



## Statutory Licensing Sub-Committee

**Date** Thursday 25 October 2018  
**Time** 10.00 am  
**Venue** Committee Room 2 - County Hall, Durham

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### Business

#### Part A

1. Declarations of Interest (if any)
2. Application for Summary Licence Review - Oddfellows Arms, 52 Church Street, Seaham (Pages 3 - 8)
3. 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  
17 October 2018

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

Councillors J Blakey, D Brown, L Brown and M Wilson

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**Contact:** Jill Errington

**Tel:** 03000 269703

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ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Durham County Council, Licensing Services  
 St Johns Road North, Meadowfield,  
 DH7 8RS

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I A/Supt Graham Milne [on behalf of] the chief officer of police for the Durham Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

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

**Oddfellows Arms  
 52 Church Street**

Post town: Seaham

Post code (if known): **SR7 7HF**

**2. Premises licence details:**

Name of premises licence holder (if known): Red Oak Taverns Limited

Number of premises licence holder (if known): DOEP212

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

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

*(Please tick the box to confirm)*

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

[Please read guidance note 2]

**On 20<sup>th</sup> October 2018 at around 1am a male (IP) has been assaulted within the bar area of the public house by a number of people. The IP has suffered significant injuries consisting of two fractured eye sockets, a broken nose and two fractured ribs. The IP requires surgery to to his face whereby metal plates will be put into his face to assist in the healing of his eye sockets.**

**The incident has been captured on CCTV and shows the IP being assaulted by at least three males within the pub and when the IP is on the floor his head is stamped on. Due to the level of injuires this incident is being intially investigated as a section 20 grievous bodily harm assualt, however if intent is proved this will be reclassified as a section 18 grievous bodily harm assault.**

**The designated premises supervisor (DPS) is seen on CCTV witnessing the assault however she did not ring the police nor did she request the the SIA doorstaff who were on duty to interveene. The DPS has at no point during or after the incident made contact with the police and we are only aware of it due to the IP's wife contacting us.**

**Members of barstaff are seen to try and pull the suspects off the IP however they themselves are assaulted by the suspects by being forcefully pushed back.**

**Prior to this incident on 22<sup>nd</sup> August 2018 a meeting had been held with the premises licence holder whereby the police concerns around the premises were discussed namely around the lack of CCTV coverage internally and the CCTV not recording for 28 days as per the licence conditions. The unacceptable behaviour of the door staff who have no apparent duty of care for victims of crime and the management of the premises and recording of incidents which were non-existent.**

**This meeting was as a result of an incident on 5<sup>th</sup> August at 0100hrs where there has been a verbal argument between two males inside the premises, which wasn't captured on CCTV as the system had not recorded for the required 28 days. The males have then gone outside of the front of the premises and become involved in a fight. The suspect uses a lamppost for leverage to kick the victim in the face, causing him to fall back and knocking him unconscious. This incident is still under investiagtion and is being investigated as a section 18 assault.**

**The victim attends hospital days later after feeling unwell to find he has suffered bruising to the brain and a fracture to the skull. The CCTV of this footage clearly shows very little interaction with the female door staff, who stands over the unconscious male for a short period before returning to the door. At no point does the door staff ring for an ambulance/police for assistance. The door staff shows no duty of care to the victim. She does not display a badge.**

**Eventually the male resumes consciousness and leaves the area. The CCTV of this incident shows a number of persons stood out on the street with bottles/glasses throughout this incident. This incident was not reported to the police.**

**From the incident at the weekend it is apparent despite a recent meeting with the PLH and DPS nothing has changed within the premises and the police feel the application for the review of a premises licence under section 53A of the Licensing Act 2003 is justified and we will be asking an immediate suspension and removal of the DPS for premises licence number DEOP212.**

**At the full review hearing the police will seek to have the premises licence revoked.**

Signature of applicant:  
Date: 23<sup>rd</sup> October 2018  
Capacity: A/Superintendent

*8/Supr 1569.*

**Contact details for matters concerning this application:**  
Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of

persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Durham Constabulary  
Force HQ  
Aykley Heads  
DH1 5TT

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

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

Premises:  
Oddfellows Arms  
52 Church Street  
Seaham  
SR7 7HF

Premise licence no: DOEP212

Name of Premises licence holder: Red Oak Taverns limited

I am a chief superintendent in Durham Constabulary

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

There has been two recent serious assaults at the premises whereby the designated premises supervisor has failed to notify the police during or after the incident and we are replying on the IP's in each case to report the incidents to the police.

The police have recently had a meeting with the premise licence holders Red Oak Taverns Limited to address concerns around the management and running of the premises however it is apparent following the incident on 19<sup>th</sup> October 2018 theses concerns had not been addressed and we now have another member of the public who has suffered significant injuries.

The circumstances around the most two recent assaults bring into serious question the management and running of this premises. This requires immediate action via an expedited review to prevent any further serious incidents taking place at the premises. The expedited process would enable the police and licencing authority to seek the removal of the designated premises supervisor and the suspension of the premises licence whilst the criminal investigations are ongoing and to fully determine the suitability of persons involved in the ongoing running of this premise.

This is the only proportionate action available at the time to prevent any further crime and disorder at the premises.

Signed

*A/Super 1569*

Dated 23<sup>rd</sup> October 2018

Print Name Graham Milne

Title A/Superintendent

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