



Statutory Licensing Sub-Committee

Date Tuesday 30 November 2021
Time 1.30 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Application for the Review of a Premises Licence - Chaplains, 17-21 Front Street, Consett (Pages 3 - 52)
5. 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
22 November 2021

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

Councillors R Adcock-Forster, A Batey, J Blakey, R Potts and
D Stoker

Contact: Jill Errington

Tel: 03000 269703

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Statutory Licensing Sub-Committee

30th November 2021

**Application for the Review of a
Premises Licence**



Ordinary Decision

**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Electoral division(s) affected:

Consett North

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of Chaplains, 17-21 Front Street, Consett DH8 5AB.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 On 3rd November 2021, the Licensing Authority received an application and supporting certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider whether it is necessary to take interim steps pending determination of the full review of the premises licence within 48 hours of receipt of this application.
- 4 At the time the application was submitted, the premises licence holder and DPS was Mr Francis Kearney. On 4th November 2021 an application to transfer the premises licence to Mr James McDonald was received. An application was also made at the same time to vary the licence to specify an individual as a DPS. The DPS was named as Mr Barron Edward McDonald. Both of these applications take immediate effect but are subject to a 14-day consultation period with the Police.
- 5 Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises where there is the sale of alcohol and

where it is considered the premises are associated with serious crime and / or serious disorder.

- 6 On 5th November 2021, the Licensing Statutory Sub-Committee met to consider the application and any necessary interim steps. Members decided to suspend the premises licence with immediate effect and remove the designated premises supervisor, Mr Barron Edward McDonald pending the full review hearing. A copy of the notice of determination is attached as Appendix 3.
- 7 During the consultation period no representations were received by Responsible Authorities or other persons.
- 8 The Council's Environmental Health Department, Planning Department, Durham Safeguarding Children Partnership, Home Office and the Fire Authority all responded to the consultation with no comments.

Recommendation(s)

- 9 The Sub-Committee is asked to determine the review application with a view to promoting the licensing objectives.
- 10 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

Background

- 11 Background information

Applicant	Durham Constabulary	
Type of Application: Review of a Premises Licence	Date received: 3RD November 2021	Consultation ended: 17th November 2021

Premises Licence Holder	Mr James McDonald
Designated Premises Supervisor (DPS)	Not named Mr Barron Edward McDonald (removed under interim steps hearing)

- 12 The premises licence in respect of Chaplains currently permits the sale of alcohol for consumption on the premises only, regulated entertainment and late-night refreshment as detailed in the table below:

Licensable Activity	Days & Hours
Sale of Alcohol (for consumption on the premises)	Sunday to Thursday: 10:00 – 3:00 hrs Friday and Saturday: 10:00 – 4:00 hrs An additional hour when BST commences Bank Holiday Sundays and Boxing Day 10:00 – 4:00 hrs From the end of permitted hours on New Year’s Eve to start of permitted hours New Year’s Day
Plays (indoors)	Monday to Sunday: 10:00 – 2:30 hrs
Films (indoors)	Monday to Sunday: 10:00 – 3:30 hrs An additional hour when BST commences From the end of permitted hours on New Year’s Eve to start of permitted hours New Year’s Day
Indoor Sporting Events	Monday to Sunday: 10:00 – 3:30 hrs An additional hour when BST commences From the end of permitted hours on New Year’s Eve to start of permitted hours New Year’s Day
Boxing or Wrestling Entertainment (indoors)	Monday to Sunday: 10:00 – 2:30 hrs An additional hour when BST commences

	From the end of permitted hours on New Year's Eve to start of permitted hours New Year's Day
Live music, recorded music, performances of dance and any other similar entertainment	Sunday to Thursday: 10:00 – 3:30 hrs Friday and Saturday: 10:00 – 4:30 hrs An additional hour when BST commences Bank Holiday Sundays and Boxing Day 10:00 – 4:30 hrs From the end of permitted hours on New Year's Eve to start of permitted hours New Year's Day
Late night refreshment (indoors)	Monday to Sunday: 23:00 – 3:30 hrs An additional hour when BST commences From the end of permitted hours on New Year's Eve to start of permitted hours New Year's Day
Opening hours	Sunday to Thursday: 10:00 – 3:30 hrs Friday and Saturday: 10:00 – 4:30 hrs An additional hour when BST commences Bank Holiday Sundays and Boxing Day 10:00 – 4:30 hrs From the end of permitted hours on New Year's Eve to start of permitted hours New Year's Day

- 13 A copy of the current premises licence and layout plan is attached at Appendix 4.

Details of the application

- 14 The review application was received by the Licensing Authority on 3rd November 2021.
- 15 The application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 16 The application for review relates to the following licensing objective:
- The Prevention of Crime and Disorder

- 17 A copy of the application and supporting certificate is attached at Appendix 5.

The Representations

- 18 During the consultation period, the Licensing Authority received no representations from a Responsible Authority or other person.
- 19 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the review application:
- Durham County Council's Environmental Health Department
 - Durham County Council's Planning Department
 - Durham County Council's Durham and Safeguarding Children's Partnership
 - County Durham and Darlington Fire & Rescue Service
 - The Home Office

The Parties

- 20 The Parties to the hearing will be:
- Sgt Caroline Dickenson, Durham Constabulary (Applicant)
 - Mr James McDonald (premises licence holder)

Options

- 21 The options open to the Sub-Committee are:
- (a) To take no further action;
 - (b) To modify or add conditions to the licence;
 - (c) Exclude a licensable activity from the licence;
 - (d) Remove the Designated Premises Supervisor;
 - (e) Suspend the licence for a period (not exceeding three months);
 - (f) Revoke the licence.

Main implications

Legal Implications

- 22 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

- 23 The review application was subject to a 10-working day consultation.

See Appendix 1

Conclusion

- 24 The Sub-Committee is asked to determine the application for the review of the premises licence for Chaplains, 17-21 Front Street, Consett.

Background papers

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

Other useful documents

- None

Contact: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore, the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence review application was subject to a 10-day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

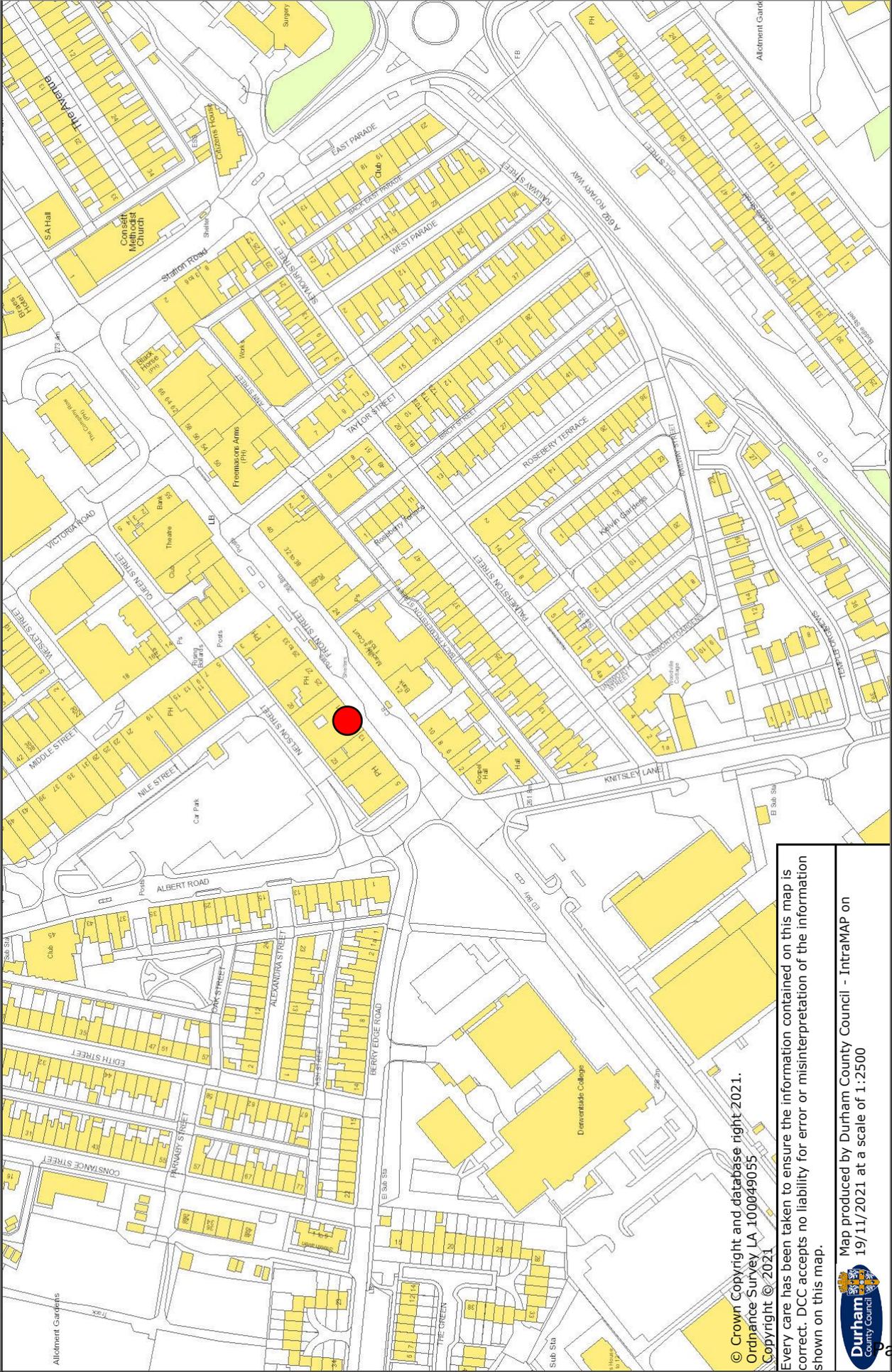
The notice of application was displayed on the premises for a period of 10 working days.

Notice of the application was displayed at the Council's Head Office at County Hall, Durham.

In addition, details of the application were available to view on the Council's website throughout the 10-working day consultation period.

Appendix 2: Location Plan

Chaplains, 17-21 Front Street, Consett



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 Ordnance Survey LA 100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on 19/11/2021 at a scale of 1:2500



Appendix 3: Notice of determination – Interim Steps Hearing

THE COUNTY COUNCIL OF DURHAM

Licensing Act 2003 (the Act) Committee

NOTICE OF DETERMINATION

Date of Hearing : 5th November 2021

Date of Determination : 5th November 2021

Committee Members : 1. Councillor L Brown (Chair)
2. Councillor C Hunt
3. Councillor E Peake

1. Type of application or hearing

Summary Licence Review

2. Applicant

Durham Constabulary

3. Premises

Chaplains, 17-21, Front Street, Consett

3 The Application

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

4. Witnesses

4.1 The Sub-Committee heard from the following:

- Helen Johnson – Licensing Team Leader
- Mr James McDonald-Chaplains
- Sgt Caroline Dickinson, Durham Constabulary

5. Licensing Act 2003

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

6. Section 182 Guidance

6.1 The Sub-Committee has considered and taken account of the most recent edition of the Secretary of State Section 182 Guidance issued April 2018. The Sub-Committee has also considered the Section 53A Summary Review Guidance.

7. Licensing Policy

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

8. Licensing Objectives

8.1 Prevention of crime and disorder

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

8.2 Public Safety

Evidence The evidence was such that this objective could be breached and and that some action was needed to protect public safety

8.3 Prevention of Nuisance

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

8.4 Protection of Children from Harm

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

9. Evidence

Representations of Helen Johnson Licensing Team Leader

9.1 The Licensing Authority received a summary application and certificate under section 53A and B of the Licensing Act 2003 from the Chief Officer of Police of Durham Constabulary on 3rd November 2021.

9.2 At this time the application was submitted, the premises licence holder and DPS was Mr Francis Kearney. On 4th November 2021, an application to transfer the premises licence was received where the licence holder is now named as Mr James McDonald.

9.3 An application was also made at the same time to vary the licence to specify an individual as a DPS. The DPS is Mr Barron Edward McDonald. Both these applications take immediate effect but are subject to a 14-day consultation period with the Police.

9.4 A summary review is submitted where the police consider that the premises are associated with serious crime and or/disorder

Representations of Sgt Caroline Dickinson

9.5 On 29th October 2021 during business hours at Chaplains, a female reported that she had been raped in the disabled toilet by a member of door staff who was on duty and working at the time.

- 9.6 The victim reported the matter to Police following a number of disclosures, as she states she was informed something had occurred, but she was not in a fit state to be able to consent to the sexual act. She is concerned that she may have been spiked.
- 9.7 The suspect has been arrested and is currently on police bail with conditions whilst Durham Constabulary carry out a full investigation.
- 9.8 Enquiries have been carried out and it has been established the suspect is not licensed with the SIA as his application has not been approved and following an appeal, he was notified on 13th October 2021 by the SIA it had been rejected.
- 9.9 There is also evidence that Chaplains have also been employing other door supervisors who are not licensed with the SIA. This would suggest the premises licence holder/designate premises supervisor had not carried out the checks required under the 2003 Licensing Act to ensure that they were a fit and proper person.
- 9.10 It is a mandatory condition under the Licensing Act 2003 that any door supervisors must be SIA registered and it is illegal to work as a door supervisor without a Security Industry Authority licence as door supervisors are entrusted to protect people, property and the premises.
- 9.11 Due to this on-going investigation, it has been established the current premises licence holder and designated premises licence holder Francis Kearney is no longer anything to do with the business, as it was handed over to James McDonald on 1st July 2021, however there has not been any paperwork received by Durham County Council, so Francis Kearney is still the responsible person and in his own admission has not been present at the venue since 1st July 2021.
- 9.12 It is a condition on the current licence that the PLH/DPS is present at the premises between 22.00hrs and closing, this has not been adhered to since 1st July 2021.
- 9.13 James McDonald is an experienced licensee with other bars in Consett and is aware of the processes to transfer a premises licence, however he has failed to ensure that this has been done and has continued to run the business without having authority required.
- 9.14 Durham Constabulary checked the premises on 23rd July 2021 and there was no premises licence on display. Durham Constabulary were informed by Mr McDonald that it was in post. The premises were again checked on 22nd August 2021 and the licence was still not on display and one of the door staff was not wearing a badge.
- 9.15 Due to the seriousness of the incident reported, the poor management at the premises and employment of non-SIA registered door staff, Durham Constabulary feel that there is significant risk to Public Safety.

Representations from James McDonald

- 9.16 Mr McDonald confirmed that between August and September 2021, Durham Constabulary checked Chaplains and they missed in their investigations that one

of the door staff had a false badge and was not SIA registered. This door staff member was instantly sacked.

- 9.17 Mr McDonald confirmed that he should have checked the paperwork in relation to his licence, however he confirmed that there had been a serious incident where his door staff had been threatened with shooting by a member of the public.
- 9.18 He confirmed that there had been several incidents where his door staff had assisted Durham Constabulary with citizens arrests.
- 9.19 He confirms that he will offer training to all his door staff. He will check that every door staff member is licensed. He will employ two female members of staff.
- 9.20 He confirmed that a company managed by D R managed his door staff. He offered in the future to use a well-known door company.

10. Reasons

- 10.1 Section 21 of The Violent Crime Reduction Act 2006 made amendments to the Licensing Act 2003 ('the Act'), by introducing the provision for a summary review. This added to the Act section 53A with supplementary sections 53B and 53C to deal with the subject.
- 10.2 Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises licence where the same covers serious crime or serious disorder associated with premises.
- 10.3 It is accepted by the Committee that this does amount to serious crime and serious disorder and the application made in this case is in order and falls to be dealt with under section 53A, 53B and 53C of the Act
- 10.4 The incident reported on 29th October 2021 that occurred in the premises is a serious incident of crime and disorder. It is clear to the Committee that there is no management of the premises and that there has not been any proper management for many months. Door staff were employed by the premises that were not SIA registered and were therefore not fit and proper to hold such a position of responsibility. There was no licence on display at the premises and it is only in recent days that Mr McDonald has taken the proper steps to ensure that this is in place.
- 10.5 Having considered the information provided and taken account of the serious nature of it and the clear implications that the premises are associated with serious crime and disorder, the Committee considers that it has no alternative than to make the decision that it does.

11 Decision

- 11.1 The Committee has considered the evidence given by Durham Constabulary and has decided:
- to remove the Designated Premises Supervisor, Mr Barron Edward McDonald, from the licence and;

- to suspend the premises licence with immediate effect.

Signed

Dated 5th November 2021

(Chair)



PLEASE NOTE:

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

Appendix 4: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DWTSPR0074
24 November 2005
11 October 2018

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>CHAPLAINS 17-21 FRONT STREET CONSETT DH8 5AB</p>	<p>DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number:</p>	

<p>Where the licence is time limited the dates N/A</p>
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<p>Licensable activities authorised by this licence</p> <ul style="list-style-type: none"> Plays Films Indoor Sporting Events Boxing or Wrestling Entertainment Live Music Recorded Music Performance of Dance Other Entertainment Similar to Live or Rec Music or Dance Performance Late Night Refreshment Sale by retail of alcohol
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Opening Hours of the Premises															
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15%;">Mon</td><td style="width: 10%;">10:00-03:30</td></tr> <tr><td>Tue</td><td>10:00-03:30</td></tr> <tr><td>Wed</td><td>10:00-03:30</td></tr> <tr><td>Thu</td><td>10:00-03:30</td></tr> <tr><td>Fri</td><td>10:00-04:30</td></tr> <tr><td>Sat</td><td>10:00-04:30</td></tr> <tr><td>Sun</td><td>10:00-03:30</td></tr> </table>	Mon	10:00-03:30	Tue	10:00-03:30	Wed	10:00-03:30	Thu	10:00-03:30	Fri	10:00-04:30	Sat	10:00-04:30	Sun	10:00-03:30	<p>Non-standard/seasonal timings</p> <p>An additional hour on the day when British Summertime commences.</p> <p>New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
Mon	10:00-03:30														
Tue	10:00-03:30														
Wed	10:00-03:30														
Thu	10:00-03:30														
Fri	10:00-04:30														
Sat	10:00-04:30														
Sun	10:00-03:30														

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales: ON ALCOHOL SALES ONLY</p>
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The times the licence authorises the carrying out of licensable activities (all in 24hr format)

<p>Plays Indoors</p> <p>Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Films Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-03:30 Sat 10:00-03:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Indoor Sporting Events</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-03:30 Sat 10:00-03:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Boxing or Wrestling Entertainment Indoors</p> <p>Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. Applicable from New Year's Eve to 2nd January each year.</p>
<p>Live Music Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p>Recorded Music Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>

<p>Performance of Dance Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-03:30 Tue 23:00-03:30 Wed 23:00-03:30 Thu 23:00-03:30 Fri 23:00-03:30 Sat 23:00-03:30 Sun 23:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Sale by retail of alcohol</p> <p>Mon 10:00-03:00 Tue 10:00-03:00 Wed 10:00-03:00 Thu 10:00-03:00 Fri 10:00-04:00 Sat 10:00-04:00 Sun 10:00-03:00</p>	<p>Further details Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:00</p>

Part 2

<p>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</p>	
<p>MR JAMES MCDONALD</p>	
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	
<p>Company no:</p>	<p>N/A</p>
<p>Charity no:</p>	<p>N/A</p>

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

NOT STATED

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.

Mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The applicant will continue to ensure that food will be available as under previous conditions, notwithstanding the removal of embedded restrictions. The staff at the premises will be well trained. A refusal register will be operated and kept up to date and be available upon Police request. A training record for each individual employee together with details of issues discussed shall be made available to an authorised local authority licensing officer or the police. Refresher training shall be carried out every 3 months.

At all times when the premises are open to the public for any licensable activity there are sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

Prevention of Crime & Disorder

Notices are displayed at the premises advising customers that ID checks and searches are undertaken. All door staff are SIA registered and are required to wear identification at all times. "Drugs Safes" must remain installed at the premises (locked metal containers, fitted to the wall) in order for customers to surrender such items and for depositing such items in the event that drugs are confiscated as a result of a search. The cellar must be kept locked at all times except for access and deliveries.

For the first 100 persons there will be 2 SIA Door Supervisor on duty and then on a ratio of 1 to every 100 persons.

CCTV is installed at the premises. The system is regularly maintained and provides continuous recording facilities for each camera to a good standard of clarity. Recordings are retained for a period of 28 days. An ID scanner will be used at the door of the premises and ID logged for all persons under 25 years of age. The data on this system will be provided for the police when a properly made request is submitted.

Public Safety

The premises has external CCTV.

The premise has Fire Safety Equipment, which is serviced, as well as Emergency Lighting, of which the lights above the doors are permanently left on. Fire fighting equipment is provided on the premises in accordance with reasonable requirements of the Fire Authority. Fire escape routes are identified by adequate signage.

Annual inspections are carried out on all electrical installations by an NICEIC qualified electrician. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel. Have a written contract from a local taxi firm that they can provide a service to patrons after 02:30am.

Prevention of Public Nuisance

Only SIA registered door staff are employed at the premise.

Clear and legible notices will be displayed for patrons to have regard for local residents and to keep noise to a minimum when leaving the premises.

The only entrance and exit for members of the public is located on Front Street, which faces other commercial properties and is directed away from residential properties.

Protection of Children from Harm

Staff carry out frequent ID checks on the door and at the bar.

The management of the premises have informed bar staff that if any person whom they believe to be under the age of 18 years attempts to purchase alcohol they should be asked to provide identification to prove their age. This shall consist of either passport or photo card driving licence.

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

Statutory Licensing Sub-Committee - 7th July 2015

General

We will hold the 4 objectives in high regard and will strive to keep staff fully trained on all of our policies and procedures. All training records will be made available to officers when requested.

Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

The Prevention of Crime and Disorder

Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

No serving of alcohol to any person that appears to be drunk.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas inside the premise where the sale/supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly timed and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days and handed to the police when requested.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police/local authority when requested.

The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

Door supervisor requirements:-

- 22:00hrs – at least 2 door supervisors
- 00:00hrs – at least 3 door supervisors

An operational daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times. The rear door/fire exit will be kept closed whilst the premise is open. An alarm will be fitted to the door with a visual indicator showing it is open.

No glass containers to be taken outdoors, all drinks will be decanted into plastic glasses.

Public Safety

Fire exits and fire equipment clearly marked.

All staff must be aware of requirements regarding health and safety. First aid facilities will be available.

An incident log will be kept at all times.

The Protection of Children from Harm

Safeguards should be in place to see that alcohol is not served to or purchased on behalf of under age children. Any premises licence should include a mandatory condition that an age verification policy is operated.

Durham Local Safeguarding Children Board recommends and promotes the "Challenge 25" standard which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.

All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Training records for staff to be maintained and refresher training to be provided annually.

Safeguards to be in place to try to 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 to include the risk from proxy sales.

Where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, refusal register to be updated. The register to be made available to the police on request.

The below guidance for the protection of young people aged under 18 who attend events in licensed premises will be adhered to when events of this nature take place.

Under 18 Only Events

The Police Licensing Officer, Licensing Authority and Local Safeguarding Children's Board to be notified of any under 18 event at least 28 days in advance of the event. Such notification should be from the Premises Licence Holders or Designated Premises Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.

The operator to ensure that the premises have sufficient numbers of SIA registered security staff and ensuring that they are employed in the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and also protecting patrons from unwanted attention or harassment.

Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.

Where there is normally a bar, ensuring that alcohol is not on display and is locked away. Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.

Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.

Where alcohol is seized from persons aged under 18, the details to be recorded in a register.

Any prior marketing of the event (internet, flyers, posters etc) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any ticket issued for the event.

Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.

Toilet checks being carried out at regular intervals and records of such checks retained.

Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.

Events should have a terminal hour of no later than 11.00pm.

An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent, guardian or responsible adult.

Additional Measures expected to be considered for Mixed Age Events

All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.

At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and also to protect patrons from unwanted attention or harassment.

Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.

Statutory Licensing Committee 11th October 2018

The Premises Licence Holder or Designated Premises Supervisor is present in the licensed area of the premises between 22:00 and closing.

Two taxi marshals to be employed for the taxi company (which is located at the rear of the premises) from 02:30 until 05:00 when the premises is open until 04:30.

Annex 4 – Plans attached

Attached



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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
 Granted
 Issued

DWTSPR0074
24 November 2005
11 October 2018

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
CHAPLAINS 17-21 FRONT STREET CONSETT DH8 5AB	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates

N/A

Licensable activities authorised by this licence

Plays
 Films
 Indoor Sporting Events
 Boxing or Wrestling Entertainment
 Live Music
 Recorded Music
 Performance of Dance
 Other Entertainment Similar to Live or Rec Music or Dance Performance
 Late Night Refreshment
 Sale by retail of alcohol

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

Mon	10:00-03:30	Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30
Tue	10:00-03:30	
Wed	10:00-03:30	
Thu	10:00-03:30	
Fri	10:00-04:30	
Sat	10:00-04:30	
Sun	10:00-03:30	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales
 ON ALCOHOL SALES ONLY

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

<p>Plays Indoors</p> <p>Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Films Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-03:30 Sat 10:00-03:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Indoor Sporting Events</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-03:30 Sat 10:00-03:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Boxing or Wrestling Entertainment Indoors</p> <p>Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. Applicable from New Year's Eve to 2nd January each year.</p>
<p>Live Music Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p>Recorded Music Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>

<p>Performance of Dance Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 10:00-03:30 Tue 10:00-03:30 Wed 10:00-03:30 Thu 10:00-03:30 Fri 10:00-04:30 Sat 10:00-04:30 Sun 10:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-03:30 Tue 23:00-03:30 Wed 23:00-03:30 Thu 23:00-03:30 Fri 23:00-03:30 Sat 23:00-03:30 Sun 23:00-03:30</p>	<p>Further details N/A Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Sale by retail of alcohol</p> <p>Mon 10:00-03:00 Tue 10:00-03:00 Wed 10:00-03:00 Thu 10:00-03:00 Fri 10:00-04:00 Sat 10:00-04:00 Sun 10:00-03:00</p>	<p>Further details Non-standard/seasonal timings An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:00</p>

Part 2

<p>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</p>	
<p>MR JAMES MCDONALD</p>	

<p>Registered number of holder, for example company number, charity number (where applicable)</p>	
<p>Company no:</p>	<p>N/A</p>
<p>Charity no:</p>	<p>N/A</p>

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

NOT STATED

State whether access to the premises by children is restricted or prohibited

CHILDREN UNDER 16 YEARS OF AGE SHOULD NOT BE PERMITTED TO ATTEND AN UNDER 18 ONLY EVENT UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT. EACH RESPONSIBLE ADULT SHOULD NOT BE RESPONSIBLE FOR MORE THAN 4 SUCH CHILDREN.

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

Appendix 5: Review application

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 Sgt 484 Caroline Dickenson [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:

**CHAPLAINS
17-21 Front Street**

Post town: Consett

Post code (if known): **DH8 5AB**

2. Premises licence details:

Name of premises licence holder (if known): Francis KEARNEY

Number of premises licence holder (if known): DWTSPR0074

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 29th October 2021 during hours business hours at Chaplains, a female is reporting that she has been raped in the disabled toilet by a member of door staff who was on duty and working at the time.

The victim has reported the matter to Police following a number of disclosures, as she states she was informed something had occurred but she was not in a fit stated to be able to consent to the sexual act. She is concerned that she may have been spiked.

The suspect has been arrested and is currently on police bail with conditions whilst Durham Constabulary carry out a full investigation.

Enquires have been carried out and it has been established the suspect is not licensed with the SIA as his application had not been approved and following an appeal he was notified on 13th October 2021 by the SIA it had been rejected.

There is also evidence that Chaplains have also been employing other door supervisors who are not licensed with the SIA. This would suggest the premises licence holder/designated premises supervisor have not carried out the checks required under the 2003 licencing act.

It is a mandatory condition under the licensing act 2003 that any door supervisors must be SIA registered and it is illegal to work as a door supervisor without a Security Industry Authority licence as door supervisors are entrusted to protect people, property, and the premises.

Due to this on-going investigation it has been established the current premises licence holder and designated premises licence holder Francis KEARNEY is no longer anything to do with the business. He has stated he transferred the business over to James McDonald on 1st July 2021 however there has not been any paperwork received by Durham County Council, so Francis KEARNEY is still the responsible person and in his own admission has not been present at the venue since 1st July 2021.

It is a condition on the current licence that the PLH/DPS is present at the premises between 22:00hrs and closing, this has not been adhered to since 1st July 2021.

James McDonald is an experienced licensee with other bars in Consett and is aware of the processes to transfer a premises licence, however he has failed to ensure that this has been done and has continued to run the business without having the authority required.

Due to the seriousness of the incident reported at the weekend, the poor management at the premises and employment of non SIA registered door staff the police feel there is significant risk to Public Safety and the application for

the review of a premises licence under section 53A of the licencing Act 2003 is justified as we will be asking an immediate suspension of the premises licence.

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

Signature of applicant: Caroline Dickenson
Date: 3rd November 2021
Capacity: Licensing Sgt

**Contact details for matters concerning this application:
Address: Durham County Council, Licensing Services
St Johns Road North, Meadowfield,
DH7 8RS**

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.

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, licensees 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 dependent 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.

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

2. The licensing objectives

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.

11. Reviews

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). 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)¹⁰;
- 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.