clarity, save for periods of maintenance or repair. Such recording shall be retained for a period of 28 days, and shall be supplied to the Licensing Authority or Police on receipt of a request from the Authority for disclosure demonstrating an exemption to the first data protection principle as per the Data Protection Act 1998.
- o) The premises will prepare a document detailing its entry procedures and policies – “the Entrance Policy”. The Entrance Policy will be provided to Durham's Police Licensing section not less than 14 days prior to the first day of trading and a copy shall be lodged with the Licensing Authority. The premises shall operate in accordance with the same, any revisions to the policy shall be communicated to the police as soon as reasonably practicable.

- p) Security will be appointed to manage security at the event. They are experienced and are part of the planning process.
- q) A risk assessment will be in place which covers the risk of violence, aggression and the event of a major incident. This will be detailed within the Event Manual.

### **Public Safety**

- a) The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many persons there are in the premises at times prescribed within the management's risk assessment.
- b) Safety checks including checks of exit doors must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.
- c) Firefighting equipment shall be provided in the licensed premises in accordance with the risk assessment and staff shall be suitably trained as necessary.
- d) At least one suitably trained first aider shall be on duty at all times when the public are present. Adequate and appropriate equipment and materials shall be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.
- e) Emergency lighting must be provided in accordance with BS5266 (current edition) or an equivalent standard approved by the Licensing Authority.

### **The Prevention of Public Nuisance**

- a) The lobby doors at the premises must be kept closed after the hour of 20:00 except for access and egress.
- b) Music played at the premises between 02:00 and 02:30 will gradually reduce in volume so as to create a 'wind down' period.
- c) Lighting provided externally to promote advertising of the premises or activities associated with the premises shall not be of an intensity that would cause reasonable nuisance to neighbouring or adjoining properties.
- d) Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.
- e) No glass or material or bottles shall be deposited in any skip bin or other container of a like nature, located in the open air outside of the premises, between the hours of 22:00 and 08:00 and any such skip, bin or container shall not be removed from the premises between those hours.

- f) Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting.

### **The Protection of Children from Harm**

- a) Appropriate signage will be displayed in the immediate vicinity of any gaming or age sensitive product with the premises advising as to the relevant age restrictions. Such sensitive products will be situated in a position where they may be observed by members of staff and/or the installed CCTV system.

The Committee also considered the conditions following the mediation with the Local Safeguarding Children Board and believe it was necessary to impose the conditions on the Licence as follows:

### **Protection of Children from Harm**

- a) All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

The Committee also considered the conditions following the mediation with the Durham Constabulary and believe it was necessary to impose the conditions on the Licence as follows:

### **Protection of Children from Harm**

- a) The premises shall implement and operate a 'Challenge 25' policy. All members of staff at the premises including Door Supervisors shall seek "credible photographic proof of age evidence" from any persons who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card saying a "PASS" logo. Persons over the age 18 shall be permitted to purchase and consume alcohol.

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

- a) The Licence holder and Designated Premises Supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events shall:-
  - i. A minimum of 2 SIA door staff to start at 18:00hrs on a Saturday evening, rising to 4 SIA door staff by 22:00hrs.
  - ii. A minimum of 2 SIA door staff to start at 18:00hrs on any Sunday evening preceding a Bank Holiday Monday, rising to 4 SIA door staff by 22:00hrs.

- iii. A minimum of 2 SIA door staff to start at 21:00hrs on a Friday evening.
  - iv. A minimum of 2 SIA door staff to start at 21:00hrs on a Wednesday evening, rising to 4 SIA door staff by 22:00hrs.
  - v. A minimum of 2 SIA door staff to start at 21:00hrs on any evening a 'Student Night' event is promoted at site.
- b) The management of the premises will operate a two way radio system within the premises allowing communication between senior management on duty (assistant manager and above) and members of the door team.

The Committee also considered the conditions following the mediation with the Durham and Darlington Fire Service and believe it was necessary to impose the conditions on the Licence as follows:

**Public Safety**

- a) The maximum number of persons permitted on the premises at any one time shall not exceed a figure dictated by the premises' Fire Risk Assessment prepared and maintained in accordance with The Regulatory Reform (Fire Safety) Order 2005. The FRA shall be available for inspection at the premises.

This page is intentionally left blank

## Statutory Licensing Sub-Committee

2<sup>nd</sup> August 2018

### Application for the Review of a Club Premises Certificate




---

## Report of Ian Thompson, Corporate Director, Regeneration and Local Services

---

**Name and address of premises:** The Leather Cap Sports and Social Club, 1-2 Browning Street, Easington Colliery, Peterlee, Co Durham SR8 3RY

### 1. Summary

The Sub-Committee is asked to consider and determine an application by Mr John Noah Smith and Ms Viorica Suceveanu to review the club premises certificate in respect of The Leather Cap Sports and Social Club. The premises currently hold a certificate, which authorises the following activities:

Licensable Activity	Timings
Indoor Sporting Events	Monday to Saturday 11:00 – 00:00 hrs Sunday 11:00 - 23:00 hrs
Live Music (indoors)	Monday to Saturday 11:00 – 00:00 hrs Sunday 11:00 - 23:00 hrs
Recorded Music (indoors)	Monday to Saturday 11:00 – 00:00 hrs Sunday 11:00 - 23:00 hrs
Performance of Dance, facilities for Dancing, Making music (indoors)	Monday to Saturday 11:00 – 00:00 hrs Sunday 11:00 - 23:00 hrs
Supply of Alcohol (on and off supplies)	Monday to Saturday 11:00 – 00:00 hrs Sunday 11:00 - 23:00 hrs

A copy of the current club premises certificate is attached at Appendix 1.

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

### 2. Details of the Application

On 18<sup>th</sup> May 2018, the Licensing Authority received an application from Mr John Smith and Ms Viorica Suceveanu for a review of the club premises certificate (Certificate Licence Number DOEC015). Representations were

made by the Applicants regarding alleged criminal conduct at and in the vicinity around the premises on various dates and issues regarding activities taking place outside of the licensed hours. The Applicants have submitted images to the Licensing Authority. The images provided are exempt under schedule 12A of the Local Government Act 1972 specifically Paragraphs 1,2 and 7. An application will be made under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the public from the Committee prior to the Committee considering the images.

The club premises certificate is in the name of The Leather Cap Sports and Social Club Limited. For members information Mr Michael Walsh is the Chairman of the Club and Mrs Anne Walsh is the Secretary of the Club.

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
- Public Safety
- The Prevention of public nuisance
- The Protection of Children from Harm

A copy of the application for the review of the club premises certificate is attached at Appendix 3.

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

For members information Mr Smith & Ms Suceveanu submitted additional information. This includes a memory stick with audio footage of loud music from the alleged premise. Please see attached Appendix 4.

### **3. Representations**

The licensing authority received ten letters of representation in relation to the club premises certificate review application during the statutory consultation period. One letter was in support of the review application, from Durham Constabulary and they have provided CCTV footage to accompany their representation. The CCTV footage is for consideration of the Licensing Committee and is exempt from publication under paragraph 1,2 and 7 of Schedule 12A of the Local Government Act 1972. An application will be made under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 for public to be excluded when the committee consider the CCTV footage.

The remaining nine letters were in support of the club premises, from residents, namely other persons and one member of the committee.

All representations are listed below:

- Durham Constabulary (in support of the review application)

- Mr I Wilson (in support of the premise)
- Ms S Brightwell (in support of the premise)
- Mr T Armstrong (in support of the premise)
- Mrs P Keegan (in support of the premise)
- Mr I Longworth (in support of the premise)
- Mr P Knox (in support of the premise)
- Miss A Canning (in support of the premise)
- Mr S Halsall (in support of the premise)
- Miss S Kennedy (in support of the premise)

Copies of the representations are attached at Appendix 5.

#### **4. The Parties**

The Parties to the hearing will be:

- Mr John Smith & Ms Viorica Suceveanu (Applicants)
- Mr Michael Walsh & Mrs Anne Walsh – Company Directors of The Leather Cap Sports and Social Club Limited
- Sgt Caroline Dickenson - Durham Constabulary (Responsible Authority)
- Mr I Wilson (other person)
- Ms S Brightwell (other person)
- Mr T Armstrong (other person)
- Mrs P Keegan (other person)
- Mr I Longworth (other person)
- Mr P Knox (other person) – Committee member
- Miss A Canning (other person)
- Mr S Halsall (other person)
- Miss S Kennedy (other person)

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

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

- 7.0 The Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 The Prevention of Public Nuisance
- 10.0 The Protection of Children from Harm
- 22.0 Reviews

Relevant information is attached at Appendix 6.

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

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

- 2.1 – 2.6 Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 – 2.21 Public Nuisance
- 2.22 – 2.32 Protection Children from Harm
- 11.1 – 11.30 Reviews

Relevant information is attached at Appendix 7.

## **7. For Decision**

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

- Take no action
- Modify or add conditions to the club premises certificate
- Exclude a licensable activity from the certificate
- Suspend the club premises certificate for a period (not exceeding three months)
- Revoke the club premises certificate

## **8. Background Papers**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (As amended April 2018)

---

**Contact: Karen Robson**

**Tel: 03000 265104**

**E-mail: karen.robson2@durham.gov.uk**

---

## **APPENDIX 1 – CLUB PREMISES CERTIFICATE**



## LICENSING ACT 2003 CLUB PREMISES CERTIFICATE

<b>Club Premises Certificate Number</b>	DOEC015
<b>Granted</b>	24 November 2005
<b>Issued</b>	18 April 2015

### CLUB DETAILS

Name of club in whose name this certificate is granted and relevant postal address of club	Issuing Authority
<p><b>THE LEATHER CAP SPORTS AND SOCIAL CLUB LTD</b>            1-2 BROWNING STREET            EASINGTON COLLIERY            PETERLEE            SR8 3RY</p>	<p>DURHAM COUNTY COUNCIL            EHCP            LICENSING SERVICES            PO BOX 617            DURHAM            DH1 9HZ</p>
<p><b>Telephone number: 0191 5270708</b></p>	

<p><b>If different from above, the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description</b></p>
<p><b>Telephone number:</b></p>

<p><b>Where the club premises certificate is time limited the dates</b>            N/A</p>
--

<p><b>Qualifying club activities authorised by the certificate</b></p> <ul style="list-style-type: none"> <li>Indoor Sporting Events</li> <li>Live Music</li> <li>Recorded Music</li> <li>Performances of Dance</li> <li>Provision of Facilities for Making Music</li> <li>Provision of Facilities for Dancing</li> <li>Supply of alcohol to a club member</li> </ul>
---

**The times the Club Premises Certificate authorises the carrying out of Qualifying activities (all in 24hr format)**

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

Monday	Not stated	<b>Non standard/seasonal timings:</b> N/A
Tuesday	Not stated	
Wednesday	Not stated	
Thursday	Not stated	
Friday	Not stated	
Saturday	Not stated	
Sunday	Not stated	

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

**Indoor sporting events**

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	N/A
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	<b>Non standard/seasonal timings:</b>
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Live music**  
Indoors only

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	First floor lounge area.
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	<b>Non standard/seasonal timings:</b>
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Recorded music**  
Indoors only

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	First floor and lower lounge areas.
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	<b>Non standard/seasonal timings:</b>
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Performances of dance****Indoors only**

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	First floor lounge area.
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Provision of facilities for making music****Indoors only**

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	First floor and lower lounge areas.
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Provision of facilities for dancing****Indoors only**

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	First floor lounge area.
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Supply of Alcohol****On and Off Supplies**

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	N/A
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	N/A
Saturday	11:00 - 00:00	
Sunday	11:00 - 23:00	

**Where the certificate authorises the supply of alcohol whether these are on and/or off supplies  
ON AND OFF ALCOHOL SUPPLIES**

## **Annex 1 – Mandatory conditions**

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

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises —

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either-

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for 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 -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Minimum Price of Alcohol:**

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Licensing Act 2003, Section 73 - Supply of Alcohol for Consumption Off the Premises**

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any supply of alcohol for consumption off the premises must be made to a member or the club in person.

## **Annex 2 - Conditions consistent with the Club operating Schedule**

### **General**

None

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

The club is a member of the local Pubwatch and participates in the sharing of information with neighbouring premises in respect of disorderly, violent or drunken persons.

Unruly persons will be asked to leave the premises.

Persons who appear to be drunk will not be served.

Alcohol will be sold to members only who must be over 18 years of age and alcohol must be in sealed containers for consumption off the premises.

The management are very much against the illegal use of controlled substances and the bar staff are vigilant with regard to any persons found in possession of such drugs. Should a person be identified in possession of such drugs then the authorities will be informed immediately and any information of benefit to the authorities will be passed on. The person found in possession of the controlled drugs will be barred from the premises.

### **Public Safety**

Consideration is afforded by the general committee to the requirements afforded by other legislation and acts applicable to public safety.

Full fire risk assessment conducted.

Capacity to be limited to:

First floor lounge 110 persons  
Ground floor lounge 60 persons  
Ground floor bar 60 persons

### **The Prevention of Public Nuisance**

Members are actively encouraged to leave the premises and travel home in a quiet and orderly manner.

The committee welcomes input from residents and the constabulary as to any element of the supply of alcohol which has a detrimental effect on the community in the vicinity of this premises and the committee will willingly work with the local police to deal in an effective and positive manner with the minimalisation of public nuisance.

We will actively refuse the sale of alcohol to any person who is barred from licensed premises or there is a court order in place against that individual relating to the entering of licensed premises or the sale of alcohol to a person under the constraints of an anti social behaviour order.

Bar staff will endeavour to ensure that drunken, violent or rowdy persons are not admitted to the premises.

Off sales will be in sealed containers and supplied to members only.

### **Protection of Children from Harm**

**Children under the age of 18 years to be allowed on the premises only when accompanied by a responsible adult and only until 21:00. Alcohol will only be supplied to persons of 18 years of age or over.**

**Identification will be required if persons appear to be under 18 years of age. This identification will be either a photo-card driving licence or a passport.**

**Should there be a suspicion that such a person is acquiring alcohol for a child then that person will be refused the sale on that and following occasions. The alcohol displayed on the premises is in such a position that it can only be accessed by staff.**

**Staff are trained in the requirements of checking identification of apparently young persons. Staff are advised to check identification and question young persons purchasing or attempting to purchase alcohol.**

**There are no persons serving alcohol in the premises under the age of 18 years.**

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

**None**

### **Annex 4 – Plans**

**Attached**

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

**APPENDIX 2 – LOCATION PLAN**



**APPENDIX 3 – REVIEW APPLICATION  
CLUB PREMISES CERTIFICATE**

# DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham. DH1 9HZ

Application for the review of a club premises licence 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 **John Smith & Viorica Suceveanu**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 1-2 Browning Street, Easington Colierly, Durham	
<b>Post town</b> Durham	<b>Post code (if known)</b> SR8 3RY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> The Leather Cap Sports & Social Club Ltd
---

<b>Number of premises licence or club premises certificate (if known)</b> CLUB PREMISES LICENCE DOEC015
---

### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



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 ✓ yes

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

**Surname**

Smith & Suceveanu

**First names**

John & Viorica

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

Street,  
Easington Colierly,  
Durham

**Post town**

Durham

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 2)**

1. On the date of approximate 03/03/2018 , a neighbour was beat with bestiality in streets by a club member, while the other members of the club tried to hide the traces, as the blood from the street with snow.

The person (a handicapat) was left without moving and in the street was just blood, as he was beat with boots in the face as punishment after he was drag out of the pub and he tried to defend in streets when was attacked, in front of the pub owner house, by around 3 peoples.

We see that nobody call the police from the area, while the owner of the pub was around and he see all the event.

The policeman's was advised by the club members that the person was fall in streets. We pass the CCTV recordings to the police, the only clear log to see the attack from streets and the case in pending for criminal court now, having initially around 15 arrests from club members.

The Crime Reference number:

2. My mother, the landlord of the property that is opposite to this club was harass repentantly. by the club members, having high level of noise, outside of the licence hours, in the night. shoutings and persons that tell her racists words when she tried to go out, along with peoples that shout at her to go back in the house whenever she was outside the property.

My mother was also followed in the town and park until back to the house by the peoples that commit the previously violent crimes.

My mother have previously a hearth attack and she see her in the position to abandon the property as results of high level of stress, racism and harassments.

The Crime Reference numbers:

3. Myself, that I am in the property just for renovations, in the weekends, I received a high level of harassment, violence and threats, as on 10/05/2018 I have a large amount of peoples, around 15-20 peoples, drunk and violent, that intimidated me, threat me with a bat and harass me for around 3 hours, shouting to go back in the house and various despicable words.

The club members tighten horses on the electrical pole, along on electrical cables, dismantling the electrical cables from my mother property and almost cause fatalities.

They also tighten a horse straight in front of she s house, laughing loudly, drinking in streets and surrounding the house with a bat and horse, threaten me with a bat, harassing, intimidating showing violence, after the council was in the area and discuss with them earlier on, in order to establish order.

The Crime Reference numbers:

4. Recently, when I tried to expose a few issues that was committed by this club members, exposing them on internet, I received a life and racist threat from a close friend of the Club Owner:

"You foreign scum bag, I now know where you live and I'll be round to rip your fucking heart out but won't feed it to my dog as she'll get food poisoning from you, you evil dirty low life bastard. Fuck off back to where you belong..." - , a club member and a very good friend of the owner of The Leather Cap, on 13/05/2018 hour 11:30, escalated to the police with the number:

He also tried to recruit bombers online in order to bomb me.

5. The Leather Cap Club support violence, harassments and racism, along with providing a high level of noise, antisocial behaviours, racism and life threats in the area and do not respect their hours of trading (they are drinking and make noise until very late in the night, or middle of the day), along with allow their members to drink in streets or vandalise or attack anything and anybody in the area.

The Police Criminal Reports:

And attached are the proofs (Pictures from my own CCTV, mounted to protect my life and my mother life and house).

In generally, in this club are coming just violent travellers, that produce noise, antisocial behaviours, violence and crimes.

This Club is looking more as a Gang, a place where criminals are coming to discuss about what to attack and how to hide traces.

The peoples are moved out from the area, while the streets, park, cannot be used, with violent and drunk peoples in the streets.

The area park is the only one across a few villages, where there are families with kids and they run away instantly when they see this level of issues.

Easington is great, the peoples are amassing and I m sure that we will see more good persons moving in the neighbour, starting to rebuild the area, if this level of threats disappears.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
1	8	05
2	0	18

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date **18/05/2018** .....

Capacity **Local neighbours** .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b> London	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

You foreign scum bag, I  
now know where you live  
and I'll be round to rip your  
f [redacted] heart out but won't  
feed it to my dog as she'll  
get food poisoning from  
you, you evil dirty low life  
b [redacted] F [redacted] c [redacted] back to  
where you belong...



Date: 11/05/2018

Police of Durham

Bourne Street  
SR8 3RZ

Dear Police,

Myself, N S born at in having the address Bourne Street, SR8 3RZ, confirm the following:

When we moved in this property, in December, after 2 weeks, we see on the back of our house write: "We don't Want You Here".

We mounted CCTV.

At the end of February 2018, a person in the streets was almost killed in Bourne Street, attacked by clients and members of The Leather Cap Pub, while the staff and peoples inside of the pub try to hide the traces.

The police then come at our house that is right opposite to this pub and ask for the CCTV evidences, where they discovered that the person attacked was not fall in the street, but was beaten with cruelty, with boots and punch until he fall in streets with no movement and full of blood.

The police come back to the members of the pub and staff and arrested around 15 of them.

After this, we got a large amount of:

- Racism
  - o On April, My mother received the appellative "Gipsy" when she walk on the streets, from the pub members
  - o On 8, 9 and 10 May I got shouting peoples in front of the house, say "Go back in your country"
- Harassment
  - o On March and April, My mother was followed repeated by the owner of the pub in the city and park until she s home
  - o On 8, 9 and 10 May, Myself I got shouting peoples that say to go back in house wherever I was outside or I got the appellative "Bitch"
  - o Persons simulate sex was outside of our property, that also mounted a horse in front of my property and shout at me "bitch"
- Bullying
  - o On 8, 9 and 10 May 2018, The peoples from the pub and their staff and owner, around 15 peoples, laugh at myself in front of the pub and make pictures with a horse and my house that they mount it in front of our house, around 0.5 m, feeding him with beers and drinking close to our house, right after two police peoples was in our property, shouting "bitch" and "go back in your country"
  - o
  - o On 14 February 18, The peoples from the pub manifest a high level of laughing wherever is an issue in the house (as for example, when a scrap man start to swear my mother in the back of the house, they start to laugh loudly)
- Threats
  - o On 10 May 2018, The staff from the pub advice the group of bullying peoples that they are doing excellent, when I was out of the property, while the owner of the pub shake the hands with one of the criminals that harass me

Date: 11/05/2018  
Bourne Street,  
Peterlee, SR8 3RZ

Dear Councillor, Business Licence Department and Police,

Myself, v      §      born in      , in      the landlord of Bourne Street, SR8 3RZ, confirm you the following:

From when I moved in the property from Bourne Street, I got large amount of intimidation, harassment, high noise disturbance and racism coming from the clients and staff of "The Leather Cap" Pub.

When we initially moved here, we see in the back of the house the letters: "We don t want you here".

After this, we mount CCTV to protect ourself and we catch a murder live. A person was almost killed in the middle of the streets, at the end of February.

After we announced the police and the ambulance, as the clients and staff of the Leather Cap pub cruelty beat a person in the streets, let him in blood and almost dead, try to hide the traces after this, we start to have seriously amount of issues with this pub.

In each day or night they create high noise, with music and voice, and shout wherever they see us outside of the house. This peoples also get drunk and drugged in the middle of the streets.

On 8 May 2018, the travellers from the pub manifest a physical violence and verbal abuse against my son, because he asked them to move their horses on the same part with the pub.

Recently they start to produce a high level of intimidation and hate, as on 10/05/2018, they start to attack basically my son, myself been on the phone with him.

They shout at him from outside harassing and intimidating words, placing a horse right in front of my house, around 0.5 m, while around 15 violent peoples with drinks and drugs try to feed the horse with beer. They shout: "Go back in your country".

In regards to myself, the peoples from the pub follow me in the village, until the supermarket and back, in the park and at home and they shout at me from outside.

They put loud music, they are in the middle of the street, with drinks, with drugs, being violent. There was also a few peoples that they told me gipsy, while they walk near me.

I am not sure if I will be attacked and killed. All the time I need to stay closed in the house, scared, as this peoples are violent and shout at me whenever I am outside.

Because of this level of stress and hate, I cannot live in my own property from England.

This page is intentionally left blank

**APPENDIX 4 – ADDITIONAL INFORMATION FROM  
MR SMITH & MS SUCEVEANU**

Bourne Street,  
Easington Colliery,  
Peterlee,  
Durham, SR8 3RZ

Seaham Police Station  
The Avenue  
Seaham  
County Durham, SR7 8AD

Date: 13/06/2018

Dear Paul Footes,

My name is J N S of Bourne Street, SR8 3RZ that live in London.

On 10/06/2018 I was harassed, bullied, defamed, humiliated and observed a malicious and racist communication from M W and the members of the Leather Cap .

I also observe that the post with high public exposure in the local community is still live, being accessible by the local or public peoples.

This hate, malicious and racist communication coming from M W and his club members instigated by himself, create me health damages and also a high personal reputation damage.

On the date of 10/05/2018 I was harassed by a group of individuals coming from The Leather Cap Pub, Easington Colliery, SR8 3RY, that start a targeted bully and harassment attitude, mounting a donkey in front of my house, intentionate straight in front of the door, while the rest of them, around 15, stay around him, drinking and laughing of myself.

Other individuals from that group shout to me "Bitch" and "Go back to your country" , simulating sex in street and surrounding the house with bat.

When the police come, they arrived to the conclusion that the owner of the building and manager of the club, M W coordinated the attack.

Please do provide an update of this reports as soon as possible.

J N S  
Bourne Street  
Peterlee, SR8 3RZ

**Re: Application for Review of the Premises License - The Leather Cap Sports and Social Club**

Thu, 24 May 2018 08:34:21 +0000

To "John".

Tags 

Interesting history Mr Green.  
See you in court

On Wed, May 23, 2018 at 3:58 PM, John < > wrote:

Ps: do not contact me outside of the court, or I open criminal cases against you.

----- On Wed, 23 May 2018 14:18:39 +0000 wrote -----

Got you on YouTube Mr Green. ....

On Wed, 23 May 2018, 15:15 M < > wrote:  
No problem Mr Smith or Mr Green.... or whoever you turn out to be subject to my solicitors further investigation into your passed history.  
I have not seen the photos as yet as that first envelope was passed direct to the police unopened

On Wed, 23 May 2018, 11:53 John, < > wrote:  
You do can try to delay if you want the process, if you intend to make me provide more evidences and be more focused on putting down your business.

----- On Wed, 23 May 2018 10:45:26 +0000 < > wrote -----

The previous package is null and void and as you did not include the photos in your revised application which you stated were included then that application is also void

On Wed, 23 May 2018, 10:28 John, < > wrote:

**Harassment case against Michael Walsh of 1-2 Browning Street, SR8 3RY**



Thu, 24 May 2018 08:53:52 +0000

To "Peterlee" <[pnn.police.uk](mailto:pnn.police.uk)>

Tags

Dear Police,

I got an unknown person, named M W , that send me continuously unsolicited emails and refusing to stop sending them. Taking in considerations that the person is linked with a friend of him that threat me with death and also that is my neighbor, I do believe that I need to report this.

Regards,  
J N S  
Bourne Street, SR8 3RZ

**Re: LEGAL ACTION**

Mon, 25 Jun 2018 09:45:48 +0000

To "John"

Tags 

you are a very disturbed person.  
You need to seek professional medical help  
bye now

On Mon, Jun 25, 2018 at 10:28 AM, John <  
...>

wrote:

--  
M  
Home: +  
Mob : +  
E-mail: y

**Statement**

**Date: 03/07/2018**

**Myself, V ; DOB: from Bourne Street, Peterlee, SR8 3RZ certify the following:**

**On the date of 02/07/2018 hour 11:45 PM a male with a hood and an ax start to destroy our front house, as windows and doors with intentions to breach the house and commit murder.**

**The attacker violently and aggressive smashed the entry in the property in around 1 minute, while after, he wait in front of the property for around 10 minutes, to see any activity in order to finish the murder.**

**I call my son, from London and he call the police, but the Easington Police refuse to intervene, lie that they was in the area, while they was nt, while after multiple calls to the Metropolitan Police, the Durham Police come in the area, after 1 hour and half.**

**The owner of this pub, The Leather Cap, N W , was confirmed by the police as coordinating harassments and threading attacks, while is using an instigation of slander and harassment, asking us to leave the area and we did received life threats from his friends, all of this based on the fact that we handed over a CCTV recording with attempt to murder and harassment from his club members and we applied to shut down his pub.**

**Myself I was harass and threat from more than 3 months, reported to the police and observed no actions, while my son, the same.**

**We also involved the embassy in this issues, as we believe that we discuss about a link with the local parishes that used to come in that pub often.**

**We look forward to have a resolution and we look forward to see the criminals in jail.**

**Regards,**

**V ;**

**Bourne Street,  
Peterlee, Durham  
SR8 3RZ**



Date: 18 Jul 2018  
Name: V S  
Address: Bourne St, SR8 3RZ

Statement,

We buy a house on 3 Nov 2017, in a quite area from Great Britain where I come with a positive and peacefully attitude.

The first serious incident that we have it was generated on 3 March 2018 by the members of The Leather Cap Club that drop outside of the club a disabled person, harassing and assault.

After this, the person was assaulted again, the members of the club keep a hand in his neck in streets, while another person kick him in the head with his boots, until he did not moved and was full of blood.

Seeing that nobody calls the ambulance or the police, for around 30 minutes, while somebody mounted a white sheet on him, as to a dead body, while others of the club members start to hide the blood in the streets, my son call the ambulance that call the police as well.

From this incident to present, we got seriously amounts of intimidations, violence's and harassments, our property becoming almost unusable.

In the date of 04/03/2018 until 23/04/2018, I need to survive to a real philological torture, as example, targeted laser in the night, from the Windows's back, while from the front, I got strong noise and shouting's, targeted, close to the front house walls, where I was forced to sleep, in the night and I could not rest myself because of the fear as somebody could enter in my house.

I tried to protect my son by not telling him all this issues, thinking that will be solved the conflicts, peacefully, without to announce the police.

On 20/04/2018, when my son come to visit me, I explained him all the situation and the fact that I abandon the house and come back abroad, as results of tensions created.

On 23/04/2018, I left, while my son come back on 08/05/2018, to help me with the renovation of the property and the club members of this club applied to him the same harassments and violence's:

On the date of 10/05/2018, a group of club members from The Leather Cap Club mounted a horse close to our entry door, shouting racist and harassing words, threatening with a bat and surrounding the house with a bat, while the rest of them, around 15 simulate sex in streets and shout racists and harassing words against my son, while I was with him on the phone.

The incident was happening on a duration of 3 hours, confirmed by the police that visit the incident that they believe that was behind of this attack.

In order to solve the conflicts, my son tried to get in touch with the owner of the club, that even if he was at home, refused any peacefully discussions, relay on letters, where he threat him if will be taken actions to shut down that club.

In the same letters, agree that he is able to coordinate very well his club members.

Date: 18 Jul 2018  
Name: J N S  
Address: Bourne St, SR8 3RZ

**Statement,**

**My name is J N Smith, I am an IT Consultant, working with various clients from North East and UK, from the last 5 years.**

**As I'm from a while in UK, I thought that I can relocate my mother, an expat European Governmental Employee, in the area of Durham, to be more close with myself.**

**I could not live in the area, coming just occasionally to help her with the renovations.**

**I was at home on 3 March 2018, when a group of club members of The Leather Cap, opposite of the road, start to aggressive harass and attack a person from their club, drop him out, in streets, following by keep him on his neck, while another one start to beat him to death. There was other club members that tried to hide the traces and nobody call the ambulance or the police, while they lied that the victim falls in streets when the police come.**

**We handed over our own CCTV footage showing all the attack, to the police, that proceed with the criminal investigations and in the first phase arrested around 15 of the club members.**

**From this incident to present, myself and my family experienced seriously amount of intimidations, violence instigations, harassments and bullies in order to determine us to abandon the area.**

**On 08/05/2018, I tried to speak with the owner of the club, in regards to a few levels of issues, but he refused to answer to the door, as any other neighbour and speak face to face, so we rely on letters.**

**In the letters, M W threat me that he will send me to court if I take actions to shut down his club licences. He also confirms that he is able to manage his club members.**

**On 10/05/2018, a group of around 15-20 club members of this pub, mounted a donkey in front of our house, threatening with bat and shouting racists and harassing words against myself, for around 3 hours, while I was with my mother on the phone.**

**With just a few days before, my mother was forced to abandon the property, as results of incisive harassments and threats coming from the same club members.**

**From then to present, the situation become worst and worst, if my mother open the window or is outside of the property, the club members swear her, or threat her.**

**I do understand now why the peoples from the area refused to call the police when a person was hit in streets by this violent club members. That because they could suffer the same level of attacks as we suffer now.**

**I also understand why the police did nt hear before us to move there, about any criminal issues from this club members. Because nobody reports them, based on fear of threats and terror.**

On 03/07/2018, in the morning, almost 00:00 , a person with an axe and a hood smashed our front house door and windows's, while my mother was inside of the property and switch on the lights.

Then, the same whisper and peoples talking in front of the house as in the day of the attack was hear from the front club. We also have supplementary links and suspicions that the attacks are coming from this front club.

I also got a seriously life threat, in writing, from a very good friend of M W that he said is the local treasurer from a charity, where he donates money and appear in the local press a while ago.

*"You foreign scum bag, I now know where you live and I'll be round to rip your fucking heart out but won't feed it to my dog as she'll get food poisoning from you, you evll dirty low life bastard. Fuck off back to where you belong".* – from Royal British Legion, branch of Easington, The Leather Cap Club, and very good friend of N W

I do believe that the level of intimidations, harassments and nuisance produced by this The Leather Cap Club reach the maximum limit.

We also got high level of sound almost all the days, at high level inside of our property, coming from The Leather Cap, and after 11:30 PM, while the property have double argon glazing, upvc doors and insulation.

In the corner, there is a park, where are kids and families. I ask a lady with a baby from Horden, in a bus, where she intend to go with she's kid and she said that here, in Easington, to the corner park, as is the only one from the area. However, when she arrived in that park, she moves almost instantly away, as she see drunk peoples in streets, coming from this pub.

The bad influence that this club is having for the area and family's development is seriously damaging.

There are just terraced houses around, while in front we have a loudly, violent and bad behaviour club with members that commit seriously life threats and attack neighbours in streets.

I do believe that the area can be restored to she's original glory, if we start to appreciate more the great family potential of the area, the opportunity to promote more the zone, in a peacefully way, along with respecting the local families safety and removing the threats and terror.

Best Regards,

J N S  
Bourne Street,  
Easington, SR8 3RZ

On 11/05/2018, my son, affected by the area problems, come back in London, where he is living and come back to visit me recently, after the last house attack, from 3 July.

Meanwhile, I come back in the house from Easington and I have the same harassments and violence's as previously. On this time, when I open the window, I was swear directly.

Recently, a person lied by the members of this club, committed racism and shouted at me in the front of my house, shortly after my son was nt in the area.

On the period between 10/05/2018 and 10/07/2018, I sent along with my son, a series of complains for the issues generated by this club members to all the competent parts, in order to ensure that we have a peacefully life in the area.

On the date of 03/07/2018, in the morning, almost 00:00, a person with an axe and a hood, violently destroy the front door and windows's of the property, while I was on the other part of the room and the sharp pieces of glasses was projected on the opposite wall, against me and the criminal continue to hit the windows's and door, while I switch on the interior lights, and after this was other peoples in front of the property whisper and talking. The same whisper and voice we hear on the next day of the attack, coming from the pub.

The left and right properties are empty, along with multiple ones from the area, while the company that own them experience seriously issues in selling the properties. I buy it because we did nt see the pub in front as we did nt view before buy.

The corner park, the only one from the area, is almost unusable, as results of violent and drunk peoples just a few steps away, from this club.

There are a few families, with kids, from Easington, Horden and other village's that tried to use this park for walking their kids and I do believe that the area can become again a peacefully and familyist environment if all the threats disappear.

Best Regards,

✓      ☺  
Bourne Street,  
Easington, SR8 3RZ

---

**From:** John  
**Sent:** 23 July 2018 07:19  
**To:** Karen Robson  
**Subject:** RE: Fwd: Re: THE LEATHER CAP SPORTS AND SOCIAL CLUB LICENCES REVIEWS -  
2nd AUGUST 2018

Dear Karen,

I confirm that between 25 March - 15 May 2018 , the time from my CCTV was not changed according with the UK summer time from 25 March.  
As results, the hour 23:00 become hour 00:00 on my CCTV footage in this period.

Regards,  
John

## **APPENDIX 5 – REPRESENTATIONS**

**From:** Caroline Dickenson  
**Sent:** 15 June 2018 15:05  
**To:** Karen Robson <[Karen.Robson2@durham.gov.uk](mailto:Karen.Robson2@durham.gov.uk)>;

**Subject:** RE: Licensing Act 2003 - Premises Licence /CPC Review application - The Leather Cap Sports and Social Club Ltd Easington Colliery Peterlee

To whom it may concern.

Following the two review applications which have been received in relation to The Leather Cap Sports and Social Club Ltd Easington Colliery Peterlee, Durham Constabulary wish to make the following representation.

The grounds for this representation are as follows and relate to the prevention of crime and disorder objective.

On a serious assault took place within the premises which was observed by the current DPS. There is clear CCTV footage which shows patrons within the premises assaulting a male and the DPS is stood watching this assault where by the victim has sustained significant injuries, at no time has she tried to intervene or contact the police.

The male has then been subject to another violent assault whilst outside of the public house. This assault was carried out by the same male who was responsible for the assault inside of the premises. The DPS is seen on CCTV to go outside whereby she sees the male laid on the floor, however doesn't request an ambulance or contact police.

Three calls were made to the police however none of these were from the DPS or anyone within the premises despite several people witnessing the assault. When police have arrived at the scene, officers have been told that the male had fallen over and despite fully knowing what has occurred inside of the premise the DPS has not offered any information to attending police officers and has chosen to stay quiet.

The victim has suffered a broken jaw in two places

In the licencing application which was granted on 15<sup>th</sup> May 2015 the following was stated under Annex 2 – Conditions consistent with the premises Operating Schedule

#### **Prevention of Crime & Disorder**

Work in close co-operation with the police and local authority.  
Keep a close watch on the customers to see the crime or disorder manifesting and take positive steps as early as possible to avoid the situation growing out of control.

#### **Prevention of Public Nuisance**

Management will deal with any disorder at the very earliest time after seeing the customers getting rowdy and may involve the police for assistance should they fear the situation is going to escalate.

It is expected that the DPS nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises, Durham Constabulary feel the actions and behaviour of the DPS undermine the crime and disorder objective, appears to have no control over the premises or patrons within and has failed to adhere to the conditions stated under Annex 2 of the licence.

Whilst it is for the Licensing Authority to determine the appropriate action to promote the licensing objectives, Durham Constabulary would respectfully seek the revocation of both the Premises Licence and Club Certificate for The Leather Cap Sports and Social Club Ltd Easington Colliery Peterlee and removal of the current DPS.

Thankyou

Caroline

Caroline Dickenson  
PS 484  
Harm Reduction Unit  
Darlington  
Durham Constabulary

---

**From:** i  
**Sent:** 22 May 2018 14:25  
**To:** AHS Licensing  
**Subject:** Re: the leather cap club

**Categories:**

Good afternoon,

I would like to comment that the leather cap is a nice, friendly club. I come in 5 days a week and there is never any trouble or too much noise. The landlord is a gent who looks after everyone and keeps it safe. He should keep his licence. Its a community club

Thanks  
I Wilson

---

**From:** Brightwell D  
**Sent:** 22 May 2018 14:19  
**To:** AHS Licensing  
**Subject:** The Leather Cap, Easington Colliery, Co. Durham

**Categories:**

Dear Sir/Madam,

I am a 68 year old retired Distribution Manager and my wife is still currently employed as a Nurse at The University Hospital of Hartlepool. We have frequented the Leather Cap since Mr W became the owner and I have to say that both Mr and Mrs W are the perfect hosts, as well as the staff who are most courteous and polite. We visit most Monday early evenings, where there is a karaoke night on, quite a lot of the people come to visit from neighbouring Peterlee, Blackhall, Horden etc and all speak highly of the venue and the fantastic evening we all enjoy together. We have also visited on a Sunday lunchtime and Saturday evening and the atmosphere is always one of people socialising, interacting and having a good time. Hand on heart, I can honestly say that I have NEVER witnessed any unruly behaviour, or any form of trouble with respect to fighting etc!! If we had, then my wife and I would not frequent the venue.

May I add that Mr W takes a great pride in his club and his demeanour exudes the fact that he really enjoys people having a great time. I would also like to say that Mr W is a big supporter of the British Legion (having served his country for a number of years) and is actively promoting regular ex armed forces meetings at the club, so that ex comrades can continue touching base with one another. He is also constantly involved with money raising activities within the club, where the proceeds go to the young children of Easington Colliery, as well as providing free parties for parents and children at certain times of the year.

I would like to end by saying the reason I mentioned both my wife's and my status, is to highlight the fact, that like all of the people I interact with at the Leather Cap, we are all "decent genuine people"!!!! (Certainly not homeless druggies) Finally, just to clarify, we have only known Mr W and his family for approximately 1 year and I have to say I find him to be a most articulate, friendly, caring human being who is trying his damned hardest to breathe some new, much needed, life back into Easington Colliery!!

Well Done N we applaud you!!

Kind regards,

Mr Brightwell

---

**From:** T Armstrong  
**Sent:** 28 May 2018 10:18  
**To:** AHS Licensing  
**Subject:** Easington colliery leather cap

Dear Sir,

I recently heard of objections and complaints towards the Leather Cap Sports and Social Club of Easington Colliery and felt that I had to respond.

I was a home owner and resident of the "B streets" in Easington Colliery for nearly 15 years so I have witnessed the demise of the Colliery and it's community.

Over the past 18 months my wife and I have become regular visitors to the Leather Cap and have always been made very welcome by M his team and other patrons. We have never witnessed any anti social behaviour of any sort.

M and his team have injected, much needed, life back into this dying community and should be applauded for this rather than victimised. I would urge any of your team to visit and witnesses first hand what M and his team have achieved in such a short time and it is clearly obvious that not only has he invested alot of time into the Leather Cap buy also alot of money.

Yours Faithfully, T Armstrong

Durham County Council

31 MAY 2018

Adult & Health Services

MRS

KEEGAN

BOURNE STREET,  
GASINGTON COLLEGE,  
PETERBORO,  
CO. DURHAM.  
SE8 8RZ.

Dear Sir/Madam,

I am writing this letter regarding the complaint about noise from the Leather Cap Pub.

I live just across the road from the Pub in No Bourne, and have lived in my house for nearly 20 years now, and not once have I had any reason to complain about the noise level. When I moved into my property I knew there was a pub straight across the road from me, and knew for certain from time to time there would be some noise at some point which is understandable.

There hasn't been any complaints about the noise level about the Club, till a resident moved into No Bourne Street, and started complaining about it.

So I would like to say the owners of the Club have spent a lot of time and money on the Club doing it up to attract more people into the Club. They are a wonderful couple who have turned the Club around to make it work, and to bring the people of Gasington together.

Yours sincerely

---

**From:** [redacted] longworth  
**Sent:** 04 June 2018 12:29  
**To:** AHS Licensing  
**Subject:** Ref/leather cap, Easington colliery. I am a 64 year old ex miner, who also served his country for seven years. I have been a member of the leather cap, (officials club) from 1977 to present day.

I have known mr M [redacted] w [redacted] since we both grew up together in horden as children, although our careers took us down different paths, I am proud to continue to call M [redacted] a good friend, as his many qualities of generosity. Kindness and empathy shines through in abundance. I frequent the leather cap on a regular basis and not only do I really enjoy socialising there, I have made a large amount of new friends from various backgrounds. I find the leather cap to be extremely clean and tidy and the staff to be very accommodating polite and courteous. In this present climate, where Easington colliery is in much need of investment, it is comforting to see M [redacted] making a difference and working to breath new life into the area, he has recently organised ongoing meetings in the leather cap for the royal British legion, in order that comrades past and present, can continue to get together, socialise, reminisce and keep in touch with one another. M [redacted] is also very active in helping to fund trips and parties, for the children and parents of Easington colliery, which goes a long way in maintaining some form of community spirit. I can honestly say i have never witnessed any form of unruly behaviour in the leather cap, on the contrary, just people enjoying themselves. Having witnessed over the past 25 years, the demise of social gathering points, such as pubs and clubs in the Easington area, it is refreshing and much needed, to see M [redacted] his family and staff, working extremely hard to invigorate the area. Thank you M [redacted] and long may it continue.

**Good afternoon,**

**In support of The Leather Cap Sports & Social Club I would like to say Its such a popular pub and a great supporter of the veterans and armed forces, we have raised hundreds of pound for the British legion and help for Heroes.**

**We have now formed an easington district legion and hope to go forward.**

**We are not drug dealers,or low lives.**

**We are here to help our community in welfare for people in need.**

**It's ridiculous that one person can make such a huge upset in our colliery.**

**Kind Regards**

**Knox**

---

**From:** a canning  
**Sent:** 09 June 2018 00:21  
**To:** AHS Licensing  
**Subject:** The leather cap sports and social

Dear karen robson,

I have known m & a for a very long time and have been attending socially in the leather cap in Easington for many years. being a local to the Easington area and being from peterlee it is my local where i spend many weekends and week nights. i can confirm that M and a are people of great integrity, are extremely dedicated to there family, friends and there business and they are entirely peace loving good people. furthermore they have given the Easington and surround villages/towns community spirit by offering a place for amazing social events and gatherings. the charity events that take place there raise money for good causes for example me and my friends raised £1500 for teenage cancer trust last year by being allowed to host a rock night with a band and have raffles and auctions to raise the money for them and this year in October we are hosting another event and our charity is heel & toe children's charity this year they do not get government funding so they solely rely on the help and fundraising from others and we are please that m and a ave let us host another event here at there premises.

Your sincerely  
Miss A Canning

---

**From:** S Halsall  
**Sent:** 09 June 2018 00:29  
**To:** AHS Licensing  
**Subject:** The leather cap sports and social

Dear karen robson,

I have known m & a for a very long time and have been attending the leather cap in Easington for many years. being a local to the Easington area living in bourne street previously it is and has been my local where i spend many weekends. i can confirm that M and a are people of great integrity, are extremely dedicated to there family, friends and there business. furthermore they have given the Easington and surround villages community spirit by offering a place for amazing social events and gatherings. the charity events that take place there raise money for good causes for example friends raised £1500 for teenage cancer trust last year by being allowed to host a rock night with a band to raise the money for them and this year in October they are hosting another event and there charity is heel & toe children's charity this year the charity does not get government funding so they solely rely on the help and fundraising from others and they are please that m and a have let them host another event here at there premises.

Your sincerely  
Mr S Halsall

Miss S Kennedy

Address Allan Street, Easington, Durham, SR8 3QH

Telephone

Email

Review of licence for easington officials club (leather cap). I occasionally frequent this establishment and live round the corner. I have never seen or heard of any trouble from said establishment and indeed would even recommend it to family and friends it is a lovely place always clean friendly and rowdiness is not allowed. The staff and clientele are always most welcoming and make you feel at ease. Thank you for your time, S

## **APPENDIX 6 - STATEMENT OF LICENSING POLICY**

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

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

7.1 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.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all 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 14 television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to 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. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered 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.

7.6 The application for premises licence 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.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. 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.

7.8 The Licensing Authority will only impose a maximum number of people that can attend 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.

7.9 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.

7.10 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.

7.11 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 do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

**7.12 Toughened/Safety Glass Policy:** Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

**7.13 Drugs/Knives/Weapons:** The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

## **8.0 Public Safety**

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

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

## **9.0 Prevention of Public Nuisance**

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

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

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

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

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

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

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

**9.8 Takeaways and fast-food outlets:** The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

## **10.0 Protection of Children from Harm**

10.1 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 and the effects of alcohol on parenting.

10.2 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.

10.3 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.

10.4 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.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 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 and proxy sales and are to be encouraged.

10.8 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.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, 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.

10.10 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.

10.11 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.

10.12 Children and Public Entertainment: 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.

10.13 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 Disclosure and Barring Service.

10.14 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.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **22.0 Reviews**

22.1 The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation.

22.2 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 any other person. 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.

22.3 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an 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/certificate for up to 3 months or the revocation of the licence/certificate.

22.4 Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

22.5 It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
- Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
- Talking to the relevant "responsible authority" (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.

22.6 If a request for a review of the premises licence is made by e.g. a local resident, they are required to notify the holder of the premises licence or club premises certificate and the "responsible authorities", by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the licensing authority. The licensing authority will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

22.7 A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious

if they appear to be intended to cause aggravation or annoyance without reasonable cause.

22.8 The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

22.9 After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved.

22.10 The licensing authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the licensing sub-committee in support of the request for review. They must then give the authority at least 5 working days' notice (prior to the start of the hearing), advising:

- If they will attend the hearing in person,
- Whether they will be represented by someone else (e.g. councillor / MP / lawyer / residents' association representative / friend),
- If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

22.11 Once the sub-committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action,
- Modifying the conditions of the licence (change, add or remove conditions – Including operating hours),
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor,
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

22.12 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.

22.13 Appeals against the decisions of the Licensing Authority - There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

22.14 If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and

not a rule, and any resident with reasonable grounds for appeal should not be penalised.

22.15 If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The licensing authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

22.16 An application to appeal the decision must be made within 21 days of the notice of decision.

22.17 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.

22.18 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

## **APPENDIX 7 – SECTION 182 GUIDANCE**

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as

appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

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

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

---

<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;

- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that

each of the enforcement arms should be aware of the warnings each of them has given.

### Table of relevant offences under the 2003 Act

<b>Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

## Section 182 Guidance - 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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. 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 14 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 hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more

than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- 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;
  - 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)<sup>10</sup>;
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - 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 to address the causes of concern that instigated the review.

- 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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, the sale of firearms, or the sexual exploitation of children. 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 and the prevention of illegal working 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 drugs controlled under the Misuse of Drugs Act 1971 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 or illegal working compliance 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. 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**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where 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 appropriate.

## Statutory Licensing Sub-Committee

2<sup>nd</sup> August 2018

### Application for the Review of a Premises Licence




---

## Report of Ian Thompson, Corporate Director, Regeneration and Local Services

---

**Name and address of premises:** The Leather Cap Sports and Social Club,  
1-2 Browning Street, Easington Colliery, Peterlee, Co Durham SR8 3RY

### 1. Summary

The Sub-Committee is asked to consider and determine an application by Mr John Smith and Ms Viorica Suceveanu to review the premises licence in respect of The Leather Cap Sports and Social Club. The premises currently holds a licence, which authorises the following activities:

Licensable Activity	Timings
Live Music (indoors)	Thursday to Saturday 20:00 – 23:00 hrs
Recorded Music (indoors)	Monday to Sunday 11:00 – 15:00 hrs 18:00 – 23:00 hrs
Sale of Alcohol (On and off sales)	Monday to Sunday 11:00 - 23:00 hrs
Opening Hours	Monday to Saturday 11:00 – 15:00 hrs 17:00 – 23:00 hrs Sunday 11:00 – 15:00 hrs 18:00 – 23:00 hrs

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

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

### 2. Details of the Application

On 18<sup>th</sup> May 2018, the Licensing Authority received an application from Mr John Smith and Ms Viorica Suceveanu for a review of the premises licence (Licence Number DCCC/PLA0230). Representations were made by the Applicants regarding alleged criminal conduct at and in the vicinity around the premises on various dates and issues regarding activities taking place outside of the licensed hours. The Applicants have submitted images to the Licensing

Authority. The images provided are exempt under schedule 12A of the Local Government Act 1972 specifically Paragraphs 1,2 and 7. An application will be made under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the public from the Committee prior to the Committee considering the images.

The premises licence holder is The Leather Cap Sports and Social Club Limited. For members information Mr Michael Walsh was appointed Company Director on 12/01/2015 and resigned on 15/03/2017. Mrs Anne Walsh was appointed Company Director on 15/3/2018. The Designated Premises Supervisor is Mrs Anne Walsh.

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
- Public Safety
- The Prevention of public nuisance
- The Protection of Children from Harm

A copy of the application for the review of the premises licence is attached at Appendix 3.

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

For members information Mr Smith & Ms Suceveanu submitted additional information. This includes a memory stick with audio footage of loud music from the alleged premise. Please see attached Appendix 4.

### **3. Representations**

The licensing authority received ten letters of representation in relation to the premises licence review application during the statutory consultation period. One letter was in support of the review application, from Durham Constabulary and they have provided CCTV footage to accompany their representation. The CCTV footage is for consideration of the Licensing Committee and is exempt from publication under paragraph 1,2 and 7 of Schedule 12A of the Local Government Act 1972. An application will be made under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 for public to be excluded when the committee consider the CCTV footage.

The remaining nine letters were in support of the premises, from residents, namely other persons.

All representations are listed below:

- Durham Constabulary (in support of the review application)
- Mr I Wilson (in support of the premise)
- Ms S Brightwell (in support of the premise)

- Mr T Armstrong (in support of the premise)
- Mrs P Keegan (in support of the premise)
- Mr I Longworth (in support of the premise)
- Mr P Knox (in support of the premise)
- Miss A Canning (in support of the premise)
- Mr S Halsall (in support of the premise)
- Miss S Kennedy (in support of the premise)

Copies of the representations are attached at Appendix 5.

#### **4. The Parties**

The Parties to the hearing will be:

- Mr John Smith & Ms Viorica Suceveanu (Applicants)
- Sgt Caroline Dickenson - from Durham Constabulary
- Mr I Wilson (other person)
- Ms S Brightwell (other person)
- Mr T Armstrong (other person)
- Mrs P Keegan (other person)
- Mr I Longworth (other person)
- Mr P Knox (other person)
- Miss A Canning (other person)
- Mr S Halsall (other person)
- Miss S Kennedy (other person)

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

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

- 7.0 The Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 The Prevention of Public Nuisance
- 10.0 The Protection of Children from Harm
- 22.0 Reviews

Relevant information is attached at Appendix 6.

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

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

- 2.1 – 2.6 Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 – 2.21 Public Nuisance
- 2.22 – 2.32 Protection Children from Harm
- 11.1 – 11.30 Reviews

Relevant information is attached at Appendix 7.

## **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 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

## **8. Background Papers**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003  
(As amended April 2018)

---

**Contact: Karen Robson**

**Tel: 03000 265104**

**E-mail: [karen.robson2@durham.gov.uk](mailto:karen.robson2@durham.gov.uk)**

---

## **APPENDIX 1 – PREMISES LICENCE**



## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence Number**  
**Granted**  
**Issued**

<b>DCCC/PLA0230</b>
<b>15 May 2015</b>
<b>02 June 2015</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>THE LEATHER CAP SPORTS AND SOCIAL CLUB LTD</b> 1-2 BROWNING STREET EASINGTON COLLIERY PETERLEE SR8 3RY	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
<b>Telephone number: 0191 5270708</b>	

<b>Where the licence is time limited the dates</b> N/A
---

<b>Licensable activities authorised by this licence</b> Live Music Recorded Music Sale by retail of alcohol
--

<b>Opening Hours of the Premises</b>		
Mon	11:00-15:00	<b>Non-standard/seasonal timings</b> New Year's Eve: until 01:00 on New Year's Day.
Mon	17:00-23:00	
Tue	11:00-15:00	
Tue	17:00-23:00	
Wed	11:00-15:00	
Wed	17:00-23:00	
Thu	11:00-15:00	
Thu	17:00-23:00	
Fri	11:00-15:00	
Fri	17:00-23:00	
Sat	11:00-15:00	
Sat	17:00-23:00	
Sun	11:00-15:00	
Sun	18:00-23:00	

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

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

<b>Live Music Indoors</b> Thu 20:00-23:00 Fri 20:00-23:00 Sat 20:00-23:00	<b>Further details</b> N/A Non-standard/seasonal timings N/A
<b>Recorded Music Indoors</b>  Mon 11:00-15:00 Mon 17:00-23:00 Tue 11:00-15:00 Tue 18:00-23:00 Wed 11:00-15:00 Wed 18:00-23:00 Thu 11:00-15:00 Thu 18:00-23:00 Fri 11:00-15:00 Fri 18:00-23:00 Sat 11:00-15:00 Sat 18:00-23:00 Sun 11:00-15:00 Sun 18:00-23:00	<b>Further details</b> N/A Non-standard/seasonal timings New Year's Eve: until 01:00 on New Year's Day.
<b>Sale by retail of alcohol</b>  Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00 Sun 11:00-23:00	<b>Further details</b> Non-standard/seasonal timings New Year's Eve: until 01:00 on New Year's Day.

Part 2

<b>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
The Leather Cap Sports and Social Club Ltd 1-2 Browning Street Easington Colliery Peterlee SR8 3RY	
<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	9383297
Charity no:	N/A

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

MRS ANNE WALSH

**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**

### **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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either-

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for 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 -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Minimum Price of Alcohol:**

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a

day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

### **General**

Ensure by competency assessment that all employees are trained in the safe and effective running of the establishment. We have a training course (in house) in place.

### **Prevention of Crime & Disorder**

Work in close co-operation with the police and local authority.

Keep a close watch on the customers to see the crime or disorder manifesting and take positive steps as early as possible to avoid the situation growing out of control. We have updated the alarm and CCTV system and all doors are fitted with security locks.

### **Public Safety**

Ensure that premises are kept in good order to maintain a safe environment. Ensure the fire plan and appliance are inspected weekly and re- certified on the due date for re-test. Maintain all fire exits and ensure they are kept clear of any obstruction which may impede an exit.

### **Prevention of Public Nuisance**

Staff to be trained for the under 25 rule.

Staff will be vigilant and will not serve anyone who is intoxicated. Staff will report to the supervisor should they suspect that any illegal substances are being used or traded on the premises Management will deal with any disorder at the very earliest time after seeing the customers getting rowdy and may involve the police for assistance should they fear the situation is going to escalate.

### **Protection of Children from Harm**

Staff are trained to ensure children are not exposed to any harm from the facilities of the club and people using the club. Training of staff - all staff responsible for selling age restricted goods will be trained to implement the age verification policy. Training records for staff will be maintained and refresher training will be provided annually. Minimise the risk of proxy sales - safeguards will be in place to try ensure that alcohol is not purchased or obtained for young people by relatives or older friends (proxy provision) the applicant will work actively with the police to minimise this risk. Staff training will include the risk from proxy sales. Maintain a refusals register - where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register will be updated. The register will be made available to the police on request. Children will be supervised at all times by a responsible adult and will not be allowed to run around the bar. Children will have to be taken out of the premises by 21:00  
Children will not be allowed in the serving areas of the bar.

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

None

**Annex 4 – Plans attached**

Attached

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

**APPENDIX 2 – LOCATION PLAN**



**APPENDIX 3 – REVIEW APPLICATION  
PREMISES LICENCE**

# DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham. DH1 9HZ

Application for the review of a premises licence 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 **John Smith & Viorica Suceveanu**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 1-2 Browning Street, Easington Colierly, Durham	
<b>Post town</b> Durham	<b>Post code (if known)</b> SR8 3RY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> The Leather Cap Sports & Social Club Ltd
---

<b>Number of premises licence or club premises certificate (if known)</b> PREMISES LICENCE DCCC/PLA0230
---

### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



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 ✓ yes

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

**Surname**

Smith & Suceveanu

**First names**

John & Viorica

I am 18 years old or over

Please tick ✓ yes

**Current postal address if different from premises address**

Street,  
Easington Colierly,  
Durham

**Post town**

Durham

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 2)**

1. On the date of approximate 03/03/2018 , a neighbour was beat with bestiality in streets by a club member, while the other members of the club tried to hide the traces, as the blood from the street with snow.

The person (a handicapat) was left without moving and in the street was just blood, as he was beat with boots in the face as punishment after he was drag out of the pub and he tried to defend in streets when was attacked, in front of the pub owner house, by around 3 peoples.

We see that nobody call the police from the area, while the owner of the pub was around and he see all the event.

The policeman's was advised by the club members that the person was fall in streets. We pass the CCTV recordings to the police. the only clear log to see the attack from streets and the case in pending for criminal court now, having initially around 15 arrests from club members.

The Crime Reference number

2. My mother, the landlord of the property that is opposite to this club was harass repentantly, by the club members, having high level of noise, outside of the licence hours, in the night, shoutings and persons that tell her racists words when she tried to go out, along with peoples that shout at her to go back in the house whenever she was outside the property.

My mother was also followed in the town and park until back to the house by the peoples that

commit the previously violent crimes.

My mother have previously a hearth attack and she see her in the position to abandon the property as results of high level of stress, racism and harassments.

The Crime Reference numbers:

3. Myself, that I am in the property just for renovations, in the weekends, I received a high level of harassment, violence and threats, as on 10/05/2018 I have a large amount of peoples, around 15-20 peoples, drunk and violent, that intimidated me, threat me with a bat and harass me for around 3 hours, shouting to go back in the house and various despicable words.

The club members tighten horses on the electrical pole, along on electrical cables, dismantling the electrical cables from my mother property and almost cause fatalities.

They also tighten a horse straight in front of she s house, laughing loudly, drinking in streets and surrounding the house with a bat and horse, threaten me with a bat, harassing, intimidating showing violence, after the council was in the area and discuss with them earlier on, in order to establish order.

The Crime Reference numbers:

4. Recently, when I tried to expose a few issues that was committed by this club members, exposing them on internet, I received a life and racist threat from a close friend of the Club Owner:

"You foreign scum bag, I now know where you live and I'll be round to rip your fucking heart out but won't feed it to my dog as she'll get food poisoning from you, you evil dirty low life bastard. Fuck off back to where you belong..." - , a club member and a very good friend of , the owner of The Leather Cap, on 13/05/2018 hour 11:30, escalated to the police with the number:

He also tried to recruit bombers online in order to bomb me.

5. The Leather Cap Club support violence, harassments and racism, along with providing a high level of noise, antisocial behaviours, racism and life threats in the area and do not respect their hours of trading (they are drinking and make noise until very late in the night, or middle of the day), along with allow their members to drink in streets or vandalise or attack anything and anybody in the area.

The Police Criminal Reports:

And attached are the proofs (Pictures from my own CCTV, mounted to protect my life and my mother life and house).

In generally, in this club are coming just violent travellers, that produce noise, antisocial behaviours, violence and crimes.

This Club is looking more as a Gang, a place where criminals are coming to discuss about what to attack and how to hide traces.

The peoples are moved out from the area, while the streets, park, cannot be used, with violent and drunk peoples in the streets.

The area park is the only one across a few villages, where there are families with kids and they run away instantly when they see this level of issues.

Easington is great, the peoples are amassing and I m sure that we will see more good persons moving in the neighbour, starting to rebuild the area, if this level of threats disappears.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
1	8	052018

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **18/05/2018**

.....

Capacity **Local neighbours**

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**  
London

**Post Code**

**Telephone number (if any)**

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

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

You f [redacted] scum bag, I  
now know where you live  
and I'll be round to rip your  
f [redacted] heart out but won't  
feed it to my dog as she'll  
get food poisoning from  
you, you evil dirty low life  
b [redacted] F [redacted] c back to  
where you belong...



Date: 11/05/2018

Police of Durham

Bourne Street  
SR8 3RZ

Dear Police,

Myself, N S born at in having the address Bourne Street, SR8 3RZ, confirm the following:

When we moved in this property, in December, after 2 weeks, we see on the back of our house write: "We don't Want You Here".

We mounted CCTV.

At the end of February 2018, a person in the streets was almost killed in Bourne Street, attacked by clients and members of The Leather Cap Pub, while the staff and peoples inside of the pub try to hide the traces.

The police then come at our house that is right opposite to this pub and ask for the CCTV evidences, where they discovered that the person attacked was not fall in the street, but was beaten with cruelty, with boots and punch until he fall in streets with no movement and full of blood.

The police come back to the members of the pub and staff and arrested around 15 of them.

After this, we got a large amount of:

- Racism
  - o On April, My mother received the appellative "Gipsy" when she walk on the streets, from the pub members
  - o On 8, 9 and 10 May I got shouting peoples in front of the house, say "Go back in your country"
- Harassment
  - o On March and April, My mother was followed repeated by the owner of the pub in the city and park until she s home
  - o On 8, 9 and 10 May, Myself I got shouting peoples that say to go back in house wherever I was outside or I got the appellative "Bitch"
  - o Persons simulate sex was outside of our property, that also mounted a horse in front of my property and shout at me "bitch"
- Bullying
  - o On 8, 9 and 10 May 2018, The peoples from the pub and their staff and owner, around 15 peoples, laugh at myself in front of the pub and make pictures with a horse and my house that they mount it in front of our house, around 0.5 m, feeding him with beers and drinking close to our house, right after two police peoples was in our property, shouting "bitch" and "go back in your country"
  - o
  - o On 14 February 18, The peoples from the pub manifest a high level of laughing wherever is an issue in the house (as for example, when a scrap man start to swear my mother in the back of the house, they start to laugh loudly)
- Threats
  - o On 10 May 2018, The staff from the pub advice the group of bullying peoples that they are doing excellent, when I was out of the property, while the owner of the pub shake the hands with one of the criminals that harass me

Date: 11/05/2018  
Bourne Street,  
Peterlee, SR8 3RZ

Dear Councillor, Business Licence Department and Police,

Myself, v [redacted] born in [redacted], in [redacted] the landlord of Bourne Street, SR8 3RZ, confirm you the following:

From when I moved in the property from Bourne Street, I got large amount of intimidation, harassment, high noise disturbance and racism coming from the clients and staff of "The Leather Cap" Pub.

When we initially moved here, we see in the back of the house the letters: "We don't want you here".

After this, we mount CCTV to protect ourselves and we catch a murder live. A person was almost killed in the middle of the streets, at the end of February.

After we announced the police and the ambulance, as the clients and staff of the Leather Cap pub cruelly beat a person in the streets, let him in blood and almost dead, try to hide the traces after this, we start to have seriously amount of issues with this pub.

In each day or night they create high noise, with music and voice, and shout wherever they see us outside of the house. These peoples also get drunk and drugged in the middle of the streets.

On 8 May 2018, the travellers from the pub manifest a physical violence and verbal abuse against my son, because he asked them to move their horses on the same part with the pub.

Recently they start to produce a high level of intimidation and hate, as on 10/05/2018, they start to attack basically my son, myself been on the phone with him.

They shout at him from outside harassing and intimidating words, placing a horse right in front of my house, around 0.5 m, while around 15 violent peoples with drinks and drugs try to feed the horse with beer. They shout: "Go back in your country".

In regards to myself, the peoples from the pub follow me in the village, until the supermarket and back, in the park and at home and they shout at me from outside.

They put loud music, they are in the middle of the street, with drinks, with drugs, being violent. There was also a few peoples that they told me gipsy, while they walk near me.

I am not sure if I will be attacked and killed. All the time I need to stay closed in the house, scared, as these peoples are violent and shout at me whenever I am outside.

Because of this level of stress and hate, I cannot live in my own property from England.

**APPENDIX 4 – ADDITIONAL INFORMATION FROM  
MR SMITH & MS SUCEVEANU**

Bourne Street,  
Easington Colliery,  
Peterlee,  
Durham, SR8 3RZ

Seaham Police Station  
The Avenue  
Seaham  
County Durham, SR7 8AD

Date: 13/06/2018

Dear Paul Footes,

My name is J N S of Bourne Street, SR8 3RZ that live in London.

On 10/06/2018 I was harassed, bullied, defamed, humiliated and observed a malicious and racist communication from M W and the members of the Leather Cap .

I also observe that the post with high public exposure in the local community is still live, being accessible by the local or public peoples.

This hate, malicious and racist communication coming from M W and his club members instigated by himself, create me health damages and also a high personal reputation damage.

On the date of 10/05/2018 I was harassed by a group of individuals coming from The Leather Cap Pub, Easington Colliery, SR8 3RY, that start a targeted bully and harassment attitude, mounting a donkey in front of my house, intentionate straight in front of the door, while the rest of them, around 15, stay around him, drinking and laughing of myself.

Other individuals from that group shout to me "Bitch" and "Go back to your country" , simulating sex in street and surrounding the house with bat.

When the police come, they arrived to the conclusion that the owner of the building and manager of the club, M W coordinated the attack.

Please do provide an update of this reports as soon as possible.

J N S  
Bourne Street  
Peterlee, SR8 3RZ

**Re: Application for Review of the Premises License - The Leather Cap Sports and Social Club**

Thu, 24 May 2018 08:34:21 +0000

To "John".

Tags 

Interesting history Mr Green.  
See you in court

On Wed, May 23, 2018 at 3:58 PM, John < > wrote:

Ps: do not contact me outside of the court, or I open criminal cases against you.

----- On Wed, 23 May 2018 14:18:39 +0000 wrote -----

Got you on YouTube Mr Green. ....

On Wed, 23 May 2018, 15:15 M < > wrote:  
No problem Mr Smith or Mr Green.... or whoever you turn out to be subject to my solicitors further investigation into your passed history.  
I have not seen the photos as yet as that first envelope was passed direct to the police unopened

On Wed, 23 May 2018, 11:53 John, < > wrote:  
You do can try to delay if you want the process, if you intend to make me provide more evidences and be more focused on putting down your business.

----- On Wed, 23 May 2018 10:45:26 +0000 < > wrote -----

The previous package is null and void and as you did not include the photos in your revised application which you stated were included then that application is also void

On Wed, 23 May 2018, 10:28 John, < > wrote:

**Harassment case against Michael Walsh of 1-2 Browning Street, SR8 3RY**



Thu, 24 May 2018 08:53:52 +0000

To "Peterlee" <[pnn.police.uk](mailto:pnn.police.uk)>

Tags

Dear Police,

I got an unknown person, named M W , that send me continuously unsolicited emails and refusing to stop sending them. Taking in considerations that the person is linked with a friend of him that threat me with death and also that is my neighbor, I do believe that I need to report this.

Regards,  
J N S  
Bourne Street, SR8 3RZ

**Re: LEGAL ACTION**

Mon, 25 Jun 2018 09:45:48 +0000

To "John"

Tags 

you are a very disturbed person.  
You need to seek professional medical help  
bye now

On Mon, Jun 25, 2018 at 10:28 AM, John <

wrote:

--  
M

Home: +

Mob : +

E-mail: y

**Statement**

**Date: 03/07/2018**

**Myself, V ; DOB: from Bourne Street, Peterlee, SR8 3RZ certify the following:**

**On the date of 02/07/2018 hour 11:45 PM a male with a hood and an ax start to destroy our front house, as windows and doors with intentions to breach the house and commit murder.**

**The attacker violently and aggressive smashed the entry in the property in around 1 minute, while after, he wait in front of the property for around 10 minutes, to see any activity in order to finish the murder.**

**I call my son, from London and he call the police, but the Easington Police refuse to intervene, lie that they was in the area, while they was nt, while after multiple calls to the Metropolitan Police, the Durham Police come in the area, after 1 hour and half.**

**The owner of this pub, The Leather Cap, N W , was confirmed by the police as coordinating harassments and threading attacks, while is using an instigation of slander and harassment, asking us to leave the area and we did received life threats from his friends, all of this based on the fact that we handed over a CCTV recording with attempt to murder and harassment from his club members and we applied to shut down his pub.**

**Myself I was harass and threat from more than 3 months, reported to the police and observed no actions, while my son, the same.**

**We also involved the embassy in this issues, as we believe that we discuss about a link with the local parishes that used to come in that pub often.**

**We look forward to have a resolution and we look forward to see the criminals in jail.**

**Regards,**

**V ;**

**Bourne Street,  
Peterlee, Durham  
SR8 3RZ**



Date: 18 Jul 2018  
Name: V S  
Address: Bourne St, SR8 3RZ

Statement,

We buy a house on 3 Nov 2017, in a quite area from Great Britain where I come with a positive and peacefully attitude.

The first serious incident that we have it was generated on 3 March 2018 by the members of The Leather Cap Club that drop outside of the club a disabled person, harassing and assault.

After this, the person was assaulted again, the members of the club keep a hand in his neck in streets, while another person kick him in the head with his boots, until he did not moved and was full of blood.

Seeing that nobody calls the ambulance or the police, for around 30 minutes, while somebody mounted a white sheet on him, as to a dead body, while others of the club members start to hide the blood in the streets, my son call the ambulance that call the police as well.

From this incident to present, we got seriously amounts of intimidations, violence's and harassments, our property becoming almost unusable.

In the date of 04/03/2018 until 23/04/2018, I need to survive to a real philological torture, as example, targeted laser in the night, from the Windows's back, while from the front, I got strong noise and shouting's, targeted, close to the front house walls, where I was forced to sleep, in the night and I could not rest myself because of the fear as somebody could enter in my house.

I tried to protect my son by not telling him all this issues, thinking that will be solved the conflicts, peacefully, without to announce the police.

On 20/04/2018, when my son come to visit me, I explained him all the situation and the fact that I abandon the house and come back abroad, as results of tensions created.

On 23/04/2018, I left, while my son come back on 08/05/2018, to help me with the renovation of the property and the club members of this club applied to him the same harassments and violence's:

On the date of 10/05/2018, a group of club members from The Leather Cap Club mounted a horse close to our entry door, shouting racist and harassing words, threatening with a bat and surrounding the house with a bat, while the rest of them, around 15 simulate sex in streets and shout racists and harassing words against my son, while I was with him on the phone.

The incident was happening on a duration of 3 hours, confirmed by the police that visit the incident that they believe that was behind of this attack.

In order to solve the conflicts, my son tried to get in touch with the owner of the club, that even if he was at home, refused any peacefully discussions, relay on letters, where he threat him if will be taken actions to shut down that club.

In the same letters, agree that he is able to coordinate very well his club members.

Date: 18 Jul 2018  
Name: J N S  
Address: Bourne St, SR8 3RZ

**Statement,**

**My name is J N Smith, I am an IT Consultant, working with various clients from North East and UK, from the last 5 years.**

**As I'm from a while in UK, I thought that I can relocate my mother, an expat European Governmental Employee, in the area of Durham, to be more close with myself.**

**I could not live in the area, coming just occasionally to help her with the renovations.**

**I was at home on 3 March 2018, when a group of club members of The Leather Cap, opposite of the road, start to aggressive harass and attack a person from their club, drop him out, in streets, following by keep him on his neck, while another one start to beat him to death. There was other club members that tried to hide the traces and nobody call the ambulance or the police, while they lied that the victim falls in streets when the police come.**

**We handed over our own CCTV footage showing all the attack, to the police, that proceed with the criminal investigations and in the first phase arrested around 15 of the club members.**

**From this incident to present, myself and my family experienced seriously amount of intimidations, violence instigations, harassments and bullies in order to determine us to abandon the area.**

**On 08/05/2018, I tried to speak with the owner of the club, in regards to a few levels of issues, but he refused to answer to the door, as any other neighbour and speak face to face, so we rely on letters.**

**In the letters, M W threat me that he will send me to court if I take actions to shut down his club licences. He also confirms that he is able to manage his club members.**

**On 10/05/2018, a group of around 15-20 club members of this pub, mounted a donkey in front of our house, threatening with bat and shouting racists and harassing words against myself, for around 3 hours, while I was with my mother on the phone.**

**With just a few days before, my mother was forced to abandon the property, as results of incisive harassments and threats coming from the same club members.**

**From then to present, the situation become worst and worst, if my mother open the window or is outside of the property, the club members swear her, or threat her.**

**I do understand now why the peoples from the area refused to call the police when a person was hit in streets by this violent club members. That because they could suffer the same level of attacks as we suffer now.**

**I also understand why the police did nt hear before us to move there, about any criminal issues from this club members. Because nobody reports them, based on fear of threats and terror.**

On 03/07/2018, in the morning, almost 00:00 , a person with an axe and a hood smashed our front house door and windows's, while my mother was inside of the property and switch on the lights.

Then, the same whisper and peoples talking in front of the house as in the day of the attack was hear from the front club. We also have supplementary links and suspicions that the attacks are coming from this front club.

I also got a seriously life threat, in writing, from a very good friend of M W that he said is the local treasurer from a charity, where he donates money and appear in the local press a while ago.

*"You foreign scum bag, I now know where you live and I'll be round to rip your fucking heart out but won't feed it to my dog as she'll get food poisoning from you, you evll dirty low life bastard. Fuck off back to where you belong".* – from Royal British Legion, branch of Easington, The Leather Cap Club, and very good friend of N W

I do believe that the level of intimidations, harassments and nuisance produced by this The Leather Cap Club reach the maximum limit.

We also got high level of sound almost all the days, at high level inside of our property, coming from The Leather Cap, and after 11:30 PM, while the property have double argon glazing, upvc doors and insulation.

In the corner, there is a park, where are kids and families. I ask a lady with a baby from Horden, in a bus, where she intend to go with she's kid and she said that here, in Easington, to the corner park, as is the only one from the area. However, when she arrived in that park, she moves almost instantly away, as she see drunk peoples in streets, coming from this pub.

The bad influence that this club is having for the area and family's development is seriously damaging.

There are just terraced houses around, while in front we have a loudly, violent and bad behaviour club with members that commit seriously life threats and attack neighbours in streets.

I do believe that the area can be restored to she's original glory, if we start to appreciate more the great family potential of the area, the opportunity to promote more the zone, in a peacefully way, along with respecting the local families safety and removing the threats and terror.

Best Regards,

J N S  
Bourne Street,  
Easington, SR8 3RZ

On 11/05/2018, my son, affected by the area problems, come back in London, where he is living and come back to visit me recently, after the last house attack, from 3 July.

Meanwhile, I come back in the house from Easington and I have the same harassments and violence's as previously. On this time, when I open the window, I was swear directly.

Recently, a person lied by the members of this club, committed racism and shouted at me in the front of my house, shortly after my son was nt in the area.

On the period between 10/05/2018 and 10/07/2018, I sent along with my son, a series of complains for the issues generated by this club members to all the competent parts, in order to ensure that we have a peacefully life in the area.

On the date of 03/07/2018, in the morning, almost 00:00, a person with an axe and a hood, violently destroy the front door and windows's of the property, while I was on the other part of the room and the sharp pieces of glasses was projected on the opposite wall, against me and the criminal continue to hit the windows's and door, while I switch on the interior lights, and after this was other peoples in front of the property whisper and talking. The same whisper and voice we hear on the next day of the attack, coming from the pub.

The left and right properties are empty, along with multiple ones from the area, while the company that own them experience seriously issues in selling the properties. I buy it because we did nt see the pub in front as we did nt view before buy.

The corner park, the only one from the area, is almost unusable, as results of violent and drunk peoples just a few steps away, from this club.

There are a few families, with kids, from Easington, Horden and other village's that tried to use this park for walking their kids and I do believe that the area can become again a peacefully and familyist environment if all the threats disappear.

Best Regards,

✓     £  
Bourne Street,  
Easington, SR8 3RZ

---

**From:** John  
**Sent:** 23 July 2018 07:19  
**To:** Karen Robson  
**Subject:** RE: Fwd: Re: THE LEATHER CAP SPORTS AND SOCIAL CLUB LICENCES REVIEWS -  
2nd AUGUST 2018

Dear Karen,

I confirm that between 25 March - 15 May 2018 , the time from my CCTV was not changed according with the UK summer time from 25 March.  
As results, the hour 23:00 become hour 00:00 on my CCTV footage in this period.

Regards,  
John

## **APPENDIX 5 – REPRESENTATIONS**

**From:** Caroline Dickenson  
**Sent:** 15 June 2018 15:05  
**To:** Karen Robson <[Karen.Robson2@durham.gov.uk](mailto:Karen.Robson2@durham.gov.uk)>;

**Subject:** RE: Licensing Act 2003 - Premises Licence /CPC Review application - The Leather Cap Sports and Social Club Ltd Easington Colliery Peterlee

To whom it may concern.

Following the two review applications which have been received in relation to The Leather Cap Sports and Social Club Ltd Easington Colliery Peterlee, Durham Constabulary wish to make the following representation.

The grounds for this representation are as follows and relate to the prevention of crime and disorder objective.

On a serious assault took place within the premises which was observed by the current DPS. There is clear CCTV footage which shows patrons within the premises assaulting a male and the DPS is stood watching this assault where by the victim has sustained significant injuries, at no time has she tried to intervene or contact the police.

The male has then been subject to another violent assault whilst outside of the public house. This assault was carried out by the same male who was responsible for the assault inside of the premises. The DPS is seen on CCTV to go outside whereby she sees the male laid on the floor, however doesn't request an ambulance or contact police.

Three calls were made to the police however none of these were from the DPS or anyone within the premises despite several people witnessing the assault. When police have arrived at the scene, officers have been told that the male had fallen over and despite fully knowing what has occurred inside of the premise the DPS has not offered any information to attending police officers and has chosen to stay quiet.

The victim has suffered a broken jaw in two places

In the licencing application which was granted on 15<sup>th</sup> May 2015 the following was stated under Annex 2 – Conditions consistent with the premises Operating Schedule

#### **Prevention of Crime & Disorder**

Work in close co-operation with the police and local authority.  
Keep a close watch on the customers to see the crime or disorder manifesting and take positive steps as early as possible to avoid the situation growing out of control.

#### **Prevention of Public Nuisance**

Management will deal with any disorder at the very earliest time after seeing the customers getting rowdy and may involve the police for assistance should they fear the situation is going to escalate.

It is expected that the DPS nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises, Durham Constabulary feel the actions and behaviour of the DPS undermine the crime and disorder objective, appears to have no control over the premises or patrons within and has failed to adhere to the conditions stated under Annex 2 of the licence.

Whilst it is for the Licensing Authority to determine the appropriate action to promote the licensing objectives, Durham Constabulary would respectfully seek the revocation of both the Premises Licence and Club Certificate for The Leather Cap Sports and Social Club Ltd Easington Colliery Peterlee and removal of the current DPS.

Thankyou

Caroline

Caroline Dickenson  
PS 484  
Harm Reduction Unit  
Darlington  
Durham Constabulary

---

**From:** i  
**Sent:** 22 May 2018 14:25  
**To:** AHS Licensing  
**Subject:** Re: the leather cap club

**Categories:**

Good afternoon,

I would like to comment that the leather cap is a nice, friendly club. I come in 5 days a week and there is never any trouble or too much noise. The landlord is a gent who looks after everyone and keeps it safe. He should keep his licence. Its a community club

Thanks  
I Wilson

---

**From:** Brightwell D  
**Sent:** 22 May 2018 14:19  
**To:** AHS Licensing  
**Subject:** The Leather Cap, Easington Colliery, Co. Durham

**Categories:**

Dear Sir/Madam,

I am a 68 year old retired Distribution Manager and my wife is still currently employed as a Nurse at The University Hospital of Hartlepool. We have frequented the Leather Cap since Mr W became the owner and I have to say that both Mr and Mrs W are the perfect hosts, as well as the staff who are most courteous and polite. We visit most Monday early evenings, where there is a karaoke night on, quite a lot of the people come to visit from neighbouring Peterlee, Blackhall, Horden etc and all speak highly of the venue and the fantastic evening we all enjoy together. We have also visited on a Sunday lunchtime and Saturday evening and the atmosphere is always one of people socialising, interacting and having a good time. Hand on heart, I can honestly say that I have NEVER witnessed any unruly behaviour, or any form of trouble with respect to fighting etc!! If we had, then my wife and I would not frequent the venue.

May I add that Mr W takes a great pride in his club and his demeanour exudes the fact that he really enjoys people having a great time. I would also like to say that Mr W is a big supporter of the British Legion (having served his country for a number of years) and is actively promoting regular ex armed forces meetings at the club, so that ex comrades can continue touching base with one another. He is also constantly involved with money raising activities within the club, where the proceeds go to the young children of Easington Colliery, as well as providing free parties for parents and children at certain times of the year.

I would like to end by saying the reason I mentioned both my wife's and my status, is to highlight the fact, that like all of the people I interact with at the Leather Cap, we are all "decent genuine people"!!!! (Certainly not homeless druggies) Finally, just to clarify, we have only known Mr W and his family for approximately 1 year and I have to say I find him to be a most articulate, friendly, caring human being who is trying his damned hardest to breathe some new, much needed, life back into Easington Colliery!!

Well Done N we applaud you!!

Kind regards,

Mr Brightwell

---

**From:** T Armstrong  
**Sent:** 28 May 2018 10:18  
**To:** AHS Licensing  
**Subject:** Easington colliery leather cap

Dear Sir,

I recently heard of objections and complaints towards the Leather Cap Sports and Social Club of Easington Colliery and felt that I had to respond.

I was a home owner and resident of the "B streets" in Easington Colliery for nearly 15 years so I have witnessed the demise of the Colliery and it's community.

Over the past 18 months my wife and I have become regular visitors to the Leather Cap and have always been made very welcome by M his team and other patrons. We have never witnessed any anti social behaviour of any sort.

M and his team have injected, much needed, life back into this dying community and should be applauded for this rather than victimised. I would urge any of your team to visit and witnesses first hand what M and his team have achieved in such a short time and it is clearly obvious that not only has he invested alot of time into the Leather Cap buy also alot of money.

Yours Faithfully, T Armstrong

Durham County Council

31 MAY 2018

Adult & Health Services

MRS

KEEGAN

BOURNE STREET,  
GASINGTON COLLIERY,  
PETERBORO,  
CO. DURHAM.  
SE8 8RZ.

Dear Sir/Madam,

I am writing this letter regarding the complaint about noise from the Leather Cap Pub.

I live just across the road from the Pub in No Bourne, and have lived in my house for nearly 20 years now, and not once have I had any reason to complain about the noise level. When I moved into my property I knew there was a pub straight across the road from me, and knew for certain from time to time there would be some noise at some point which is understandable.

There hasn't been any complaints about the noise level about the Club, till a resident moved into No Bourne Street, and started complaining about it.

So I would like to say the owners of the Club have spent a lot of time and money on the Club doing it up to attract more people into the Club. They are a wonderful couple who have turned the Club around to make it work, and to bring the people of Gasington together.

Yours sincerely

---

**From:** [redacted] longworth  
**Sent:** 04 June 2018 12:29  
**To:** AHS Licensing  
**Subject:** Ref/leather cap, Easington colliery. I am a 64 year old ex miner, who also served his country for seven years. I have been a member of the leather cap, (officials club) from 1977 to present day.

I have known mr M [redacted] w [redacted] since we both grew up together in horden as children, although our careers took us down different paths, I am proud to continue to call M [redacted] a good friend, as his many qualities of generosity. Kindness and empathy shines through in abundance. I frequent the leather cap on a regular basis and not only do I really enjoy socialising there, I have made a large amount of new friends from various backgrounds. I find the leather cap to be extremely clean and tidy and the staff to be very accommodating polite and courteous. In this present climate, where Easington colliery is in much need of investment, it is comforting to see M [redacted] making a difference and working to breath new life into the area, he has recently organised ongoing meetings in the leather cap for the royal British legion, in order that comrades past and present, can continue to get together, socialise, reminisce and keep in touch with one another. M [redacted] is also very active in helping to fund trips and parties, for the children and parents of Easington colliery, which goes a long way in maintaining some form of community spirit. I can honestly say i have never witnessed any form of unruly behaviour in the leather cap, on the contrary, just people enjoying themselves. Having witnessed over the past 25 years, the demise of social gathering points, such as pubs and clubs in the Easington area, it is refreshing and much needed, to see M [redacted] his family and staff, working extremely hard to invigorate the area. Thank you M [redacted] and long may it continue.

**Good afternoon,**

**In support of The Leather Cap Sports & Social Club I would like to say Its such a popular pub and a great supporter of the veterans and armed forces, we have raised hundreds of pound for the British legion and help for Heroes.**

**We have now formed an easington district legion and hope to go forward.**

**We are not drug dealers,or low lives.**

**We are here to help our community in welfare for people in need.**

**It's ridiculous that one person can make such a huge upset in our colliery.**

**Kind Regards**

**Knox**

---

**From:** a canning  
**Sent:** 09 June 2018 00:21  
**To:** AHS Licensing  
**Subject:** The leather cap sports and social

Dear karen robson,

I have known m & a for a very long time and have been attending socially in the leather cap in Easington for many years. being a local to the Easington area and being from peterlee it is my local where i spend many weekends and week nights. i can confirm that M and a are people of great integrity, are extremely dedicated to there family, friends and there business and they are entirely peace loving good people. furthermore they have given the Easington and surround villages/towns community spirit by offering a place for amazing social events and gatherings. the charity events that take place there raise money for good causes for example me and my friends raised £1500 for teenage cancer trust last year by being allowed to host a rock night with a band and have raffles and auctions to raise the money for them and this year in October we are hosting another event and our charity is heel & toe children's charity this year they do not get government funding so they solely rely on the help and fundraising from others and we are please that m and a ave let us host another event here at there premises.

Your sincerely  
Miss A Canning

---

**From:** S Halsall  
**Sent:** 09 June 2018 00:29  
**To:** AHS Licensing  
**Subject:** The leather cap sports and social

Dear karen robson,

I have known m & a for a very long time and have been attending the leather cap in Easington for many years. being a local to the Easington area living in bourne street previously it is and has been my local where i spend many weekends. i can confirm that M and a are people of great integrity, are extremely dedicated to there family, friends and there business. furthermore they have given the Easington and surround villages community spirit by offering a place for amazing social events and gatherings. the charity events that take place there raise money for good causes for example friends raised £1500 for teenage cancer trust last year by being allowed to host a rock night with a band to raise the money for them and this year in October they are hosting another event and there charity is heel & toe children's charity this year the charity does not get government funding so they solely rely on the help and fundraising from others and they are please that m and a have let them host another event here at there premises.

Your sincerely  
Mr S Halsall

Miss S Kennedy

Address Allan Street, Easington, Durham, SR8 3QH

Telephone

Email

Review of licence for easington officials club (leather cap). I occasionally frequent this establishment and live round the corner. I have never seen or heard of any trouble from said establishment and indeed would even recommend it to family and friends it is a lovely place always clean friendly and rowdiness is not allowed. The staff and clientele are always most welcoming and make you feel at ease. Thank you for your time, S

## **APPENDIX 6 - STATEMENT OF LICENSING POLICY**

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

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

7.1 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.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all 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 14 television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to 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. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered 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.

7.6 The application for premises licence 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.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. 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.

7.8 The Licensing Authority will only impose a maximum number of people that can attend 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.

7.9 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.

7.10 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.

7.11 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 do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

**7.12 Toughened/Safety Glass Policy:** Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

**7.13 Drugs/Knives/Weapons:** The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

## **8.0 Public Safety**

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

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

## **9.0 Prevention of Public Nuisance**

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

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

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

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

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

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

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

**9.8 Takeaways and fast-food outlets:** The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

## **10.0 Protection of Children from Harm**

10.1 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 and the effects of alcohol on parenting.

10.2 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.

10.3 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.

10.4 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.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 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 and proxy sales and are to be encouraged.

10.8 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.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, 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.

10.10 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.

10.11 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.

10.12 Children and Public Entertainment: 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.

10.13 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 Disclosure and Barring Service.

10.14 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.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **22.0 Reviews**

22.1 The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation.

22.2 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 any other person. 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.

22.3 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an 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/certificate for up to 3 months or the revocation of the licence/certificate.

22.4 Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

22.5 It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
- Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
- Talking to the relevant "responsible authority" (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.

22.6 If a request for a review of the premises licence is made by e.g. a local resident, they are required to notify the holder of the premises licence or club premises certificate and the "responsible authorities", by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the licensing authority. The licensing authority will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

22.7 A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious

if they appear to be intended to cause aggravation or annoyance without reasonable cause.

22.8 The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

22.9 After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved.

22.10 The licensing authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the licensing sub-committee in support of the request for review. They must then give the authority at least 5 working days' notice (prior to the start of the hearing), advising:

- If they will attend the hearing in person,
- Whether they will be represented by someone else (e.g. councillor / MP / lawyer / residents' association representative / friend),
- If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

22.11 Once the sub-committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action,
- Modifying the conditions of the licence (change, add or remove conditions – Including operating hours),
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor,
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

22.12 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.

22.13 Appeals against the decisions of the Licensing Authority - There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

22.14 If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and

not a rule, and any resident with reasonable grounds for appeal should not be penalised.

22.15 If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The licensing authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

22.16 An application to appeal the decision must be made within 21 days of the notice of decision.

22.17 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.

22.18 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

## **APPENDIX 7 – SECTION 182 GUIDANCE**

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as

appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

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

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

---

<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;

- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that

each of the enforcement arms should be aware of the warnings each of them has given.

### Table of relevant offences under the 2003 Act

<b>Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

## Section 182 Guidance - 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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. 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 14 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 hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more

than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- 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;
  - 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)<sup>10</sup>;
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - 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 to address the causes of concern that instigated the review.

- 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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, the sale of firearms, or the sexual exploitation of children. 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 and the prevention of illegal working 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 drugs controlled under the Misuse of Drugs Act 1971 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 or illegal working compliance 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 under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. 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**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where 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 appropriate.