



Special Statutory Licensing Sub-Committee

Date Thursday 25 April 2024
Time 9.30 am
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 a Summary Licence Review - GW Horner's, 2 Front Street, Chester le Street, DH3 3BE (Pages 3 - 10)
5. Application for a Summary Licence Review - Memory Lane, 51 Church Street, Seaham, SR7 7HF (Pages 11 - 16)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley

Head of Legal and Democratic Services

County Hall
Durham
17 April 2024

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

Councillors D Brown, L Brown, T Duffy, C Hunt and A Watson

Contact: Lucy Gladders Tel: 03000 269712

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
Annand House,
Meadowfield.
County Durham Constabulary
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:

**GW HORNER'S
2 FRONT STREET
CHESTER LE STREET**

Post town: CHESTER LE STREET

Post code (if known): **DH3 3BE**

2. Premises licence details:

Name of premises licence holder (if known): AMBER TAVERNS

Number of premises licence holder (if known): DCCC/PLA0001

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]

This incident occurred on Monday night 15th April 2024 at 8:20pm.

G W Horner's is a public house located on Front Street, Chester Le Street. The pub DPS is Shannon Halliday. At the time of the incident the DPS was not on duty but was at home in the flat above the pub.

Shannon Halliday has been the DPS since 9th January 2024.

The pub has an older crowd on Monday evening. There was a karaoke ongoing at the time of the incident.

At 8:20pm the victim is seen on CCTV to enter the gents' toilets. 20 seconds later the suspect is seen to enter the toilets. A witness is seen outside of the toilets speaking on his mobile phone.

Approximately 2 minutes later, the toilet door is slightly opened, from CCTV you can see that there is a commotion inside of the toilets. The witness is seen to react to this, and he opens the toilet door, once opened, the suspect leaves the toilet squeezing by the witness. He is seen to look at his hands before going off camera. The witness enters the toilet and discovers the victim unconscious lying on the toilet floor. The witness then leaves the toilet to find help.

The suspect is seen on CCTV to make his way back to his seat, pick up his drink and then walk to the front door stopping briefly to speak with two males at the door. He then walks out of the door with one of those males, speaks with him briefly and then walk off alone at speed along Come Terrace and out of view.

Several persons are now seen with the victim including his girlfriend, Bar staff are seen to call the ambulance service. She does not call the police. The DPS is now present and she did not call police. When the victim is removed by paramedics, the DPS mops the floor destroying the crime scene. No other person present calls the police.

The victim, is taken to the RVI, he is in and out of consciousness. On arrival at

hospital, he is found to have the following injuries. A laceration to the rear of his head, a fractured skull, bleed on the brain and a fractured cheek bone. He has memory loss and cannot remember what happened to him in the toilets.

Police are eventually contacted on Sunday 21st April 2024 by the sister of victim. A criminal investigation is then commenced which due to the serious injuries the victim has received is recorded as a section 20 assault which is wounding or inflicting grievous bodily harm. Due to the delay in police being made aware of this incident the level of investigation will be impacted as the scope for forensics, initial accounts from witness and potentially the victim have been lost.

This incident highlighted several licensing issues regarding GW Horner's.

Crime and disorder objective.

The initial incident was not reported by bar staff to the police. The ability to gain evidence from witnesses was lost, witnesses names were not recorded, CCTV was only then made available 6 days later, the quality of that CCTV was poor, and forensic opportunities were lost. The incident book was completed but not known when it was completed. The area manager Jeff Cowley was only vaguely aware of the incident when he was spoken to by police licensing.

If staff had looked at the CCTV at the time, they would have seen that this was an assault and not an accident or medical incident.

When bar staff called the ambulance service, they did not ask for police, they had believed this to be an accident or medical incident. Staff also stated that they believed paramedics were going to inform the police as the paramedics had apparently told staff that the police might come to the pub.

Public safety

The victim did not appear to have been given any form of first aid. This highlighted the fact that bar staff had no first aid training.

The quality of the CCTV system was known to be poor after an incident in February when the DPS was struck on the head with a glass by a customer of the venue

The pub is due for a refurbishment beginning May 26th for one week. CCTV will be upgraded at that point, but this will have meant that CCTV would continue to be poor for 3 more months from that time in February.

The CCTV is there to support the crime and disorder objective. The CCTV is of such poor quality that no person's face can be seen and so makes identifying suspects of crime more difficult, if not impossible, there is also no date or time stamp on the CCTV. Therefore, cannot be said to be supporting the crime and disorder objective.

Area manager of Amber Taverns Jeff Cowley was spoken to on Monday 22nd April with regard to this incident. He was offered the chance to voluntarily close whilst the failings were rectified or the alternative which was to have a summary review submitted to the local authority, highlighting the premises failings. Mr Cowley stated he supported the police but would not close the

premises at this time.

Due to the seriousness of the incident reported to police by the victim's sister 6 days after the incident occurred, the poor quality of the CCTV and the subsequent poor management of the incident at the premises, which fell seriously short of the licensing objectives namely the prevention of crime and disorder objective. 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 licensing Act 2003 is justified as we will be asking an immediate suspension of the premises licence.

Signature of applicant: Caroline Dickenson

Date: 23rd April 2024

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.

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Durham Constabulary
Force HQ
Aykley Heads
DH1 5TT

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

I hereby certify that in my opinion of the premise described below are associated with serious crime

Premises:
GW HORNER'S
2 FRONT STREET
CHESTER LE STREET
DH3 3BE

Premise licence no: DCCC/PLA0001

Name of Premises licence holder: AMBER TAVERNS

I am a superintendent in Durham Constabulary

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

There has been an incident involving serious crime at the premises namely a section 20 assault (GBH) on Monday 15th April 2024 whereby the victim has sustained significant head injuries consisting of a fractured skull, bleed on the brain and a fractured cheek bone. The victim also has memory loss and is still in hospital. His long-term prognosis is still not known.

The circumstances around this incident and the assault bring into serious question the management and running of this premise. The incident was not reported to police by the premises and police are only aware of this incident when the victim's sister reported the assault on Sunday 21st April 2024 which was 6 days after the incident. The delay in the incident being reported to the police will have implications on the current investigation as vital evidence may have been lost.

Licensed premises have a responsibility to promote the licensing objectives however on this occasion staff have reached the conclusion that the victim has fallen or suffered a medical episode however they have not offered an account as to how they have reached this conclusion and even when paramedics have said police may be in contact, they have not thought to report the incident and have relied on others to do so.

Had the staff viewed the cctv at the time of the incident they would have been aware that the victim had not fallen or had a medical episode.

I note the licensed economy team did contact a representative from Amber Taverns following the report of this incident to request that they voluntary closure of the premises so training needs which had been highlighted could be addressed and the poor quality of cctv could be addressed and upgraded. The representative refused to consider a closure so therefore immediate action via a summary review is the option available to the police as a serious crime has occurred within the

premise and this process is available to reduce the risk to the public and prevent any further serious incidents taking place at the premises.

The summary review process would enable the police and licencing authority to seek the removal of the designated premises supervisor and the suspension of the premises licence whilst the criminal investigations are ongoing and to fully determine the suitability of persons involved in the ongoing running of this premise.

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

Signed

Dated 24th April 2024

Print Name Neal Bickford

Title Superintendent 2431

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

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

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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:

**Memory Lane
51 Church Street**

Post town: Seaham

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

2. Premises licence details:

Name of premises licence holder (if known): Emma Louise BIRD

Number of premises licence holder (if known): DCCC/PLA0653

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 20th April 2024 at 23:11hrs a call was made to the police control room from ambulance reporting that a male had been assaulted at Memory Lane public house and that the victim was unconscious with head injuries.

Police officers have arrived on scene at 23:24hrs and they are meet by a female in the bar area of Memory Lane who shouts to officers, "HES NEARLY DEAD".

Police are informed the victim is in the smoking area and find the victim laid on the ground. The victim is unconscious and officers can see he has serious facial injuries and significant blood loss. There is a member of the public with the victim.

Due to the level of injuries the victim had sustained and how he was presenting to ambulance staff, police officers travelled with the victim to the hospital which is for the continuity of evidence following serious incidents whereby victims may have life threatening injuries.

Following the victim being taken to hospital remaining police officers on scene have tried to establish what has happened and a request is made to view the CCTV. Officers are advised by staff that they are unable to view any CCTV at the premises as they are unable to access it. This is due to an ongoing dispute between the owners and one of them removing access to the CCTV. Officers have had to contact one of the owners who isn't the Premises licence holder or Designated premises supervisor and attend her home address so the cctv footage could be viewed on her mobile phone.

The delay in being able to view the cctv, firstly to try and establish what has taken place and to identify how the victim has received his injuries i.e. has a weapon been used, level of force used by the suspect which could potentially assist in the medical treatment of the victim and secondly to identify who was responsible and possible witnesses who may have still been on scene has frustrated the enquiry and does not uphold the crime and disorder objective.

Consideration was made due to the seriousness of the assault and level of injury to the victim of placing a crime scene on the smoking area of the bar, however all glassware etc had been removed from the scene by staff prior to police officers arrival and the glass on floor has been swept into piles by staff.

The interference of the crime scene and removal of items has impacted on the chance of being able to obtain any forensics at the scene and the continuity of evidence is no longer in tact. The decision was therefore made that the requirement for a scene preservation was not going to be beneficial to this investigation, so police officers captured the crime scene on their Body Worn Video during initial attendance and again following victim being removed by ambulance.

Officers at the scene have been unable to identify any staff member who was in

charge at the time of the incident. Two members of bar staff have been identified one of which stated a female was having a drink with a group of males, so she went outside to speak to the males and they came back into the pub. She stated the victim was stood at the bar at this point, but had no idea at what point the victim left the bar, and the next thing she knows she's being told he is injured. She stated that she didn't go outside to assist as she doesn't like the sight of blood.

This incident has been charged as a section 18 assault which is grievous bodily harm (GBH) with intent and is currently being investigated by CID.

The suspect was originally unknown, however has since been identified and is currently on conditional police bail not to attend any licensed premises, whilst further enquiries are carried out.

CCTV has captured the assault in full and it shows a horrific attack on the victim who has significant injuries to his face. The victim has been punched over a dozen times to the face whilst he appears unconscious displaying a clear intent to cause serious harm to the victim.

The victim has been advised he has several fractures across multiple different parts of his face and will require surgery at a later date. The victim is still in hospital and so far due to his injuries has been able to give police a full account of what has happened.

The nursing looking after the victim has been spoken to and confirmed that he has multiple facial bone fractures, and is still in a significant amount of pain and at this time the swelling is too much for the doctors to proceed with surgery.

CCTV will be available for viewing at the hearing.

The premises did not report this incident to the police and although I acknowledge they did call an ambulance, they still have a responsibility to report incidents to the police and not rely on other agencies to do so on their behalf. There was also no intervention by any members of staff.

The conditions around CCTV is not being adhered to when the system cannot be accessed within the venue and despite it being a Saturday evening with karaoke on there were no doorstaff present at the venue.

The incident also took place after 11pm when the bar should have been closed and the CCTV shows that patrons appear to be intoxicated. Due to the difficulties in obtaining CCTV it has not yet been possible to get the inside camera's (as the police's focus has been on this serious assault) to see if alcohol sales were taking place after 11pm.

Due to the seriousness of the incident reported by ambulance at the weekend, the poor management at the premises and breach of license conditions around the CCTV and potentially the hours of operation 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 Licensing Act 2003 is justified as we will be asking for 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: 23rd April 2024
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:

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Durham Constabulary
Force HQ
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DH1 5TT

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

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

Premises:
Memory Lane
51Church Street
Seaham
SR7 7HF

Premise licence no: DCCC/PLA0653

Name of Premises licence holder: Emma Louise BIRD

I am a superintendent in Durham Constabulary

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

There has been an incident involving serious crime at the premises namely a section 18 assault (GBH) on Saturday 20th April 2024 whereby the victim has sustained significant head and facial injurie. The victim remains in hospital and will require surgery.

The circumstances around this incident and the assault bring into serious question the management and running of this premise. The incident was not reported to police by the premises, and the investigation has been hindered by the actions of the premises namely the interference of the crime scene and delay in viewing the cctv.

I note there is currently an ongoing dispute between the owners of the premises which has resulted in recent police intervention, and one of the parties removing CCTV camera's and then restricting access to the system. I feel this is impacting on the running of this premises and a failure to uphold the licensing objectives and poses a significant risk to the public.

I have considered a standard review of the premises licence; however, I do not feel this step to be appropriate the incident was so serious the case must be put before a licensing committee as soon as possible for measures to be put in place to address the risk this premises poses.

Therefore immediate action via an summary review is required to prevent any further serious incidents taking place at the premises. The summary review process would enable the police and licencing authority to seek the removal of the designated premises supervisor and the suspension of the premises licence whilst the criminal investigations are ongoing and to fully determine the suitability of persons involved in the ongoing running of this premise.

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

Signed

Dated 24th April 2024

Print Name Neal Bickford

Title Superintendent2431