



## Statutory Licensing Sub-Committee

**Date** Tuesday 15 January 2013  
**Time** 10.00 am  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes (Pages 1 - 2)
4. Declarations of Interest (if any)
5. Application for the Review of a Premises Licence - Boxers, 69-70 Crossgate, Durham (Pages 3 - 98)
6. Application for the Grant of a Premises Licence - The Jumping Bean, 5 Neville Street, Durham (Pages 99 - 148)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
7 January 2013

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

Councillors B Alderson, C Carr, A Hopgood and J Lee

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 2 January 2013 at 10.00 am**

**Present:**

**Councillor D Marshall (Chair)**

**Members of the Committee:**

Councillors B Arthur and B Graham

**Apologies:**

Apologies for absence were received from Councillors J Hunter

**Also Present:**

Councillor J Wilkinson

K Monaghan – Acting Team Leader (Licensing)

S Grigor – Legal Officer

**1 Apologies for Absence**

An apology for absence was received from Councillor J Hunter.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest (if any)**

There were no declarations of interest received.

**4 Minutes**

The Minutes of the meeting held on 31 October 2012 were confirmed as a correct record and were signed by the Chair.

**5 Application for the Review of a Premises Licence - Tanhills Post Office / Premier Store, Kimblesworth Road, Tanhills, Chester-le-Street**

**Resolved:**

That in the absence of the licence holder the hearing be adjourned and re-convened on a date to be agreed.

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**Statutory Licensing Sub-Committee (1)**

15<sup>th</sup> January 2013

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




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**Report of Terry Collins, Corporate Director, Neighbourhood Services**

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**Name and Address of Premises:** Boxers, 69-70 Crossgate, Durham, DH1 4PR

**1. Summary**

The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of the above premises currently licensed for the sale of alcohol and late night refreshment as detailed in the table below:

<b>Licensable Activity</b>	<b>Timings</b>
Sale of Alcohol (on sales only)	Monday to Saturday 11:00 – 00:00
	Sunday 12:00 – 23:30
	Christmas Day 12:00 - 23:30
	Good Friday 12:00 - 23:30
	New Years Eve 11:00 (12:00 if Sun ) – 24:00
	New Years Day 00:00 – 24:00 (23:30 if sun)
Late Night Refreshment (indoors only)	Monday to Saturday 23:00 – 00:00
	Sunday 23:00 – 23:30
	Christmas Day 12:00 - 23:30
	Good Friday 12:00 - 23:30

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

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

**2. Details of the Application**

The application is for a review of the premises licence (LAPREG/05/0661) currently held by Pemberstone Partnership (No 3) LLP.

On 12<sup>th</sup> November 2012, the Licensing Authority received an application from Durham Constabulary asking the Licensing Authority to consider a review of the premises licence.

The application is deemed by the Licensing Authority to be relevant.

The application for review relates to the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the application for the review of the premises licence and supporting documents are attached at Appendix 3.

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

### **3. Representations**

Within the statutory period, five letters of representations were received, three from Responsible Authorities, namely Public Health, Local Safeguarding Children Board and the Licensing Authority and two from other persons, Mr Williams and Crossgate Community Partnership. Attached as Appendix 4.

A further letter of representation was received on 17<sup>th</sup> December 2012, from Mainstay Residential Ltd, acting on behalf of their clients Home Select Finance (No 3) stating they are the leaseholders of the Flats numbered 1-9 and 69-70 Crossgate, Durham. As the letter was not received within the statutory timeframe it has been deemed as a late representation and is not included in the report.

### **4. The Parties**

The Parties to the hearing will be:

- Durham Constabulary (applicant)
- Pemberstone Partnership (No 3) LLP (premises licence holder)
- Ms Gail Hopper, Vice Chair of Durham Local Safeguarding Children Board
- Ms Anna Lynch, Director of Public Health, County Durham
- Mr Garry Keay, Licensing Authority
- Mr Michael Williams
- Mr Cornwell, Crossgate Community Partnership

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

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

- 5.0 The Prevention of Crime and Disorder
- 7.0 The Prevention of Public Nuisance
- 8.0 The Protection of Children from Harm
- 19.0 Reviews

Relevant information is attached at Appendix 5.

## 6. Section 182 Guidance

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

- 2.1 – 2.7 Crime and Disorder
- 2.8 – 2.17 Public Safety
- 2.18 – 2.24 Public Nuisance
- 2.25 – 2.35 Protecting children from harm
- 11.1 – 11.30 Reviews

Relevant information is attached at Appendix 6.

## 7. For Decision

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

- Take no further action
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

### Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (As amended October 2012)

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**Contact: Karen Monaghan Tel: 03000 265104**  
**E-mail: karen.monaghan@durham.gov.uk**

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**APPENDIX 1 - PREMISES LICENCE**





## LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number  
 Granted  
 Issued

LAPREG/05/0661
24 November 2005
17 July 2012

### Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>PEMBERSTONE PARTNERSHIP (NO.3) LLP</b> 69-70 CROSSGATE DURHAM CITY DURHAM DH1 4PR	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
<b>Telephone number: N/A</b>	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by this licence</b> Late Night Refreshment Sale by Retail of Alcohol
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<b>The opening hours of the premises (all times in 24hr format)</b>		
Monday	11:00 - 00:00	<b>Non standard/seasonal timings:</b>  Christmas Day: 12:00 - 23:30 Good Friday: 12:00 - 23:30 New Years Eve: 11:00 (12:00 if Sun) – 24:00 New Years Day: 00:00 – 24:00 hrs. (23:30 if Sun)
Tuesday	11:00 - 00:00	
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	
Friday	11:00 - 00:00	
Saturday	11:00 - 00:00	
Sunday	12:00 - 23:30	

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


<b>Late night refreshment</b> Indoors only		
Monday	23:00 - 00:00	<b>Further details</b> N/A Non standard/seasonal timings: Christmas Day: 23:00 - 23:30 Good Friday: 23:00 - 23:30
Tuesday	23:00 - 00:00	
Wednesday	23:00 - 00:00	
Thursday	23:00 - 00:00	
Friday	23:00 - 00:00	
Saturday	23:00 - 00:00	
Sunday	23:00 - 23:30	

<b>Sale by retail of alcohol</b>		
On Sales Only		
Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	N/A
Wednesday	11:00 - 00:00	Non standard/seasonal timings:
Thursday	11:00 - 00:00	Christmas Day: 12:00 - 23:30
Friday	11:00 - 00:00	Good Friday: 12:00 - 23:30
Saturday	11:00 - 00:00	New Years Eve: 11:00 (12:00 if Sun) – 24:00
Sunday	12:00 - 23:30	New Years Day: 00:00 – 24:00 hrs. (23:30 if Sun)

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
PEMBERSTONE PARTNERSHIP (NO. 3) LLP LIMITED COMPANY WHITTINGTON HALL WHITTINGTON ROAD WORCESTER WR5 2ZX 01905 364074 DNCLARK@BLUEMARBLEPROPERTIES.CO.UK	

<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	OC 302258
Charity no:	N/A

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</b>
MS NATALIE PAYNE 

<b>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</b>
DCCNPER139 DURHAM

**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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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 a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or 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:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

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

None

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

None

**Annex 4 – Plans attached**

Attached



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



## LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number  
 Granted  
 Issued

LAPREG/05/0661
24 November 2005
17 July 2012

### Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<b>PEMBERSTONE PARTNERSHIP (NO.3) LLP</b> 69-70 CROSSGATE DURHAM CITY DURHAM DH1 4PR	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: N/A	

Where the licence is time limited the dates N/A
--

<b>Licensable activities authorised by this licence</b> Late Night Refreshment Sale by Retail of Alcohol
--

<b>The opening hours of the premises (all times in 24hr format)</b>		
Monday	11:00 - 00:00	<b>Non standard/seasonal timings:</b> Christmas Day: 12:00 - 23:30 Good Friday: 12:00 - 23:30 New Years Eve: 11:00 (12:00 if Sun) – 24:00 New Years Day: 00:00 – 24:00 hrs. (23:30 if Sun)
Tuesday	11:00 - 00:00	
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	
Friday	11:00 - 00:00	
Saturday	11:00 - 00:00	
Sunday	12:00 - 23:30	

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

<b>The times the licence authorises the carrying out of licensable activities (all in 24hr format)</b>		
<b>Late night refreshment</b>		
Indoors only		
Monday	23:00 - 00:00	Further details
Tuesday	23:00 - 00:00	N/A
Wednesday	23:00 - 00:00	<b>Non standard/seasonal timings:</b> Christmas Day: 23:00 - 23:30 Good Friday: 23:00 - 23:30
Thursday	23:00 - 00:00	
Friday	23:00 - 00:00	
Saturday	23:00 - 00:00	
Sunday	23:00 - 23:30	

**Sale by retail of alcohol**

On Sales Only

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	N/A
Wednesday	11:00 - 00:00	Non standard/seasonal timings:
Thursday	11:00 - 00:00	Christmas Day: 12:00 - 23:30
Friday	11:00 - 00:00	Good Friday: 12:00 - 23:30
Saturday	11:00 - 00:00	New Years Eve: 11:00 (12:00 if Sun) – 24:00
Sunday	12:00 - 23:30	New Years Day: 00:00 – 24:00 hrs. (23:30 if Sun)

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

PEMBERSTONE PARTNERSHIP (NO. 3) LLP  
LIMITED COMPANY  
WHITTINGTON HALL  
WHITTINGTON ROAD  
WORCESTER  
WR5 2ZX  
01905 364074  
DNCLARK@BLUEMARBLEPROPERTIES.CO.UK

**Registered number of holder, for example company number, charity number (where applicable)**


Company no: OC 302258  
Charity no: N/A

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

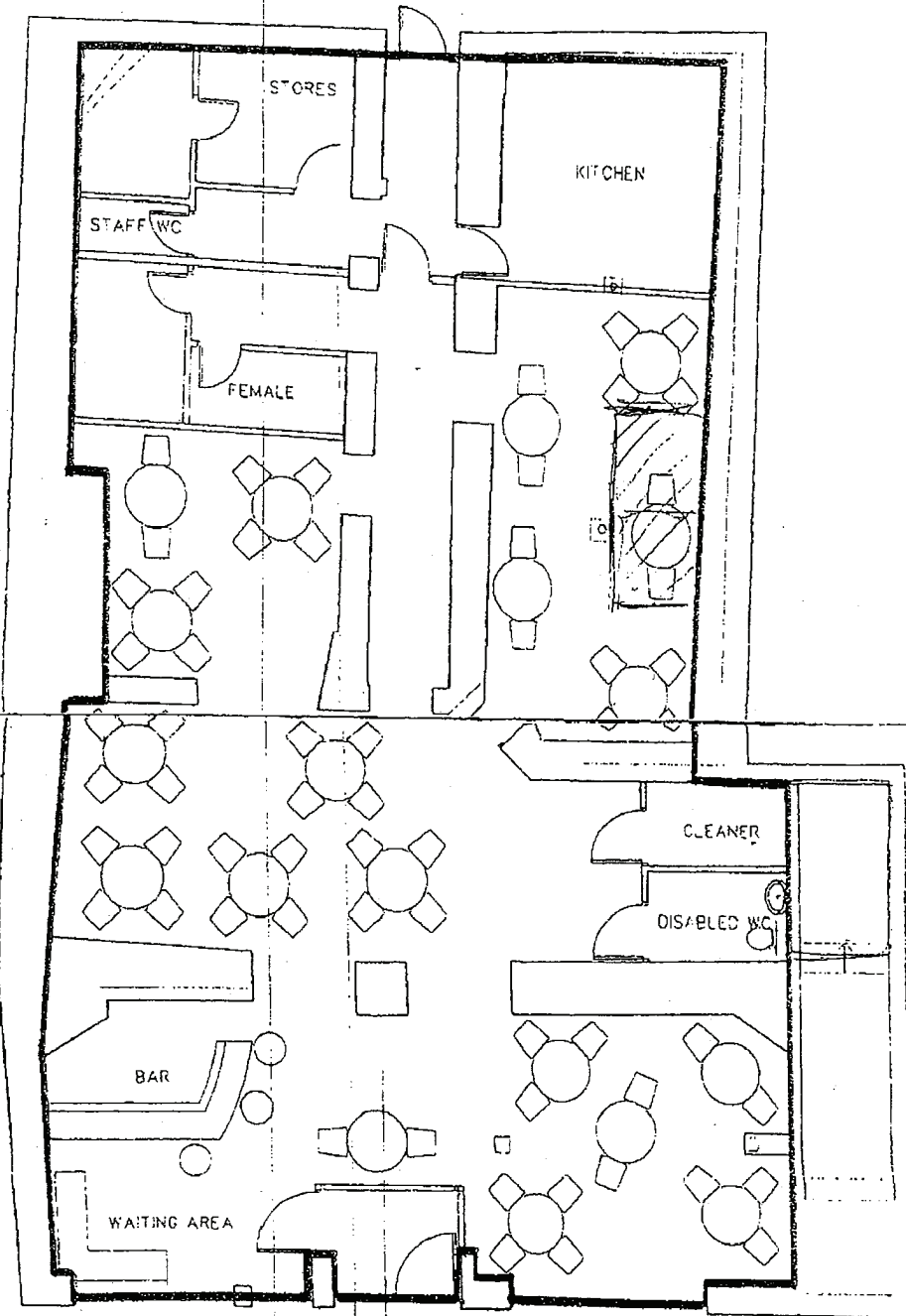
MS NATALIE PAYNE

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

N/A



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



GROUND FLOOR LAYOUT

DO NOT USE UNTIL SIGNED  
AND DATED BELOW

Signed.....  
Date.....

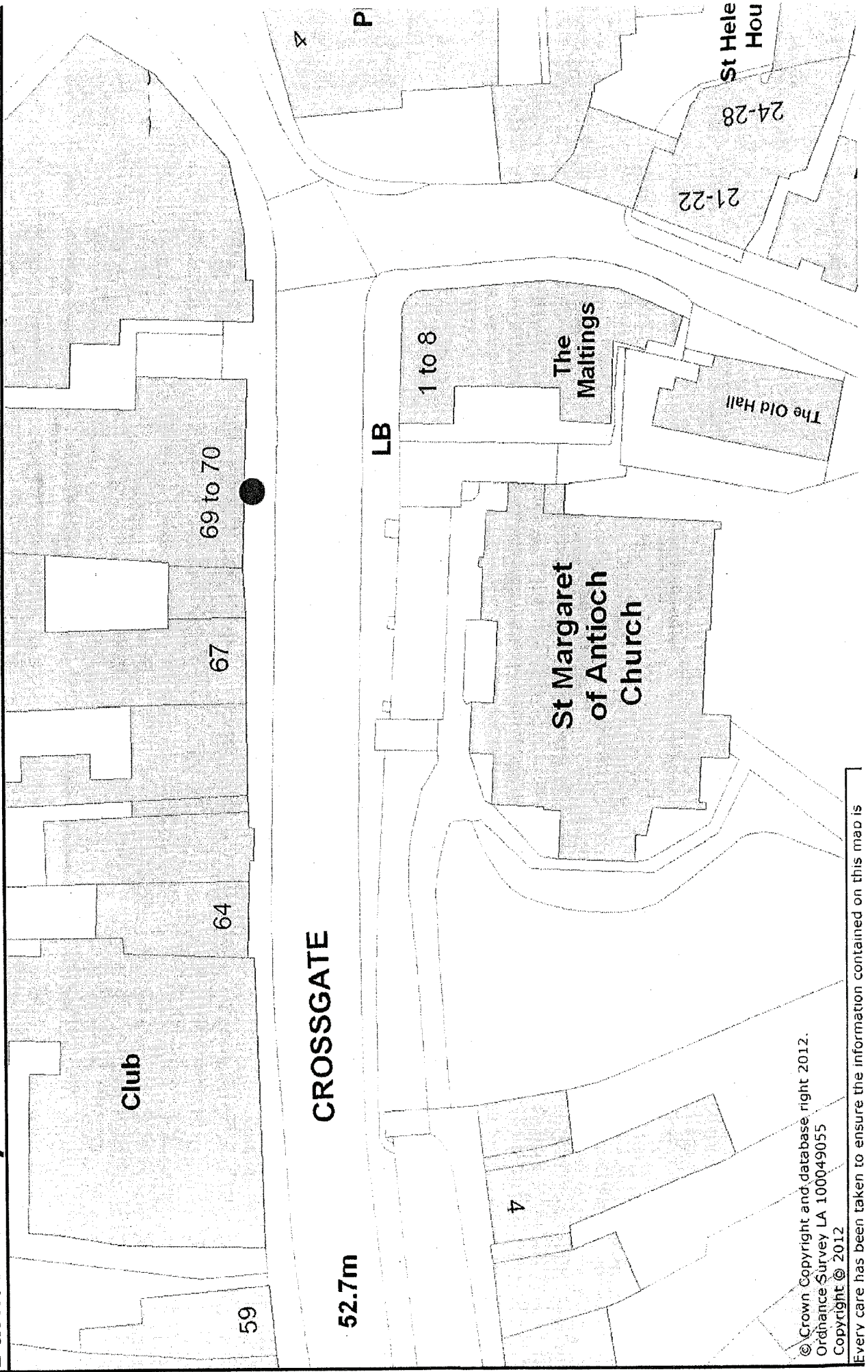
DISUSE PLAN

*Handwritten signature*

27/06/00

**APPENDIX 2 – LOCATION PLAN**

**Durham County Council - IntraMAP**



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Ordnance Survey LA 100049055  
Copyright © 2012

Every care has been taken to ensure the information contained on this map is



**APPENDIX 3 – REVIEW APPLICATION**

Police Bundle of Evidence regarding the Review of Premises Licence for

BOXERS BAR

69-70 Crossgate

Durham City

DH1 4PR

1. Review Document
2. Grounds for Review
3. Premise Licence LAPREG/05/0661 and attached plan.
4. Ariel View of locality around Boxers Bar
5. Image of front of Boxers Bar.
6. Statement T.J. Robson.
7. Letter of warning to Natalie PAYNE dated 10<sup>th</sup> August 2012
8. Crossgate PACT report June 2012
9. Incident Logs relating to Boxers Bar
10. Extensive CCTV footage covering all areas highlighted in statement and the three test purchase operations.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I Mr M. BARTON - the Chief Constable of Durham

(Insert name of applicant)

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

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 69-70 CROSSGATE DURHAM CITY DURHAM	
Post town Durham	Post code (if known) DH1 4PR

Name of premises licence holder or club holding club premises certificate (if known) PEMBERSTONE PARTNERSHIP (NO.3) LLP
--

Number of premises licence or club premises certificate (if known) LAPREG/05/0661
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

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

Name and address Mr.M. Barton The Chief Constable of Durham Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any) 03456060365
E-mail address (optional)

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)  
See attached Grounds

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

See attached Grounds

Please tick yes

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

If yes please state the date of that application

Day Month Year

-	-	-	-	-	-	-	-
---	---	---	---	---	---	---	---

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

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

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



*Eng. 210*

Date 13/11/2012

Capacity Delegated Authority

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Sgt 1590 Timothy Robson  
Alcohol Harm Reduction Unit  
Annand House  
John Street North  
Meadowfield

**Post town**  
Durham

**Post Code**  
DH7 8RS

**Telephone number (if any)** 0191 3754980

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

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



## GROUNDS FOR REVIEW

1. The Applicant is seeking a review of the premises licence for Boxers Bar, situated at 69-70 Crossgate, Durham, City. Co Durham. DH1 4PR as it is a necessary course of action to address concerns relating to the prevention of crime and disorder and the protection of children from harm objectives in the Licensing Act 2003.
2. The premise licence holder for the premise is Pemberstone Partnership (No 3) LLP. In May 2012 this premise was leased out to new tenants. The premise operated from May 2012 under the authority of Temporary event notices and on the 17<sup>th</sup> July 2012 a formal application was made to Durham County Council for to vary the DPS. The DPS for the premises is Mrs Natalie Payne. [REDACTED] the partner of Natalie Payne and business associate, regularly works at the premises and is actively involved in its management.
3. Since May 2012 this premises has a history of violent behaviour by patrons and staff. There have been a number of breaches in licensing legislation.
4. At The Crossgate PACT meeting in June 2012, Boxers Bar was mentioned on the 3 occasions expressing complaints about the conduct of customers.
5. At 7.30am on Sunday 5<sup>th</sup> August 2012 a 17 year old female rang her mother from BOXERS BAR informing her that she was locked inside the premises after having fallen asleep drunk in the toilets overnight. The manager PAYNE was spoken to and there had been no security checks made of the toilets at the close of business. The female in question is 17yrs and clearly looked too young to be drinking. Furthermore the female customer stated that she had been drinking in boxers with her friends and was very drunk. The owners of the premise had that night held a party where they continued to serve alcohol until 3am the following morning. The licence prevents activities beyond midnight.
6. At 7pm on Saturday 18<sup>th</sup> August 2012 a group of males were seated around a table in Boxers bar when they are seen to open a container and openly snort its contents. Their furtive nature and conduct lead the

officer to believe that this was controlled drugs. The males do have strong connections with substance misuse. On this instance the football match was on the TV screens in the bar. Free shots had been offered to induce patrons into the bar. The persons in this group were; on the information of reporting officers very drunk and their heightened aggression was without doubt exacerbated by the taking of controlled drugs. This is captured on CCTV and will be produced.

7. At 7.15pm the same evening the males started to fight inside Boxers pub in Crossgate Durham the fight was between two large groups of males and the door staff. This was captured on CCTV and will be produced. This disturbance was instigated at some point when a glass was broken inside the pub. The fight moved to outside of the front of the Boxers Bar where a male who is furious with anger punches a window out of the owners 4x4 vehicle. There were no complaints of assault however some persons had received injuries. The instigators of the fight have previous for violence. The owners' vehicle with the damaged window was removed prior to police arrival and was for some reason not reported.
8. On Monday 20<sup>th</sup> August 2012 During the visit a routine check was made on the premises toilets. Strong cocaine traces were found on the cistern tops in the male toilets
9. On Numerous occasions a female known to be 16yrs of age is seen to be serving alcohol on her own without authority being granted for each and every sale by a responsible person duly authorised and over 18yrs of age.
10. On Thursday 30<sup>th</sup> August 2012 at 5.18pm there is an assault on a transgender male inside of Boxers Bar. This male is intoxicated and is punched by another male in an unprovoked assault. The disturbance is controlled by [REDACTED] and the bar manager who eject the transgender male from the premises who is clearly the innocent party. The male carrying out the assault is allowed to remain within and drink further. The transgender male then phones the police from outside the premises and the intoxicated male customer leaves the premises and again strikes the transgender male with such force that

he is pushed over into a busy roadway. This is captured on CCTV and produced in evidence.

11. At 8.10pm on Wednesday the 10<sup>th</sup> October 2012 during the college fresher's period groups of football and rugby students are given a bottle of shots to free pour into their friends' mouths by their own volition in and around the premise. This does not promote responsible drinking but encourages drunkenness. This is captured on CCTV and produced in evidence.
12. At 8.22pm on Sunday 9<sup>th</sup> September 2012 customers are allowed to continue drinking outside unchecked contrary you the city of Durham's Designated Public Place Order in place in that area. This is captured on CCTV and produced in evidence.
13. At 2.45pm on Saturday 29<sup>th</sup> September 2012 a door supervisor working at Boxers is seen to eject a customer from the premise and when the customer refuses to leave the area the door supervisor clearly wearing a SIA badge picks up a glass bottle from the rear of the owners pick up car and throws it some distance down the road where it explodes at the males feet scattering glass widely. A number of members of the public were using the street at this time. This is captured on CCTV and produced in evidence.
14. On Thursday 11<sup>th</sup> October 2012 the Grandmother of a 16year female whose details are known to the police reports that her granddaughter went to Boxers Bar on Friday 5<sup>th</sup> October and along with four or five of her friends in the same year at school aged 15 and 16years were able to buy alcohol unchallenged. Door supervisors were on duty at this time. Bar staff are seen to be consuming alcohol from bottles.
15. During October 2012 Operation Glenside 2012 was ran in the City Centre of Durham which was based on intelligence received by the police. A child volunteer aged 15 years was briefed and accompanied by a police officer the child volunteer would enter a licensed premise and attempt to by an alcoholic drink.
16. At 5.54pm on Thursday October 11<sup>th</sup> 2012 a female child volunteer aged 15 years entered Boxers Bar. The child volunteer was

approached by a female now known to be Natalie PAYNE the Designated Premise supervisor and holder of a personal Licence. The child volunteer ordered two bottles of Irn Bru WKD (abv 4.5%). PAYNE did not ask for age or identification. At 5.57pm the same day the child volunteer paid the female £4 for the two bottles and after taking the alcohol the child volunteer and the accompanying police officer went to the toilet. In the toilet a photograph was taken of the alcohol purchased (JC1) and it was poured away. The child volunteer and the police officer then left the premise and an in car video recorded de brief was conducted. Upon return to the station another de brief was carried out. The initial briefing, visit, in car de brief and police station de brief has been produced (TJR1). PAYNE has been reported for process for selling alcohol to a child under 18years of age.

17. At 6.00pm on Monday October 15th 2012 a female child volunteer aged 15 years entered Boxers Bar. The child volunteer was approached by a young 17yr old male wearing a blue Adidas sweatshirt shirt. The child volunteer ordered two bottles of WKD (abv 4.5) from the bar person. The retailer did not ask for age or identification. At 6.03pm the same day the child volunteer paid the male £5 for the two bottles and after taking the alcohol the child volunteer and the accompanying police officer went to the toilet. In the toilet a photograph was taken of the alcohol purchased (JC2) and it was poured away. The child volunteer and the police officer then left the premise and an in car video recorded de brief was conducted. Upon return to the station another de brief was carried out. The initial briefing, visit, in car de brief and police station de brief has been produced (TJR1). The bar person has been issued with a Fixed Penalty Ticket for £80.
18. At 5.50pm on Tuesday October 16th 2012 a female child volunteer aged 15 years entered Boxers Bar. The child volunteer was approached by a male in his early 20's with dark short hair and wearing a dark shirt. The child volunteer ordered two bottles from the bar person. The retailer did not ask for age or identification. The retailer asked if the child volunteer if she wanted three double vodkas for six pound. At 5.52pm the same day the child volunteer paid the male £4 for two bottles of Irn Bru WKD (abv 4.5) and after taking the alcohol the child volunteer and the accompanying police officer went

to the toilet. In the toilet a photograph was taken of the alcohol purchased (JC3) and it was poured away. The child volunteer and the police officer then left the premise and an in car video recorded de brief was conducted. Upon return to the station another de brief was carried out. The initial briefing, visit, in car de brief and police station de brief has been produced (TJR1). The barperson has been issued with a fixed penalty ticket for £80.

19. Three sales of alcohol have been made to a 15yr old child volunteer on three separate occasions over two weeks. Neither age nor identification has been requested in this premise which alleges to operate a challenge 25 policy. It is clear that this premise undermines the protection of children from harm objective and there is strong evidence that customers attending this premise have been served alcohol when drunk.
  
20. Whilst it is for the Licensing Authority to determine the action necessary to secure and promote the licensing objectives, the Applicant would urge the Authority to revoke the premises licence as the only action to prevent crime and disorder and protect children from harm.



## LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number  
 Granted  
 Issued

LAPREG/05/0661
24 November 2005
17 July 2012

### Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>PEMBERSTONE PARTNERSHIP (NO.3) LLP</b> 69-70 CROSSGATE DURHAM CITY DURHAM DH1 4PR	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: N/A	

**Where the licence is time limited the dates**  
 N/A

### Licensable activities authorised by this licence

Late Night Refreshment  
 Sale by Retail of Alcohol

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

Monday	11:00 - 00:00	<b>Non standard/seasonal timings:</b>  Christmas Day: 12:00 - 23:30 Good Friday: 12:00 - 23:30 New Years Eve: 11:00 (12:00 if Sun) – 24:00 New Years Day: 00:00 – 24:00 hrs. (23:30 if Sun)
Tuesday	11:00 - 00:00	
Wednesday	11:00 - 00:00	
Thursday	11:00 - 00:00	
Friday	11:00 - 00:00	
Saturday	11:00 - 00:00	
Sunday	12:00 - 23:30	

**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)

#### Late night refreshment

Indoors only

Monday	23:00 - 00:00	<b>Further details</b>  N/A Non standard/seasonal timings: Christmas Day: 23:00 - 23:30 Good Friday: 23:00 - 23:30
Tuesday	23:00 - 00:00	
Wednesday	23:00 - 00:00	
Thursday	23:00 - 00:00	
Friday	23:00 - 00:00	
Saturday	23:00 - 00:00	
Sunday	23:00 - 23:30	

**Sale by retail of alcohol**  
On Sales Only

Monday	11:00 - 00:00	Further details
Tuesday	11:00 - 00:00	N/A
Wednesday	11:00 - 00:00	Non standard/seasonal timings
Thursday	11:00 - 00:00	Christmas Day: 12:00 - 23:30
Friday	11:00 - 00:00	Good Friday: 12:00 - 23:30
Saturday	11:00 - 00:00	New Years Eve: 11:00 (12:00 if Sun) - 24:00
Sunday	12:00 - 23:30	New Years Day: 00:00 - 24:00 hrs. (23:30 if Sun)

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

PEMBERSTONE PARTNERSHIP (NO. 3) LLP  
LIMITED COMPANY  
WHITTINGTON HALL  
WHITTINGTON ROAD  
WORCESTER  
WR5 2ZX  
01905 364074  
DNCLARK@BLUEMARBLEPROPERTIES.CO.UK

**Registered number of holder, for example company number, charity number (where applicable)**

Company no.	OC 302258
Charity no.	N/A

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

MS NATALIE PAYNE  


**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**

DCCNPER139  
DURHAM

**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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability)

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

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol -

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 a holographic mark.

The responsible person shall ensure that:-

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

- 1 Beer or cider - ½ pint;
- 2 Gin, rum, vodka or whisky - 25ml or 35ml; and
- 3 Still wine in a glass - 125ml, and

(b) Customers are made aware of the availability of these measures

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

None

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

None

**Annex 4 – Plans attached**

Attached



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





## LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number  
Granted  
Issued

LAPREG/05/0661
24 November 2005
17 July 2012

### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<b>PEMBERSTONE PARTNERSHIP (NO.3) LLP</b> 69-70 CROSSGATE DURHAM CITY DURHAM DH1 4PR	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ

Telephone number: N/A

Where the licence is time limited the dates  
N/A

### Licensable activities authorised by this licence

Late Night Refreshment  
Sale by Retail of Alcohol

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

		<b>Non standard/seasonal timings:</b>
Monday	11:00 - 00:00	
Tuesday	11:00 - 00:00	
Wednesday	11:00 - 00:00	Christmas Day: 12:00 - 23:30
Thursday	11:00 - 00:00	Good Friday: 12:00 - 23:30
Friday	11:00 - 00:00	New Years Eve: 11:00 (12:00 if Sun) - 24:00
Saturday	11:00 - 00:00	New Years Day: 00:00 - 24:00 hrs (23:30 if Sun)
Sunday	12:00 - 23:30	

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)

#### Late night refreshment

Indoors only

		Further details
Monday	23:00 - 00:00	N/A
Tuesday	23:00 - 00:00	
Wednesday	23:00 - 00:00	
Thursday	23:00 - 00:00	Non standard/seasonal timings
Friday	23:00 - 00:00	Christmas Day: 23:00 - 23:30
Saturday	23:00 - 00:00	Good Friday: 23:00 - 23:30
Sunday	23:00 - 23:30	

**Sale by retail of alcohol**

On Sales Only

Monday	11 00 - 00 00	Further details
Tuesday	11:00 - 00 00	N/A
Wednesday	11:00 - 00:00	Non standard/seasonal timings
Thursday	11 00 - 00 00	Christmas Day: 12 00 - 23 30
Friday	11 00 - 00 00	Good Friday: 12:00 - 23:30
Saturday	11 00 - 00 00	New Years Eve: 11:00 (12:00 if Sun) - 24:00
Sunday	12 00 - 23 30	New Years Day: 00:00 - 24:00 hrs (23:30 if Sun)

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

PEMBERSTONE PARTNERSHIP (NO. 3) LLP  
LIMITED COMPANY  
WHITTINGTON HALL  
WHITTINGTON ROAD  
WORCESTER  
WR5 2ZX  
01905 364074  
DNCLARK@BLUEMARBLEPROPERTIES.CO.UK

**Registered number of holder, for example company number, charity number (where applicable)**


Company no. OC 302258  
Charity no. N/A

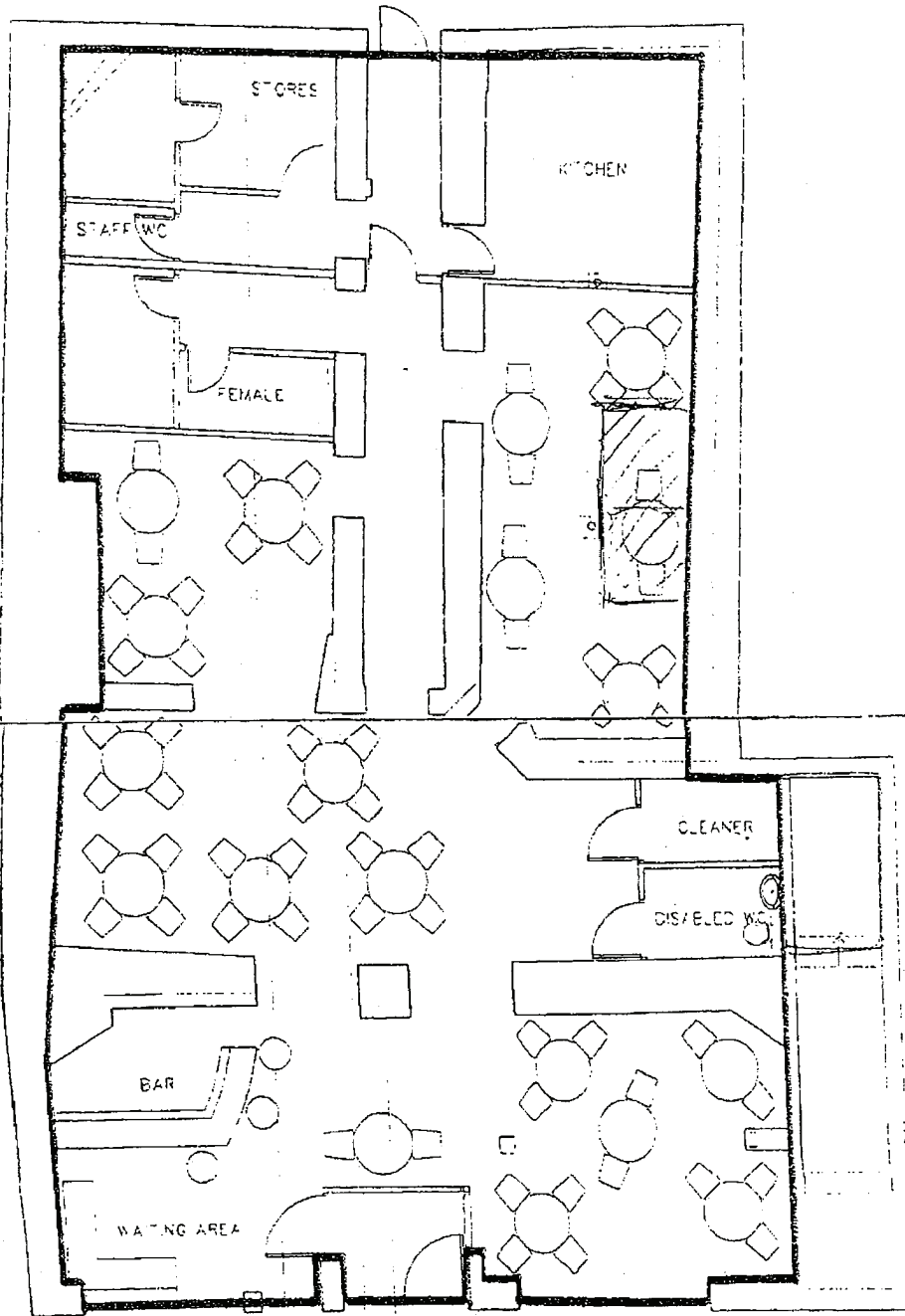
**Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol**

MS NATALIE PAYNE

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

N/A

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



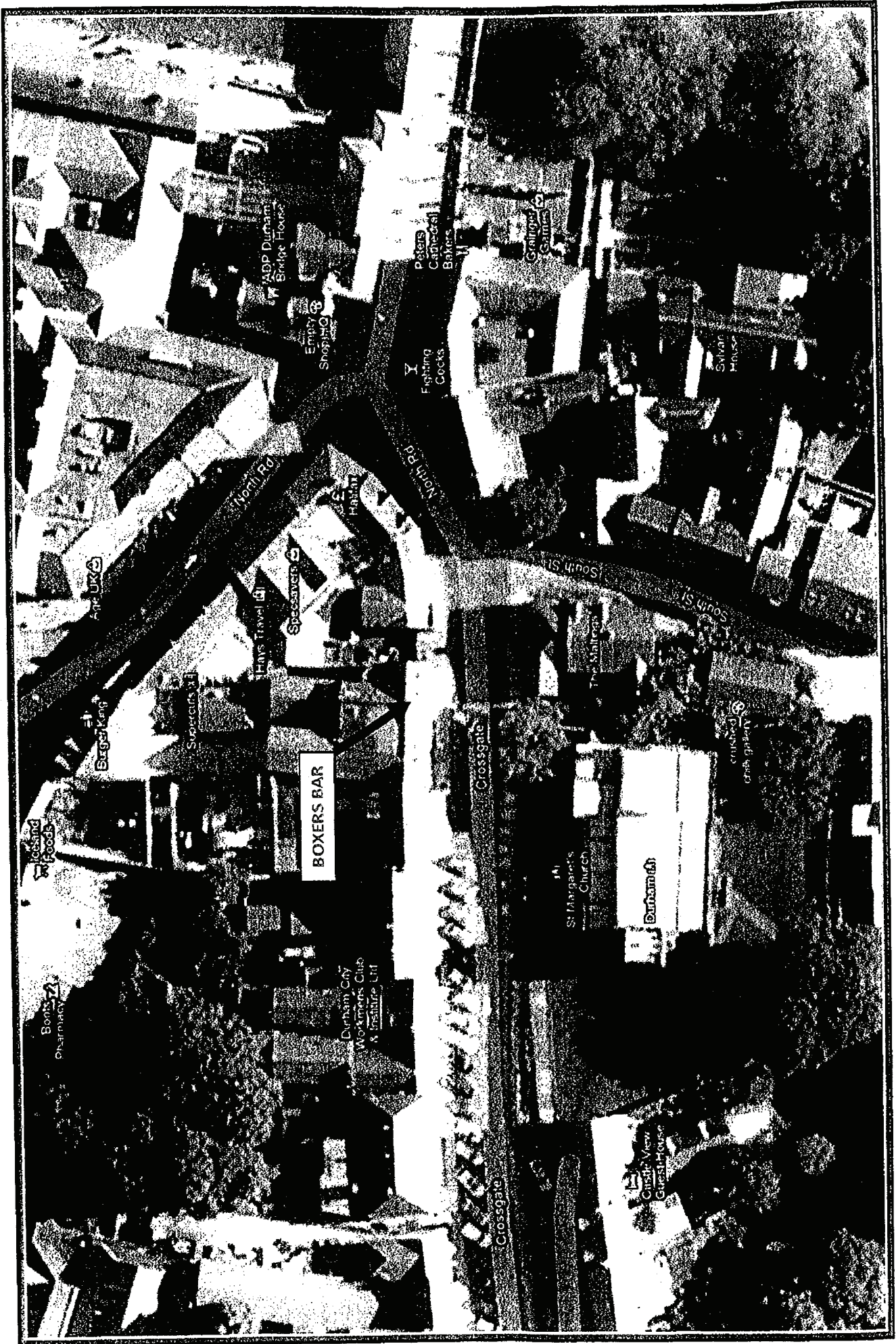
GROUND FLOOR LAYOUT

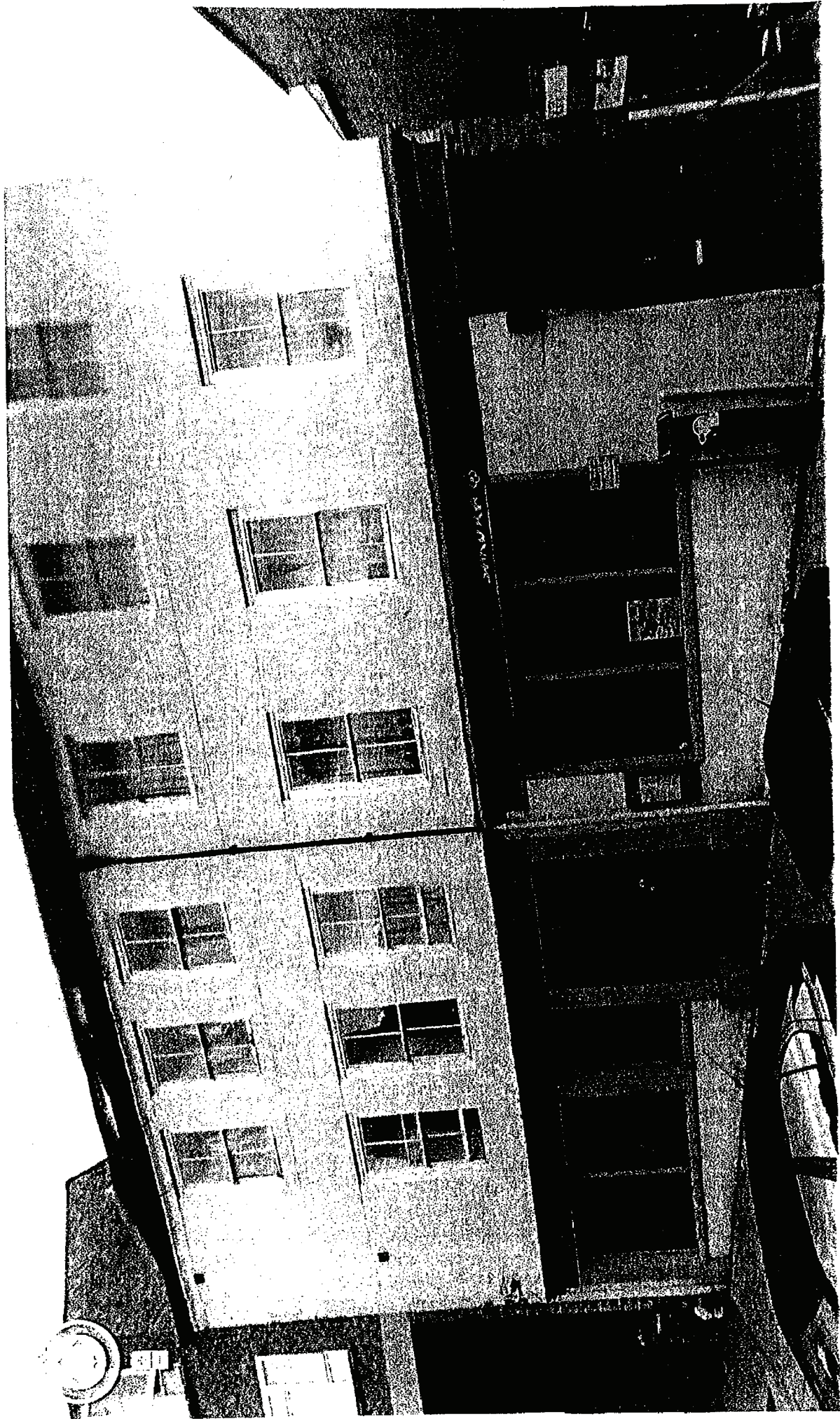
DO NOT USE UNTIL SIGNED  
AND DATED BELOW

Signed: \_\_\_\_\_  
Date: \_\_\_\_\_

27/06/00

*J. M. S. S. E.*





**BOXERS SPORTS BAR, CROSSGATE, DURHAM CITY**

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

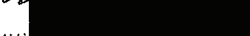
URN

Statement of: Timothy John Robson

Age if under 18: 021 (if over 18 insert 'over 18')

Occupation: Police Sergeant 1590

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 13/11/2012

I am a Police Sergeant in the Durham Constabulary, presently stationed in the Alcohol Harm Reduction Unit. I have 10 years' experience in pure licensing. I hold a National Certificate for Personal Licence Holders, a National Certificate for Designated premises Supervisors, a National Certificate for Licensing Practitioners and I am the holder of a Personal Licence for alcohol retail. I hold an Award in assessment of licensed premises, and I am a Best Bar None assessor.

Boxers bar is situated at 69 to 70 Crossgate, Durham City. It was originally a seated restaurant. The premise was leased out in May 2012 to a Natalie PAYNE, personal Licence holder and DPS. The premises operated under Temporary Event Notices submitted by Natalie PAYNE to extend the underlying restaurant licence.

At 11.30pm on Monday 11<sup>th</sup> June 2012 residents living above Boxers Bar in the flats report that since the change of its use, this premise has caused public nuisance from loud music preventing sleep.


At The Crossgate PACT meeting in June 2012, Boxers Bar was mentioned on the following 3 occasions.

23/06/12 - Anti social Behaviour approximately 50 people outside of Boxers Bar drinking and excessive noise and nuisance.

29/06/12 - Group of 30 youths outside of Boxers drinking alcohol and causing noise nuisance.

30/06/12 - Contact record reports of a large group of people outside of Boxers Bar on the path blocking the pathway and causing intimidation.

At 7.30am on Sunday 5<sup>th</sup> August 2012 this morning a 17 year old female rang her mother from BOXERS informing her that she was locked inside the premises after having fallen asleep in the toilets overnight. The manager PAYNE was spoken to and there had been no security checks made of the toilets at the close of business. There is a sign on the window informing customers that they MUST LOOK 25 OR OVER TO GET SERVED ALCOHOL. The female in question is 17yrs and clearly looked too, young to be drinking. Furthermore she stated that she had been drinking in boxers with her friends and was very drunk. The

Signature:  Signature witnessed by: .....

owners of the premise had that night held a party where they continued to serve alcohol until 3am the following morning. The licence prevents activities beyond midnight.

At 7pm on Saturday 18<sup>th</sup> August 2012 a group of males were seated around a table in Boxers bar when they are seen to open a container and openly snort its contents. Their furtive nature and conduct lead me to believe that this was controlled drugs. I am aware of the identity of some of these males and they do have strong connections with substance misuse. On this instance the football match was on the TV screens in the bar. Free shots had been offered to induce patrons into the bar. The persons in this group were; on the information of reporting officers very drunk and their heightened aggression was without doubt exacerbated by the taking of controlled drugs. This was captured on CCTV.

At 7.15pm the same evening the males started to fight inside Boxers pub in Crossgate Durham the fight was between two large groups of males and the door staff. This was captured on CCTV. This disturbance was instigated at some point when a glass was broken inside the pub. The fight moved to outside of the front of the Boxers Bar where a male who is furious with anger punches a window out of the owners 4x4 vehicle. There were no complaints of assault however some persons had received injuries. The instigators of the fight have previous for violence. The owners vehicle with the damaged window was removed prior to police arrival and was for some reason not reported.

At 3.30pm on Monday 20<sup>th</sup> August 2012 PCSO Haigh visited Boxers Bar with regard to viewing CCTV images of incident previously mentioned. During the visit a routine check was made on the premises toilets. Strong cocaine traces were found on the cistern tops in the male toilets (a cocaine wipe used).

At 9.16pm on Saturday 25<sup>th</sup> August 2012 [REDACTED] is seen to lie on the pool table and for a female customer to carry out a sex act on top of him.

At 10.18pm the same day [REDACTED] is seen to tell a female member of staff to come outside the front, on doing so the young dark haired female is publicly groped by [REDACTED] by feeling her breasts outside Boxers.

At 10.35pm the same day door staff are seen pouring their own alcohol and drinking behind the bar.

On Sunday 26<sup>th</sup> August 2012 at 6.16pm a female known to be 16yrs of age is seen to be serving alcohol on her own without authority being granted for each and every sale by a responsible person duly authorised and over 18yrs of age. There are numerous occasions where bar staff under 18yrs are seen to sell alcohol to the public. This is one example of many.

At 7.40pm the same day bar staff are seen to free pour spirits without using an approved measure.

At midnight on Tuesday 28<sup>th</sup> August 2012 the male bar manager supplies alcohol to a female then engages in sexual activities with the female in the bar.

On Thursday 30<sup>th</sup> August 2012 at 5.18pm there is an assault on a transgender male inside of Boxers Bar. This male is intoxicated and is punched by another male in an unprovoked

Signature: [REDACTED]

Signature witnessed by: .....

assault. The disturbance is controlled by [redacted] and the bar manager who eject the transgender male from the premises who is clearly the innocent party. The male carrying out the assault is allowed to remain within and drink further. The transgender male then phones the police from outside the premises and the intoxicated male customer leaves the premises and again strikes the transgender male with such force that he is pushed over into a busy roadway.

At 3.23pm on Friday 31<sup>st</sup> August 2012 a 16yr old female whose identity is known to the police is seen to be serving alcohol whilst un authorised and on numerous occasions' during day

At 3.30pm on Saturday the 1<sup>st</sup> September 2012 the 16yr old female is seen serving alcohol again un authorised.

At 8.10pm on Wednesday the 10<sup>th</sup> October 2012 during the college fresher's period groups of football and rugby students are given a bottle of shots to free pour into their friends mouths by their own volition in and around the premise. This is captured on CCTV.

8.22pm on Sunday 9<sup>th</sup> September 2012 customers are allowed to continue drinking outside unchecked contrary you the city of Durham's Designated Public Place Order in place in that area..

At 2.45pm on Saturday 29<sup>th</sup> September 2012 a door supervisor working at Boxers is seen to eject a customer from the premise and when the customer refuses to leave the area the door supervisor clearly wearing a SIA badge picks up a glass bottle from the rear of the owners pick up car and throws it some distance down the road where it explodes at the males feet scattering glass widely. A number of members of the public were using the street at this time.

On Thursday 11<sup>th</sup> October 2012 the Grandmother of a 16yr female whose details are known to the police reports that her granddaughter went to Boxers Bar on Friday 5<sup>th</sup> October and along with four or five of her friends in the same year at school aged 15 and 16years were able to buy alcohol unchallenged. Door supervisors were on duty at this time. Bar staff are seen to be consuming alcohol from bottles.

During October 2012 Operation Glenside 2012 was ran in the City Centre of Durham which was based on intelligence received by the police. A child volunteer aged 15 years was briefed and accompanied by a police officer the child volunteer would enter a licensed premise and attempt to buy an alcoholic drink. If asked their age they would say that they are 18 if asked for identification they would say that they have none. The words and actions would be recorded on a body worn camera.

At 5.54pm on Thursday October 11<sup>th</sup> 2012 a female child volunteer aged 15 years entered Boxers Bar. The child volunteer was approached by a female now known to be Natalie PAYNE the Designated Premise supervisor and holder of a personal Licence. The child volunteer ordered two bottles of Irn Bru WKD (abv 4.5%). PAYNE did not ask for age or identification. At 5.57pm the same day the child volunteer paid the female £4 for the two bottles and after taking the alcohol the child volunteer and the accompanying police officer went to the toilet. In the toilet a photograph was taken of the alcohol purchased (JC1) and it was poured away. The child volunteer and the police officer then left the premise and an in

Signature: [redacted] Signature witnessed by: .....



car video recorded de brief was conducted. Upon return to the station another de brief was carried out. The initial briefing, visit, in car de brief and police station de brief has been produced (TJR1).

At 6.00pm on Monday October 15th 2012 a female child volunteer aged 15 years entered Boxers Bar. The child volunteer was approached by a young 17yr old male wearing a blue Adidas sweatshirt shirt. The child volunteer ordered two bottles of WKD (abv 4.5) from the bar person. The retailer did not ask for age or identification. At 6.03pm the same day the child volunteer paid the male £5 for the two bottles and after taking the alcohol the child volunteer and the accompanying police officer went to the toilet. In the toilet a photograph was taken of the alcohol purchased (JC2) and it was poured away. The child volunteer and the police officer then left the premise and an in car video recorded de brief was conducted. Upon return to the station another de brief was carried out. The initial briefing, visit, in car de brief and police station de brief has been produced (TJR1).

At 5.50pm on Tuesday October 16th 2012 a female child volunteer aged 15 years entered Boxers Bar. The child volunteer was approached by a male in his early 20's with dark short hair and wearing a dark shirt. The child volunteer ordered two bottles from the bar person. The retailer did not ask for age or identification. The retailer asked if the child volunteer if she wanted three double vodkas for six pound. At 5.52pm the same day the child volunteer paid the male £4 for two bottles of Irn Bru WKD (abv 4.5) and after taking the alcohol the child volunteer and the accompanying police officer went to the toilet. In the toilet a photograph was taken of the alcohol purchased (JC3) and it was poured away. The child volunteer and the police officer then left the premise and an in car video recorded de brief was conducted. Upon return to the station another de brief was carried out. The initial briefing, visit, in car de brief and police station de brief has been produced (TJR1).

Three sales of alcohol have been made to a 15yr old child volunteer on three separate occasions over two weeks. Neither age nor identification has been requested. It is clear that this premise undermines the protection of children from harm objective and there is strong evidence that customers attending this premise have been served alcohol when drunk.

Boxers bar has become a high volume vertical drinking establishment. It attracts young customers and especially students, it is placed near a number of universities and halls of residence yet there is no increase in challenging age.

This premise has undermined the prevention of Crime and Disorder and the Protection of Children from harm objectives and it is evident that the extended hours, poor management and inadequate methods of operation clearly contribute to this. I have been involved in licensing for 12 years now and I have assessed many establishments for legislative compliance but I do not believe that I can recall another premise of which breaches as many areas of licensing law as this premise. The premise licence holders have allowed this premise to operate wholly outside of the expectations of what would be the normal expectations of another properly run premise. This premise has shown time and time again that there is an undermining of the licensing objectives which has detrimentally impacted on the residents and visitors to the City.

Signature ..... 

Signature witnessed by: .....

Signature .....

Signature witnessed by: .....

Not Disclosable

Witness contact details

Home address: AHRU North John Street, Meadowfield, Durham Postcode: DH78RS

Home telephone No: [redacted] Work telephone No:

Mobile: [redacted] E-mail address: tim.robson@durham.pnn.police.uk

Preferred means of contact (specify details): mobile

Best time to contact (specify details):

Gender: Male Date and place of birth: [redacted]

Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form MG6
b) What can be done to ensure attendance? n/a
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
d) Does the witness have any particular needs? If 'Yes' what are they?

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
b) I have been given the Victim Personal Statement leaflet Yes No
c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
d) I consent to police having access to my medical record(s) in relation to this matter Yes No N/A
e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: [redacted] Station: AHRU

Time and place statement taken:

NOT PROTECTIVELY MARKED

Alcohol Harm Reduction Unit  
Annand House  
Meadowfield  
Co Durham  
DH7 8RS



Friday 10 August 2012

Tel. No.: 101  
Web Site: [www.durham.police.uk](http://www.durham.police.uk)  
E-mail: [martin.haigh@durham.pnn.police.uk](mailto:martin.haigh@durham.pnn.police.uk)

This matter is being dealt with by Martin Haigh PCSO 7486

Re: Boxers Bar, 69-70 Crossgate, Durham, DH1 4PR

Dear Ms Payne

A visit was made to the Boxers Bar by the Alcohol Harm Reduction Unit on Wednesday 8 August 2012 who discussed the following issues:

- Staff failing to fully check for any customers still on the premises at the end of the night (with reference to the 17year old female locked in the premises overnight, 05/08/2012)
- Door staff and bar staff failing to robustly check for proof of age on entering the premises and when purchasing alcohol
- Members of staff and invited guests continuing to be served alcohol after the licensing hours have passed

The sale of alcohol outside of licensed hours and the conduct and drunkenness of customers is always a matter of extreme concern to the Police. It is essential that you ensure your staff are well trained with regard to robustly checking for proof of age, Challenge 25, as is set out in Annex 1 and Annex 2 – Conditions consistent with the Premises Operating Schedule. It is also essential that you ensure staff, effectively check all areas of the premise at the end of the night to ensure that no-one is locked inside the building. The

It is encouraging that you are willing to work with the Police and ensure you and your staff are actively promoting the licensing objectives. I would ask you to continue to work with the Police calling us when necessary to assist you with any incidents of crime and disorder. You are advised that the Police will continue to monitor the incidents at the premises in the future and will take further action should it be required. This could include an application seeking a review of the premises licence.

A copy of this letter will be forwarded to Durham County Council for their information. Should you have any further concerns or questions then please do not hesitate to contact me on the above details.

  
PCSO Martin Haigh 7486  
Licensing Officer

NOT PROTECTIVELY MARKED

**Crossgate PACT report June 2012**

Indecent Exposure	11/06/2012	Wharton Park, Durham	1 Male Arrested	Mental Health Assessment. Lanchester Road Hospital
Anti-Social Behaviour Reports of loud music coming from venue Boxers Pub, caller can't sleep and someone has suitably advised him to contact Council about the problem but does not know what time it is due to close	11/06/2012	Crossgate, Durham	Officers attend and no noise heard upon full area search. Caller did not require a visit	
Anti-Social Behaviour Noise/Music from Vehicles	16/06/2012	Sidegate, Durham	Caller informs police that vehicles moved on shortly after call made so cancelled	
Anti-Social Behaviour 5 persons swinging on a lamppost	23/06/2012	The Gates, Durham	Caller concerned lamppost will fall into road	No persons present upon full area search
Anti-Social Behaviour – Approx 50 people outside Boxers Pub drinking and excessive noise nuisance	23/06/2012	Crossgate, Durham	Premises checked and closed, all in order	PCSO telephoned caller next day but no reply. Licensing Officer made aware and to deal
Suspicious/Insecure Known male banned by Shopwatch from entering The Gates Shopping Precinct attempts to enter but stopped by Manager and is unhappy about this	26/06/2012	Milburngate, Durham	It was explained to known male that management can allow access or otherwise and was moved on from location	No offences disclosed
Concern Male fallen over intoxicated	24/06/2012	North Road, Durham	Upon officers arrival it appears male suffering	

NOT PROTECTIVELY MARKED

Crossgate PACT report June 2012

			epileptic fit. Once male felt better, he did not want to wait any longer for Ambulance and got on a bus back to home address	
Theft of Purse Staff in Bus Station report Elderly female had purse stolen captured on CCTV	26/06/2012	North Road Bus Station	Upon police arrival Shopwatch report suspect still in Bus Station	1 Female arrested suspicion of theft
Intelligence Group of 30 youths outside of new pub Boxers drinking alcohol and noise nuisance	29/06/2012	Crossgate, Durham	CCTV confirm group of patrons outside premises smoking no persons seen to drink outside.	The Licensing Unit are aware of problems associated with premises and have asked caller to report future incidents.
Contact Record Reports of a large number of people outside of Boxers Bar on path blocking pathway and feels intimidated	30/06/2012	Crossgate, Durham	No persons present upon police patrols and door staff present report no problems.	Licensing Sergeant spoken to re on-going problems.
Anti-Social Behaviour – Male refusing to get off/rowdy nuisance behaviour	30/06/2012	North Road, Durham	All in order upon police arrival. The male had made comments to previous driver not this driver. All passengers asked if anything had been said to them, all said no, and advice given.	CCTV on bus which driver told to activate is any issues and contact police who will meet the bus. Male warned.

NOT PROTECTIVELY MARKED

DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-07112012-0457 (Closed)

07/11/2012 18:56:53	211, ROAD RELATED	DHM-07112012-0457 / DHM	999	DURHAM
Priority:(2) Priority	1848	D1	Officer Dealing:01848	
Operator:07329	Dispatcher:06605	D1B (427137,542442)	Creator Wkstn:CH_P_45	

<b>Address Information</b>	
CROSSGATE # [REDACTED] DURHAM, DH14PR	
Proximity:OUTSIDE	<input checked="" type="checkbox"/> Gazeteer Validation
<b>Complainant Information</b>	
ANAON FEMALE, [REDACTED]	
WITNESS <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Req'd. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input type="checkbox"/> ETA	
Notes:	

<b>Disposition Codes</b>
ROAD RELATED OFFENCE
EVENT CODE - MOPI 4

<b>Date / Time Information</b>		
Call Received	07/11/2012	18:56:53
Incident Created	07/11/2012	18:56:53
Address Validated	07/11/2012	18:57:04
Initial Input complete	07/11/2012	18:57:18
Transfer Sent	07/11/2012	18:59:07
Transfer Accepted	07/11/2012	18:59:12
Dispatched	07/11/2012	19:02:05
At Scene	07/11/2012	19:16:39
Units Cleared	07/11/2012	19:16:40
Disposed	07/11/2012	19:19:04

<b>Qualifiers</b>	
DISPOSAL QUALIFIERS	Alcohol Related
THEME	TRANSPORT RELATED

<b>Unit Activity</b>					
(01848)	07/11/2012	19:02:05	01848		En-Route
					CROSSGATE # [REDACTED], DURHAM
(01848)	07/11/2012	19:16:39	01848		At Scene
					CROSSGATE # [REDACTED], DURHAM
(01848)	07/11/2012	19:16:40	01848		Available

<b>ISR Relations</b>	
CALL CARD - XREF CALL	DHM-07112012-0461 (D1B) ASSOCIATED BY OPERATOR 07529
SIMILAR CALLS - ISR RELATION	DHM-07112012-0461(D1B): CROSSGATE # [REDACTED]

<b>ISR Comments</b>					
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION	07/11/2012	18:57:26	CH_P_45	07329	
Caller reports male has just vomitted outside her house	07/11/2012	18:57:43	CH_P_45	07329	
she states she has spoken too him and he appears very drunk	07/11/2012	18:57:51	CH_P_45	07329	

He has just got into a blue van	07/11/2012	18:57:56	CH_P_45	07329
van hasnt not moved yet	07/11/2012	18:58:01	CH_P_45	07329
It's currently parked near where the roadworks are	07/11/2012	18:58:08	CH_P_45	07329
Caller will ring back should male drive off	07/11/2012	18:58:19	CH_P_45	07329
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION (DHM-07112012-0461)	07/11/2012	19:01:08	ND_P_03	06605
Caller had called previously that there was a male who had been sick who had got into a car (DHM-07112012-0461)	07/11/2012	19:01:30	ND_P_03	06605
she was told to call back (DHM-07112012-0461)	07/11/2012	19:01:36	ND_P_03	06605
Caller has now reported that this drunk male has got into a van and drove (DHM-07112012-0461)	07/11/2012	19:01:53	ND_P_03	06605
Caller states the male had got into a dull blue van and looked like he was aged 20 (DHM-07112012-0461)	07/11/2012	19:02:16	ND_P_03	06605
Male was wearing a black hoody and jeans (DHM-07112012-0461)	07/11/2012	19:02:30	ND_P_03	06605
Caller has never seen him before (DHM-07112012-0461)	07/11/2012	19:02:37	ND_P_03	06605
Further call male has got into car and drove off	07/11/2012	19:03:21	CH_P_31	07529
described a dull blue van	07/11/2012	19:03:38	CH_P_31	07529
no markers on van	07/11/2012	19:03:48	CH_P_31	07529
male was approx 20 wearing a hoodie	07/11/2012	19:03:58	CH_P_31	07529
car has drove up crossgate road	07/11/2012	19:04:23	CH_P_31	07529
No VRM for van	07/11/2012	19:04:27	CH_P_31	07529
Disposition code: ',555','04' (DHM-07112012-0461)	07/11/2012	19:05:00	ND_P_03	06605
# Arrests 0 # Cautions 0 # Reports 0 (DHM-07112012-0461)	07/11/2012	19:05:01	ND_P_03	06605
OIC / Handling Officer 06605 (DHM-07112012-0461)	07/11/2012	19:05:01	ND_P_03	06605
Qualifiers,NO QUALIFIERS (DHM-07112012-0461)	07/11/2012	19:05:01	ND_P_03	06605
DHM-07112012-0461 HAS BEEN DISPOSED (DHM-07112012-0461)	07/11/2012	19:05:01	ND_P_03	06605
CH has cross referenced all calls by mistake DHM-07112012-0461 is cross ref	07/11/2012	19:06:43	CH_P_31	07529
1848 - confirmed that the vehicle was no longer in the street	07/11/2012	19:17:23	ND_P_03	06605
advised that he has passed a blue coloured transit van with ladders on the side and top but nothing to suggest that the driver was Z13	07/11/2012	19:18:23	ND_P_03	06605
no other details	07/11/2012	19:18:36	ND_P_03	06605
Disposition code: ',211','04'	07/11/2012	19:19:04	ND_P_03	06605
# Arrests 0 # Cautions 0 # Reports 0	07/11/2012	19:19:04	ND_P_03	06605
OIC / Handling Officer 01848	07/11/2012	19:19:04	ND_P_03	06605
Qualifiers,Alcohol Related	07/11/2012	19:19:04	ND_P_03	06605
DHM-07112012-0457 HAS BEEN DISPOSED	07/11/2012	19:19:04	ND_P_03	06605

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DURHAM CONSTABULARY RESTRICTED

DHM-07112012-0461 (Closed)

ISR Report:

07/11/2012 18:59:31	211, ROAD RELATED	DHM-07112012-0461 / DHM	999	DURHAM
Priority:(4) Non-attendance	ANY VRM?	D1	Officer Dealing:06605	
Operator:07529	Dispatcher:	D1B (427137,542442)	Creator Wkstrn:CH_P_31	

<b>Address Information</b>	
CROSSGATE # [REDACTED], DURHAM, [REDACTED]	
Proximity:	<input checked="" type="checkbox"/> Gazeteer Validation
<b>Complainant Information</b>	
CROSSGATE # [REDACTED] DURHAM, [REDACTED]	
WITNESS <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Reqd. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input type="checkbox"/> ETA	
Notes:	

<b>Disposition Codes</b>
DUPLICATE
EVENT CODE - MOPI 4

<b>Date / Time Information</b>		
Call Received	07/11/2012	18:59:31
Incident Created	07/11/2012	18:59:31
Address Validated	07/11/2012	18:59:58
Initial Input complete	07/11/2012	19:01:02
Disposed	07/11/2012	19:05:01

<b>Qualifiers</b>	
DISPOSAL QUALIFIERS	NO QUALIFIERS
THEME	GENERAL

<b>ISR Relations</b>	
CALL CARD - XREF CALL	DHM-07112012-0457 (D1B) ASSOCIATED BY OPERATOR 07529
SIMILAR CALLS - ISR RELATION	DHM-07112012-0457(D1B): [REDACTED] CROSSGATE # [REDACTED]

<b>ISR Comments</b>				
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION	07/11/2012	19:01:08	CH_P_31	07529
Caller had called previously that there was a male who had been sick who had got into a car	07/11/2012	19:01:30	CH_P_31	07529
she was told to call back	07/11/2012	19:01:36	CH_P_31	07529
Caller has now reported that this drunk male has got into a van and drove	07/11/2012	19:01:53	CH_P_31	07529
Caller states the male had got into a dull blue van and looked like he was aged 20	07/11/2012	19:02:16	CH_P_31	07529
Male was wearing a black hoody and jeans	07/11/2012	19:02:30	CH_P_31	07529
Caller has never seen him before	07/11/2012	19:02:37	CH_P_31	07529
Disposition code: '555','04'	07/11/2012	19:05:00	ND_P_03	06605
# Arrests 0 # Cautions 0 # Reports 0	07/11/2012	19:05:01	ND_P_03	06605
OIC / Handling Officer 06605	07/11/2012	19:05:01	ND_P_03	06605
Qualifiers,NO QUALIFIERS	07/11/2012	19:05:01	ND_P_03	06605
DHM-07112012-0461 HAS BEEN DISPOSED	07/11/2012	19:05:01	ND_P_03	06605

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DURHAM CONSTABULARY RESTRICTED

DHM-07112012-0461 (Closed)

ISR Report:

		DHM-07112012-		
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07/11/2012 18:59:31	211, ROAD RELATED	0461 / DHM	999	DURHAM
Priority:(4) Non-attendance	ANY VRM?	D1	Officer Dealing:06605	
Operator:07529	Dispatcher:	D1B (427137,542442)	Creator Wkstn:CH_P_31	

**Address Information**

CROSSGATE # [REDACTED], DURHAM, [REDACTED]

Proximity: [REDACTED]  Gazetteer Validation

**Disposition Codes**

~~DUPLICATE~~

EVENT CODE - MOPI 4

**Complainant Information**

CROSSGATE # [REDACTED] DURHAM, [REDACTED]

WITNESS [N] Media Consent [N] Visit Reqd. [N] VUL [?] NPT [?] ETA

Notes:

**Date / Time Information**

Call Received	07/11/2012	18:59:31
Incident Created	07/11/2012	18:59:31
Address Validated	07/11/2012	18:59:58
Initial Input complete	07/11/2012	19:01:02
Disposed	07/11/2012	19:05:01

**Qualifiers**

DISPOSAL QUALIFIERS [REDACTED] NO QUALIFIERS

THEME [REDACTED] GENERAL

**ISR Relations**

CALL CARD - XREF CALL DHM-07112012-0457 (D1B) ASSOCIATED BY OPERATOR 07529

SIMILAR CALLS - ISR RELATION DHM-07112012-0457(D1B):69 CROSSGATE #FLAT 9

**ISR Comments**

QUESTION SET HAS BEEN EXITED BEFORE COMPLETION	07/11/2012	19:01:08	CH_P_31	07529
Caller had called previously that there was a male who had been sick who had got into a car	07/11/2012	19:01:30	CH_P_31	07529
she was told to call back	07/11/2012	19:01:36	CH_P_31	07529
Caller has now reported that this drunk male has got into a van and drove	07/11/2012	19:01:53	CH_P_31	07529
Caller states the male had got into a dull blue van and looked like he was aged 20	07/11/2012	19:02:16	CH_P_31	07529
Male was wearing a black hoody and jeans	07/11/2012	19:02:30	CH_P_31	07529
Caller has never seen him before	07/11/2012	19:02:37	CH_P_31	07529
Disposition code: '555','04'	07/11/2012	19:05:00	ND_P_03	06605
# Arrests 0 # Cautions 0 # Reports 0	07/11/2012	19:05:01	ND_P_03	06605
OIC / Handling Officer 06605	07/11/2012	19:05:01	ND_P_03	06605
Qualifiers,NO QUALIFIERS	07/11/2012	19:05:01	ND_P_03	06605
DHM-07112012-0461 HAS BEEN DISPOSED	07/11/2012	19:05:01	ND_P_03	06605

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ISR Report

DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-11102012-0178 (Closed)

11/10/2012 12:24:13	598, INTELLIGENCE ONLY	DHM-11102012-0178 / DHM	TEL	DURHAM
Priority:(4) Non-attendance	INTELLIGENCE ONLY	D1	Officer Dealing:07280	
Operator:07280	Dispatcher:	D1B (427137,542442)	Creator Wkstn:CH_P_41	

**Address Information**

[REDACTED]

CROSSGATE, , DURHAM, DH14PR

Proximity:BOXERS  Gazeteer Validation

**Disposition Codes**

INTELLIGENCE ONLY
EVENT CODE - MOPI 4

**Complainant Information**

[REDACTED]

OTHER SOURCE  Media Consent  Visit Req'd.  VUL  NPT  ETA

Notes:

**Date / Time Information**

Call Received	11/10/2012	12:19:47
Call Answered	11/10/2012	12:19:53
Incident Created	11/10/2012	12:24:13
Address Validated	11/10/2012	12:24:39
Initial Input complete	11/10/2012	12:24:55
Disposed	11/10/2012	12:32:08

**Qualifiers**

DISPOSAL QUALIFIERS	Alcohol Related
THEME	GENERAL

**ISR Comments**

Caller reporting that her grand - daughter [REDACTED] 16yrs went to Boxers on Friday evening, along with 4 or 5 friends in the same year at school so are 15 / 16yrs.	11/10/2012	12:26:16	CH_P_41	07280
They were able to buy alcohol and they are planning to go again this Friday. They were not ID'd when they went in.	11/10/2012	12:26:16	CH_P_41	07280
Caller says that she may get away with looking 18yrs, but a couple of her friends do not 18 at all.	11/10/2012	12:26:16	CH_P_41	07280
Advised that info would be passed onto the Licencing Unit for their information.	11/10/2012	12:26:16	CH_P_41	07280
Caller happy with this.	11/10/2012	12:26:16	CH_P_41	07280
e-mail sent to C&C re address alias for Boxers.	11/10/2012	12:28:25	CH_P_41	07280
e-mail sent to Sgt 1590 Robson.	11/10/2012	12:31:50	CH_P_41	07280
Disposition code: '598','04'	11/10/2012	12:32:08	CH_P_41	07280
# Arrests 0 # Cautions 0 # Reports 0	11/10/2012	12:32:08	CH_P_41	07280
OIC / Handling Officer 07280	11/10/2012	12:32:08	CH_P_41	07280
Qualifiers,Alcohol Related	11/10/2012	12:32:08	CH_P_41	07280
DHM-11102012-0178 HAS BEEN DISPOSED	11/10/2012	12:32:08	CH_P_41	07280

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[REDACTED]

[REDACTED]

DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-02102012-0407 (Closed)

02/10/2012 21:16:15	404, ASB-NUISANCE	DHM-02102012-0407 / DHM	999	DURHAM
Priority:(2) Priority	ASB-NUISANCE	D1	Officer Dealing:02335	
Operator:06604	Dispatcher:04907	D1B (427137,542442)	Creator Wkstn:CH_P_37	

<b>Address Information</b>	
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAURANT	
69 CROSSGATE, , DURHAM, DH14PR	
Proximity:BOXES BAR	<input checked="" type="checkbox"/> Gazeteer Validation

<b>Disposition Codes</b>
SUSPICIOUS/INSECURE
EVENT CODE - MOPI 4

<b>Complainant Information</b>	
SAKURA JAPANESE RESTAURANT,69 CROSSGATE DURHAM, DH14PR	
WITNESS <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Req. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input checked="" type="checkbox"/> ETA	
Notes:	

<b>Date / Time Information</b>		
Call Received	02/10/2012	21:16:15
Incident Created	02/10/2012	21:16:15
Address Validated	02/10/2012	21:16:37
Initial Input complete	02/10/2012	21:19:16
Transfer Sent	02/10/2012	21:19:25
Transfer Accepted	02/10/2012	21:20:00
Dispatched	02/10/2012	21:22:39
At Scene	02/10/2012	21:35:18
Units Cleared	02/10/2012	21:35:19
Disposed	02/10/2012	22:07:50

<b>Qualifiers</b>	
DISPOSAL QUALIFIERS	Alcohol Related
THEME	PUBLIC SAFETY

<b>Unit Activity</b>					
D57U	02/10/2012	21:22:39	02335		En-Route
	SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAU				
D57U	02/10/2012	21:22:41	02335		En-Route
	MESSAGE SENT (#1281718) DHM-02102012-0407; ASB-NUISANCE; Pr				
D57U	02/10/2012	21:22:41	02335		En-Route
	MESSAGE SENT 02335 HENRYS(#1281719) DHM-02102012-0407; ASB-N				
D57U	02/10/2012	21:35:18	02335		At Scene
	SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAU				
D57U	02/10/2012	21:35:19	02335		Available

<b>ISR Comments</b>					
	02/10/2012	21:18:27	CH_P_37	06604	

Reports he has just ejected an extremely intoxicated female from the bar, she has then proceeded to attempt to cause damage by smashing the bar window				
but has been unsuccessful.	02/10/2012	21:18:34	CH_P_37	06604
She has then made off towards North Road.	02/10/2012	21:18:39	CH_P_37	06604
Caller does not require a visit as no offences have been disclosed but requests police attempt to locate and speak to the female.	02/10/2012	21:19:01	CH_P_37	06604
Desc - 20's wearing black t/suit bottoms, black coat and grey hoody.	02/10/2012	21:19:15	CH_P_37	06604
cctv monitoring the area for this female	02/10/2012	21:22:21	ND_P_03	04907
MOBILISATION MESSAGE SENT TO D57U( #1281718), D57U (02335 HENRYS #1281719); DHM-02102012-0407; ASB-NUISANCE; Priority; 69 CROSSGATE, DURHAM; ██████████ COUNTY DURHAM	02/10/2012	21:22:41	AWSERVER	AWSERVER
cctv - security are talking to a female who is wearing a grey hoody at the bus station.	02/10/2012	21:33:24	ND_P_03	04907
female is now outside the bus station and is talking to some people she is quite calm	02/10/2012	21:33:49	ND_P_03	04907
this female also has a grey hoody on as well as a red one	02/10/2012	21:34:07	ND_P_03	04907
it is still unsure if this female is responsible.	02/10/2012	21:34:25	ND_P_03	04907
cctv have been informed and will keep an eye on this female	02/10/2012	21:35:03	ND_P_03	04907
cctv monitoring	02/10/2012	22:07:17	ND_P_03	04907
no offences	02/10/2012	22:07:20	ND_P_03	04907
Disposition code: '355','04'	02/10/2012	22:07:50	ND_P_03	04907
# Arrests 0 # Cautions 0 # Reports 0	02/10/2012	22:07:50	ND_P_03	04907
OIC / Handling Officer 02335	02/10/2012	22:07:50	ND_P_03	04907
Qualifiers,Alcohol Related	02/10/2012	22:07:50	ND_P_03	04907
DHM-02102012-0407 HAS BEEN DISPOSED	02/10/2012	22:07:50	ND_P_03	04907

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DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-30082012-0314 (Closed)

30/08/2012 17:28:02	160, HATE INCIDENT	DHM-30082012-0314 / DHM	999	DURHAM
Priority:(1) Immediate	TO CLOSE	D1	Officer Dealing:02376	
Operator:07204	Dispatcher:02317	D1B (427137,542442)	Creator Wkstn:CH_P_47	

<b>Address Information</b>	
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAURANT	
69 CROSSGATE, , DURHAM, DH14PR	
Proximity:BOXERS	<input checked="" type="checkbox"/> Gazeteer Validation

<b>Disposition Codes</b>
ASB-NUISANCE
EVENT CODE - MOPI 3

<b>Complainant Information</b>	
[REDACTED]	
[REDACTED]	
VICTIM <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Req'd. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input type="checkbox"/> ETA	
Notes:	

<b>Date / Time Information</b>		
Call Received	30/08/2012	17:27:41
Call Answered	30/08/2012	17:27:47
Incident Created	30/08/2012	17:28:02
Address Validated	30/08/2012	17:29:14
Initial Input complete	30/08/2012	17:32:11
Transfer Sent	30/08/2012	17:36:34
Transfer Accepted	30/08/2012	17:38:35
Dispatched	30/08/2012	17:33:04
At Scene	30/08/2012	17:36:27
Units Cleared	30/08/2012	18:48:54
Resulted	30/08/2012	19:35:12
Disposed	30/08/2012	19:35:13

<b>Qualifiers</b>	
DISPOSAL QUALIFIERS	Alcohol Related
THEME	ANTI SOCIAL

<b>Unit Activity</b>					
D1U	30/08/2012	17:33:04	02376		En-Route
CROSSGATE, CROSSGATE, , DURHAM					
D1U	30/08/2012	17:34:28	02376		En-Route
SAKURA JAPANESE RESTAURANT, 69 CROSSGATE, DURHAM					
M30P	30/08/2012	17:34:33	02383	03540	En-Route
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAU					
D95U	30/08/2012	17:35:54	01757		En-Route
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAU					
D95U	30/08/2012	17:36:27	01757		At Scene
2101317					
M30P	30/08/2012	17:40:38	02383	03540	At Scene

	2104329			
D1U	30/08/2012	17:41:00	02376	At Scene
	2101161			
M30P	30/08/2012	17:41:14	02383	03540 At Scene
	2101291 TIMER SET TO EXPIRE AT 30/08/2012 17:53:14			
D1U	30/08/2012	17:53:38	02376	Available
	2101161			
M30P	30/08/2012	18:39:53	02383	03540 Available
D95U	30/08/2012	18:48:54	01757	Available
	2101317			

**ISR Relations**

SYSTEM GENERATED CRIME NO - ISR RELATION	OVERDUE
MOBILE TELEPHONE - ISR RELATION	427535,542492,2070,2070,80,0.0
PERSONS - VICTIM	(Date of Birth)

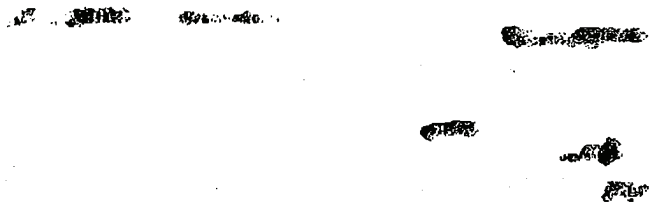
**ISR Comments**

Reports he has been assaulted by a couple of people inside above premises.	30/08/2012	17:29:46	CH_P_47	07204
States he has been hit in the face - persons also said to him why do you look like a girl.	30/08/2012	17:30:08	CH_P_47	07204
Caller perceives this to be a homohphobic attack.	30/08/2012	17:31:49	CH_P_47	07204
caller used phone of female named	30/08/2012	17:32:45	CH_P_47	07204
During call male has approached and began pushing him this was confirmed by female who was with IP.	30/08/2012	17:33:07	CH_P_47	07204
desc of suspect aged approx 40 years, wearing white top and blue jeans aged approx 40 years.	30/08/2012	17:33:21	CH_P_47	07204
IP appears intoxicated	30/08/2012	17:33:31	CH_P_47	07204
called from 07715571301 - caller has no phone	30/08/2012	17:33:44	CH_P_47	07204
Relation Type:VICTIM Last Name: First Name (s) Date of Birth: PNC ID:09/723906Q 1.H/A- Street,Town / 2 Alt.Add: Tel.Nos. 1.Home / 2.Mobile:	30/08/2012	17:35:26	CH_P_47	07204
Comments (Logged):TATT 4 PRCD 7 Height (between):F511 Sex:MALE	30/08/2012	17:35:26	CH_P_47	07204
D95U At Scene	30/08/2012	17:36:27	AWSERVER	AWSERVER
PNC not working.	30/08/2012	17:36:28	CH_P_47	07204
M30P At Scene	30/08/2012	17:40:38	AWSERVER	AWSERVER
D1U At Scene	30/08/2012	17:41:00	AWSERVER	AWSERVER
D1U Available	30/08/2012	17:53:38	AWSERVER	AWSERVER
D95U Available	30/08/2012	18:48:54	AWSERVER	AWSERVER
noted	30/08/2012	19:10:18	SUP_P_34	06605
1757 updates attending the location and has spoken to owner of the premises	30/08/2012	19:23:07	ND_P_03	06519
an altercation has occured involving bn urham and another customer boyfriend from the premises. has been asked to leave the premises	30/08/2012	19:23:07	ND_P_03	06519
to which he has refused to do. when the other party involved has left the premises has confronted the other partry resulting in being pushed awaycausing him to fall.	30/08/2012	19:23:07	ND_P_03	06519
was heavily intoxicated and has now gone home. no complaints made. note a serial complainant.	30/08/2012	19:23:07	ND_P_03	06519
Incident Update - ASB 5-Point	30/08/2012	19:31:16	ND_P_03	06519

Officer / Collar No.	30/08/2012	19:31:16	ND_P_03	06519
[REDACTED]	30/08/2012	19:31:16	ND_P_03	06519
1) Is the incident Personal, Nuisance, Environmental or Not ASB?	30/08/2012	19:31:16	ND_P_03	06519
nuisance	30/08/2012	19:31:16	ND_P_03	06519
2) If the incident is ASB, what action has been taken? (Give update here)	30/08/2012	19:31:16	ND_P_03	06519
an altercation has occurred involving [REDACTED] of [REDACTED] Durham and another customer boyfriend from the premises. [REDACTED] has been asked to leave the premises	30/08/2012	19:31:16	ND_P_03	06519
to which he has refused to do. when the other party involved has left the premises [REDACTED] has confronted the other party resulting in [REDACTED] being pushed away causing him to fall.	30/08/2012	19:31:16	ND_P_03	06519
[REDACTED] was heavily intoxicated and has now gone home. no complaints made. note very is a serial complainant.	30/08/2012	19:31:16	ND_P_03	06519
3) Are there any issues of vulnerability with the caller or anyone else affected? If so explain.	30/08/2012	19:31:16	ND_P_03	06519
NO	30/08/2012	19:31:16	ND_P_03	06519
4) Do you have any specific concerns that you wish to highlight for future action following the DMM?	30/08/2012	19:31:16	ND_P_03	06519
NO	30/08/2012	19:31:16	ND_P_03	06519
5) Are you satisfied you have taken positive action at this stage?	30/08/2012	19:31:16	ND_P_03	06519
YES	30/08/2012	19:31:16	ND_P_03	06519
Disposition code: '404','03'	30/08/2012	19:35:12	SUP_P_34	06605
# Arrests 0 # Cautions 0 # Reports 0	30/08/2012	19:35:13	SUP_P_34	06605
OIC / Handling Officer 02376	30/08/2012	19:35:13	SUP_P_34	06605
Qualifiers, Alcohol Related	30/08/2012	19:35:13	SUP_P_34	06605
DHM-30082012-0314 HAS BEEN DISPOSED	30/08/2012	19:35:13	SUP_P_34	06605

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DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-18082012-0404 (Closed)

18/08/2012 19:15:45	100, PUBLIC ORDER	DHM-18082012-0404 / DHM	999	DURHAM
Priority:(1) Immediate	TO CLOSE	D1	Officer Dealing:00530	
Operator:07475	Dispatcher:06829	D1B (427092,542451)	Creator Wkstn:CH_P_33	

<b>Address Information</b>	
CROSSGATE	
CROSSGATE, , DURHAM,	
Proximity:THE BOXER	<input checked="" type="checkbox"/> Gazeteer Validation

<b>Disposition Codes</b>
ASB-NUISANCE
EVENT CODE - MOP1 4

<b>Complainant Information</b>	
[REDACTED]	
CROSSGATE,CROSSGATE DURHAM	
WITNESS <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Reqd. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input type="checkbox"/> ETA	
Sex: M	
Notes:	

<b>Date / Time Information</b>		
Call Received	18/08/2012	19:15:26
Call Answered	18/08/2012	19:15:28
Incident Created	18/08/2012	19:15:45
Address Validated	18/08/2012	19:17:13
Initial Input complete	18/08/2012	19:17:31
Transfer Sent	18/08/2012	19:17:50
Transfer Accepted	18/08/2012	19:18:24
Dispatched	18/08/2012	19:17:58
At Scene	18/08/2012	19:20:37
Units Cleared	18/08/2012	20:49:10
Resulted	19/08/2012	06:15:19
Disposed	19/08/2012	06:15:19

<b>Qualifiers</b>	
DISPOSAL QUALIFIERS	Alcohol Related
THEME	ANTI SOCIAL

<b>Unit Activity</b>					
P102U	18/08/2012	19:17:58	00530		En-Route
	CROSSGATE, CROSSGATE, , DURHAM				
P102U	18/08/2012	19:17:59	00530		En-Route
	MESSAGE SENT 00530 STEWART(#1229332) DHM-18082012-0404; PUBL				
D3U	18/08/2012	19:18:18	02429		En-Route
	CROSSGATE, CROSSGATE, , DURHAM				
D3U	18/08/2012	19:18:20	02429		En-Route
	MESSAGE SENT 02429 MILLIKEN(#1229334) DHM-18082012-0404; PUB				
D3U	18/08/2012	19:18:20	02429		En-Route
	MESSAGE SENT (#1229335) DHM-18082012-0404; PUBLIC ORDER; Im				
P102U	18/08/2012	19:20:37	00530		At Scene

	2100161				
D3U	18/08/2012	19:21:05	02429		At Scene
	2101122				
P102U	18/08/2012	19:22:01	00530		At Scene
	CROSSGATE, CROSSGATE, , DURHAM				
D3U	18/08/2012	19:23:16	02429		At Scene
	CROSSGATE, CROSSGATE, , DURHAM				
P102U	18/08/2012	19:43:53	00530		Available
	2100161				
D3U	18/08/2012	20:49:10	02429		Available

**ISR Relations**

SYSTEM GENERATED CRIME NO - ISR RELATION	OVERDUE
PERSONS - CONNECTED TO INCIDENT	[REDACTED] (Date of Birth [REDACTED])
SIMILAR CALLS - ISR RELATION	DHM-18082012-0407(D18):CROSSGATE,CROSSGATE

**ISR Comments**

MOBILISATION MESSAGE SENT TO P102U(00530 STEWART #1229332): DHM-18082012-0404; PUBLIC ORDER; Immediate; CROSSGATE, DURHAM; COUNTY DURHAM	18/08/2012	19:17:59	AWSERVER	AWSERVER
MOBILISATION MESSAGE SENT TO D3U(02429 MILLIKEN #1229334), D3U ( #1229335): DHM-18082012-0404; PUBLIC ORDER; Immediate; CROSSGATE, DURHAM; COUNTY DURHAM	18/08/2012	19:18:20	AWSERVER	AWSERVER
Caller reports 6-7 people fighting with door staff outside Boxer bar up from Fighting Cocks	18/08/2012	19:18:27	CH_P_33	07475
P102U At Scene	18/08/2012	19:20:37	AWSERVER	AWSERVER
2623 - door staff reporting an assault	18/08/2012	19:20:52	ND_P_03	06829
D3U At Scene	18/08/2012	19:21:05	AWSERVER	AWSERVER
530...1 male requesting ambulance with minor head injury.	18/08/2012	19:22:20	ND_P_04	07203
ambulance contacted to attend their log 3163208 refers	18/08/2012	19:24:18	ND_P_03	06829
530...male has now decline ambulance, request ambulance be cancelled.	18/08/2012	19:31:22	ND_P_04	07203
Disp has recontacted AMB to cancel at request of officer on scene - patient no longer requires medical assistance	18/08/2012	19:32:06	ANPR_P_10	07331
2623...There are no complaints from any persons at the scene, 2 males have been given direction to leave notices and have got into a taxi and are leaving the city.	18/08/2012	19:39:29	ND_P_04	07203
P102U Available	18/08/2012	19:43:53	AWSERVER	AWSERVER
SRCH [REDACTED] 4071972:M::	18/08/2012	19:56:31	ND_P_03	06829
AS:11 DNA:1 DH:8 RECORD 1	18/08/2012	19:56:31	ND_P_03	06829
[REDACTED] PNCID 95/142075Z	18/08/2012	19:56:31	ND_P_03	06829
14/07/72 [REDACTED] CRO 104546/98A	18/08/2012	19:56:31	ND_P_03	06829
MALE WHITENORTHEURO WILLI/707142/J98KU	18/08/2012	19:56:31	ND_P_03	06829
TATT 2 SCAR 2	18/08/2012	19:56:31	ND_P_03	06829
*VIOLENT *AILMENT	18/08/2012	19:56:31	ND_P_03	06829
DNA CONFIRMED	18/08/2012	19:56:31	ND_P_03	06829
LAST KNOWN ADDRESS AS AT 28/02/10 (HOME)	18/08/2012	19:56:31	ND_P_03	06829
[REDACTED]	18/08/2012	19:56:31	ND_P_03	06829
DH1 5DU	18/08/2012	19:56:31	ND_P_03	06829
RECORD LAST UPDATED 25/03/10 09:58	18/08/2012	19:56:31	ND_P_03	06829
Incident Update - ASB 5-Point	19/08/2012	05:36:51	ND_P_04	07203
Officer / Collar No.	19/08/2012	05:36:51	ND_P_04	07203

7203	19/08/2012	05:36:51	ND_P_04	07203
1) Is the incident Personal, Nuisance, Environmental or Not ASB?	19/08/2012	05:36:51	ND_P_04	07203
Nuisance	19/08/2012	05:36:51	ND_P_04	07203
2) If the incident is ASB, what action has been taken? (Give update here)	19/08/2012	05:36:51	ND_P_04	07203
There had been some form of disturbance prior to police arrival. All parties spoken to and none making any complaints. Persons involved were given direction to leave notices and left the city in a taxi.	19/08/2012	05:36:51	ND_P_04	07203
3) Are there any issues of vulnerability with the caller or anyone else affected? If so explain.	19/08/2012	05:36:51	ND_P_04	07203
No	19/08/2012	05:36:51	ND_P_04	07203
4) Do you have any specific concerns that you wish to highlight for future action following the DMM?	19/08/2012	05:36:51	ND_P_04	07203
No	19/08/2012	05:36:51	ND_P_04	07203
5) Are you satisfied you have taken positive action at this stage?	19/08/2012	05:36:51	ND_P_04	07203
Yes	19/08/2012	05:36:51	ND_P_04	07203
End of Incident Update - ASB 5-Point	19/08/2012	05:36:51	ND_P_04	07203
Disposition code: '404','04'	19/08/2012	06:15:19	SUP_P_11	00538
# Arrests 0 # Cautions 0 # Reports 0	19/08/2012	06:15:19	SUP_P_11	00538
OIC / Handling Officer 00530	19/08/2012	06:15:19	SUP_P_11	00538
Qualifiers, Alcohol Related	19/08/2012	06:15:19	SUP_P_11	00538
DHM-18082012-0404 HAS BEEN DISPOSED	19/08/2012	06:15:19	SUP_P_11	00538

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DURHAM CONSTABULARY RESTRICTED

DHM-18082012-0407 (Closed)

ISR Report:

18/08/2012 19:17:22	100, PUBLIC ORDER	DHM-18082012-0407 / DHM	999	DURHAM
Priority: (4) Non-attendance	PUBLIC ORDER	D1	Officer Dealing: 07300	
Operator: 07300	Dispatcher:	D1B (427092,542451)	Creator Wkstrn: CH_P_32	

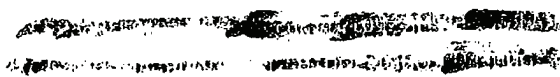
<b>Address Information</b>	
CROSSGATE	
CROSSGATE, , DURHAM,	
Proximity:	<input checked="" type="checkbox"/> Gazeteer Validation
<b>Complainant Information</b>	
[REDACTED]	
[REDACTED]	
WITNESS [N] Media Consent [N] Visit Req. [N] VUL [N] NPT [N] ETA	
Notes:	

<b>Disposition Codes</b>
DUPLICATE
EVENT CODE - MOPI 4

<b>Date / Time Information</b>		
Call Received	18/08/2012	19:16:45

Call Answered	18/08/2012	19:16:47
Incident Created	18/08/2012	19:17:22
Address Validated	18/08/2012	19:17:58
Initial Input complete	18/08/2012	19:18:12
Disposed	18/08/2012	19:19:21
<b>Qualifiers</b>		
DISPOSAL QUALIFIERS	NO QUALIFIERS	
THEME	GENERAL	
<b>ISR Relations</b>		
SYSTEM GENERATED CRIME NO - ISR RELATION	OVERDUE	
SIMILAR CALLS - ISR RELATION	DHM-18082012-0404(D1B):CROSSGATE,CROSSGATE	
<b>ISR Comments</b>		
reporting similar to x ref incident.	18/08/2012	19:19:06 CH_P_32 07300
Disposition code: '555','04'	18/08/2012	19:19:21 CH_P_32 07300
# Arrests 0 # Cautions 0 # Reports 0	18/08/2012	19:19:21 CH_P_32 07300
OIC / Handling Officer 07300	18/08/2012	19:19:21 CH_P_32 07300
Qualifiers,NO QUALIFIERS	18/08/2012	19:19:21 CH_P_32 07300
DHM-18082012-0407 HAS BEEN DISPOSED	18/08/2012	19:19:21 CH_P_32 07300

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ISR Report

DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-11062012-0519 (Closed)

11/06/2012 23:31:21	405, ASB-ENVIRONMENTAL	DHM-11062012-0519 / DHM	999	DURHAM
Priority:(3) Scheduled	***TO CLOSE***	D1	Officer Dealing:01627	
Operator:06817	Dispatcher:	D1B (427137,542442)	Creator Wkstn:CH_P_36	

<b>Address Information</b>	
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAURANT	
69 CROSSGATE, , DURHAM, DH14PR	
Proximity:NEW BAR	<input checked="" type="checkbox"/> Gazeteer Validation
<b>Complainant Information</b>	
[REDACTED]	
DURHAM	
VICTIM <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Reqd. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input type="checkbox"/> ETA	
Notes:	

<b>Disposition Codes</b>
ASB-NUISANCE
EVENT CODE - MOPI 4

<b>Date / Time Information</b>		
Call Received	11/06/2012	23:29:57
Call Answered	11/06/2012	23:30:00
Incident Created	11/06/2012	23:31:21
Address Validated	11/06/2012	23:34:55
Initial Input complete	11/06/2012	23:35:24
Transfer Sent	11/06/2012	23:37:18
Transfer Accepted	11/06/2012	23:37:35
Resulted	12/06/2012	03:24:05
Disposed	12/06/2012	03:24:06

<b>Qualifiers</b>	
DISPOSAL QUALIFIERS	Self Deployment
THEME	ANTI SOCIAL

<b>ISR Relations</b>	
CALL CARD - XREF CALL	DHM-23062012-0542 (D1B) ASSOCIATED BY OPERATOR 07303
PERSONS - CONTACT	[REDACTED]

<b>ISR Comments</b>					
Caller advising the restaurant below him has now become a bar and it is playing very loud music preventing him from sleeping.	11/06/2012	23:35:59	CH_P_36	06817	
He has been advised to contact council about the problem	11/06/2012	23:36:46	CH_P_36	06817	
He does not know what time it is due to close.	11/06/2012	23:36:57	CH_P_36	06817	
Requests an officer atten to see if anything can be done about the noise tonight.	11/06/2012	23:37:10	CH_P_36	06817	
ISR GIVEN AND PRIORITY GRADING EXPLAINED	12/06/2012	00:31:18	ND_P_04	06812	
LOG CHECK - NO APPROPRIATE PATROLS AVAILABLE	12/06/2012	00:31:34	ND_P_04	06812	
from 1627 :					
has driven the length of crossgate and there is no longer any coming from this restaurant					
caller has been suitably advised to contact the council	12/06/2012	02:55:35	ND_P_04	06812	

Incident Update - ASB 5-Point	12/06/2012	02:57:56	ND_P_03	02317
Officer / Collar No. 2317 Kay	12/06/2012	02:57:56	ND_P_03	02317
	12/06/2012	02:57:56	ND_P_03	02317
1) Is the incident Personal, Nuisance, Environmental or Not ASB?	12/06/2012	02:57:56	ND_P_03	02317
Environmental	12/06/2012	02:57:56	ND_P_03	02317
2) If the incident is ASB, what action has been taken? (Give update here)	12/06/2012	02:57:56	ND_P_03	02317
Attended area and no noise at the location - caller did not require a visit	12/06/2012	02:57:56	ND_P_03	02317
3) Are there any issues of vulnerability with the caller or anyone else affected? If so explain.	12/06/2012	02:57:56	ND_P_03	02317
No	12/06/2012	02:57:56	ND_P_03	02317
4) Do you have any specific concerns that you wish to highlight for future action following the DMM?	12/06/2012	02:57:56	ND_P_03	02317
No	12/06/2012	02:57:56	ND_P_03	02317
5) Are you satisfied you have taken positive action at this stage?	12/06/2012	02:57:56	ND_P_03	02317
Yes	12/06/2012	02:57:56	ND_P_03	02317
End of Incident Update - ASB 5-Point				
OIC / Handling Officer Changed - Previous Value(s) of OIC / Handling Officer: 06812	12/06/2012			
1627 self deployed	12/06/2012	03:01:50	ND_P_04	06812
Disposition code: ',404','04'	12/06/2012	03:24:05	SUP_P_11	06559
# Arrests 0 # Cautions 0 # Reports 0	12/06/2012	03:24:05	SUP_P_11	06559
OIC / Handling Officer 01627	12/06/2012	03:24:05	SUP_P_11	06559
Qualifiers, Self Deployment	12/06/2012	03:24:05	SUP_P_11	06559
1627 self deployed	12/06/2012	03:24:05	SUP_P_11	06559
DHM-11062012-0519 HAS BEEN DISPOSED	12/06/2012	03:24:06	SUP_P_11	06559

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DHM-23062012-0542 (Closed)

ISR Report:

23/06/2012 22:33:52	405, ASB-ENVIRONMENTAL	DHM-23062012-0542 / DHM	TEL	DURHAM
Priority:(2) Priority	CLOSE		Officer Dealing:02135	
Operator:07303	Dispatcher:06373	D1B (427137,542442)	Creator Wkstn:CH_P_39	

<b>Address Information</b>	
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAURANT	
69 CROSSGATE, , DURHAM, DH14PR	
Proximity:BOXERS	<input checked="" type="checkbox"/> Gazeteer Validation

<b>Complainant Information</b>	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[N] Media Consent [N] Visit Reqd. [N] VUL [N] NPT [N] ETA	

<b>Disposition Codes</b>
ASB-ENVIRONMENTAL
EVENT CODE - MOPI 4



Notes:				
<b>Date / Time Information</b>				
Call Received	23/06/2012	22:29:24		
Call Answered	23/06/2012	22:29:26		
Incident Created	23/06/2012	22:33:52		
Address Validated	23/06/2012	22:34:11		
Initial Input complete	23/06/2012	22:34:54		
Transfer Sent	23/06/2012	22:36:49		
Transfer Accepted	23/06/2012	22:39:49		
Dispatched	24/06/2012	00:29:39		
At Scene	24/06/2012	00:29:40		
Units Cleared	24/06/2012	00:29:42		
Resulted	24/06/2012	00:35:12		
Disposed	24/06/2012	00:35:12		
<b>Qualifiers</b>				
DISPOSAL QUALIFIERS		Alcohol Related		
THEME		ANTI SOCIAL		
<b>Unit Activity</b>				
(02135)	24/06/2012	00:29:39	02135	En-Route
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAU				
(02135)	24/06/2012	00:29:40	02135	At Scene
SAKURA JAPANESE RESTAURANT, SAKURA JAPANESE RESTAU				
(02135)	24/06/2012	00:29:41	02135	At Scene
MESSAGE SENT 02135 LONG(#1160087) DHM-23062012-0542; ASB-ENV				
(02135)	24/06/2012	00:29:42	02135	Available
<b>ISR Relations</b>				
CALL CARD - XREF CALL		DHM-11062012-0519 (D1B) ASSOCIATED BY OPERATOR 07303		
PERSONS - VICTIM		ADRIAN HALL		
<b>ISR Comments</b>				
caller advises he has walked past the above premises, boxers and advised there must be 50 people outside drinking		23/06/2012	22:35:42	CH_P_39 07303
the noise from the premises is excessive		23/06/2012	22:35:52	CH_P_39 07303
he walked past and looked inside and was given a barage of abuse asking what he has looking at		23/06/2012	22:36:22	CH_P_39 07303
caller advises he is sure they do not have a license to drink outside		23/06/2012	22:36:38	CH_P_39 07303
CONTACT CONTRACT OFFERED - DECLINED		23/06/2012	22:38:16	CH_P_39 07303
caller advises he has suffered the noise for 3 weeks now and can not stand it any longer		23/06/2012	22:38:36	CH_P_39 07303
inn web checked and states license only permits them to play back ground music.		23/06/2012	22:39:21	CH_P_39 07303
TRANSFER REPLACES EXISTING TRANSFER		23/06/2012	22:39:32	CH_P_39 07303
system admin		23/06/2012	22:39:41	CH_P_39 07303
caller advises this is known as Boxers now		23/06/2012	22:39:52	CH_P_39 07303
All units committed on higher priority to be allocated when available.		23/06/2012	22:40:13	ND_P_04 06452
STATUS CHANGED MANUALLY Received->Received FIVE STEP PROCESS		23/06/2012	22:40:21	ND_P_04 06452
		24/06/2012	00:29:41	AWSERVER AWSERVER

MOBILISATION MESSAGE SENT TO (02135)(02135 LONG #1160087): DHM-23062012-0542; ASB-ENVIRONMENTAL; Priority ██████████ COUNTY DURHAM				
Insp 2135 confirms the premises is now closed, all in order	24/06/2012	00:30:00	ND_P_03	06373
Incident Update - ASB 5-Point	24/06/2012	00:32:19	ND_P_03	06373
Officer / Collar No.	24/06/2012	00:32:19	ND_P_03	06373
6373-██████████	24/06/2012	00:32:19	ND_P_03	06373
1) Is the incident Personal, Nuisance, Environmental or Not ASB?	24/06/2012	00:32:19	ND_P_03	06373
environmental	24/06/2012	00:32:19	ND_P_03	06373
2) If the incident is ASB, what action has been taken? (Give update here)	24/06/2012	00:32:19	ND_P_03	06373
Officers attended sometime after report due to being committed with other incidents, the premises was closed and all in order	24/06/2012	00:32:19	ND_P_03	06373
3) Are there any issues of vulnerability with the caller or anyone else affected? If so explain.	24/06/2012	00:32:19	ND_P_03	06373
no	24/06/2012	00:32:19	ND_P_03	06373
4) Do you have any specific concerns that you wish to highlight for future action following the DMM?	24/06/2012	00:32:19	ND_P_03	06373
no	24/06/2012	00:32:19	ND_P_03	06373
5) Are you satisfied you have taken positive action at this stage?	24/06/2012	00:32:19	ND_P_03	06373
yes	24/06/2012	00:32:19	ND_P_03	06373
End of Incident Update - ASB 5-Point	24/06/2012	00:32:19	ND_P_03	06373
Disposition code: '405', '04'	24/06/2012	00:35:12	SUP_P_34	00538
# Arrests 0 # Cautions 0 # Reports 0	24/06/2012	00:35:12	SUP_P_34	00538
OIC / Handling Officer 02135	24/06/2012	00:35:12	SUP_P_34	00538
Qualifiers, Alcohol Related	24/06/2012	00:35:12	SUP_P_34	00538
DHM-23062012-0542 HAS BEEN DISPOSED	24/06/2012	00:35:12	SUP_P_34	00538
PCSO 6358 ██████████ tried to contact the complainant at 0915 hours on 24/06/2012. There was no reply so voice message left to advise that the complaint had been passed to ██████████	24/06/2012	10:32:24	ND_I_13	01171
██████████ Constabulary Licensing Officer as there was a possible contravention of Licence.	24/06/2012	10:32:35	ND_I_13	01171

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**APPENDIX 4 - LETTERS OF REPRESENTATION**

[REDACTED]

[REDACTED]

[REDACTED]

Durham Local Safeguarding Children Board  
Durham County Council,  
County Hall, Durham,  
DH1 5UJ

Tel No: 0191 383 3830  
Fax No: 0191 383 3734  
e-mail: lscb@durham.gov.uk

  
Durham  
Local Safeguarding Children Board  
[www.durham-lscb.gov.uk](http://www.durham-lscb.gov.uk)

Our ref: Boxers Bar Durham City

19 November 2012

Durham County Council  
Licensing Services  
PO Box 617  
Durham  
DH1 9HZ

Dear Sergeant Robson

Re: **Boxers Bar**  
**69-70 Crossgate**  
**Durham City**  
**DH1 4PR**

**Premises Licence LAPREG/05/0661**

The LSCB have received an application from Durham Constabulary for a review of a premises licence under the Licensing Act 2003 in respect of the premises named above.


This was submitted by Chief Constable M Barton of Durham Constabulary.

Evidence presented in the application raises concerns about the protection of children from harm. In particular my concerns centre on the following:

- The repeated purchase of alcohol by children at the premises, when neither age or identification was requested.
- The apparent availability of controlled drugs at the premises when the police application indicates that children are accessing the premises.

I would therefore support the application by Durham Constabulary to review the premises licence.

Yours sincerely

  
**GAIL HOPPER**  
Vice Chair of Durham Local Safeguarding Children Board

Contact: Garry Keay  
Direct Tel: 03000260088  
Fax:  
email: Garry.keay@durham.gov.uk  
Your ref:  
Our ref:



BY HAND  
Licensing Team Leader  
Durham County Council


**Re: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE LAPREG/05/0661 –  
"BOXERS" 69/70 CROSSGATE DURHAM CITY**

I am writing in my capacity of the Licensing Authority's Responsible Authority under the Licensing Act 2003 in response to the application made by the Chief Constable of Durham to review the Premises Licence LAPREG/05/0061 held by Pemberstone Partnership (No.3) LLP in respect of 69/70 Crossgate, Durham City, DH1 4PR.

Since this premises opened in opened under it's current management in May 2012 (albeit initially under the authorisation of Temporary Event Notices) there have been several incidents of a violent nature, apparent evidence of drug taking and numerous other incidents which raise very serious concerns about the way this premises is managed and the negative effect this mismanagement on the licensing objectives of: the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

This apathetic approach to management has been highlighted by the recent failures of three test purchases carried out through the multi agency Operation Glenside 2012 where a 15 (fifteen) year old child volunteer was sold alcohol on 3 separate occasions and by 3 different staff in a 6 day period.

I do not intend to add evidence in support of this representation as I believe this is adequately covered in the Durham Constabulary Submissions. However, I support, most strongly the recommendation that, in pursuit of the upholding of the licensing objectives, the Premises Licence should be revoked.

  
Garry Keay  
Licensing Enforcement Team Leader

**Helen Johnson - Licensing Team Leader (N'hoods)**

---

From: Michael Williams [REDACTED]  
Sent: 12 December 2012 13:52  
To: Helen Johnson - Licensing Team Leader (N'hoods)  
Subject: BOXERS BAR CROSSGATE DURHAM

TO THE LICENSING TEAM LEADER - DURHAM COUNTY COUNCIL

I am the nearest resident to Boxers Bar in Crossgate I wish to object to the licence to serve alcohol at the above premises on the following grounds -

**CRIME AND DISORDER**

I have had to make complaints to the police on a number of occasions about various incidents. One night a number of youths who I saw coming out of the bar sat on the bonnet of my car which was parked on the road in front of boxers with pints of beer in their hands. When I asked them to move they pushed me aggressively and told me to F' OFF and spat on me and on the car. When I complained to the bouncers outside they said " you shouldn't have effing parked there mate "

Next morning I discovered my car was scratched and scuffed.

I witnessed bottles and glasses being thrown across the street and smashing against the church wall opposite narrowly missing pedestrians and leaving broken glass on the footpath.

I have seen many fights spill out of the bar onto the footpath, one of these fights involved more than a dozen men and females shouting and screaming.

These fights and disturbances are very intimidating and disturbing.

It is impossible to sleep until the early hours at the weekend.

**PUBLIC NUISANCE**

Every Thursday , Friday and Saturday night large noisy crowds of youths gather on the footpath out side the bar - these I have counted and estimated up to 30 to 40 strong at times. The foot path is completely blocked from early evening to late in the morning. The vast majority of these people women and men have drinks in their hands and are drunk and belligerent -shouting and swearing.

Residents and people trying to use the path are jostled and intimidated and are made to cross to the other side of the road in order to pass.

Because of the amount of people many of them urinate openly at the side of bar and this includes females who squat in full view of passers by.

Children and young persons regularly witness these scenes and are obviously in (my opinion ) adversely affected.

You can hear the noise of shouting and swearing and screaming from the top of the street to the bottom.

Together with the loud " PUNK ROCK " music blasting out of the wide open doors this provides an intolerable situation for residents in this predominantly quiet residential street. I have had to complain to the police many times about the volume of the music and noise.

I have complained to the police about these incidents and others and have recorded the following incident numbers - 501 30th June - 864 29th June and incident number 596

It is my opinion that the decision to vary the original licence (which was formulated by a judge in the high court after a lengthy hearing) by removing his restriction that alcohol could only be served as incidental to a full main meal was perverse as this was not a minor variation but major as it allowed a bar to spring into existence from what had always been a restaurant.

Michael williams  
[REDACTED]

Contact: Kirsty Wilkinson  
Direct Tel: 03000 265445  
Fax:  
email: kg.wilkinson@durham.gov.uk



Licensing Team Leader  
Licensing Authority  
Annand House  
Meadowfield  
Durham  
DH7 8RS

DURHAM COUNTY

- 4 DEC 2012

LICENSING

29 November 2012

Dear Licensing Authority

**Review of premises licence: Boxers Bar, 69-70 Crossgate, Durham City, DH1 4PR**

We have received the bundle of review evidence for Boxers Bar, 69-70 Crossgate, Durham City, DH1 4PR from Durham Constabulary.

We note the alarming ease at which girls under the age of 18 are able to gain access to alcohol in this bar.

Major concern must also be raised about the 16 year old girl who was working behind the bar and the shocking experiences that she may have been subjected to.

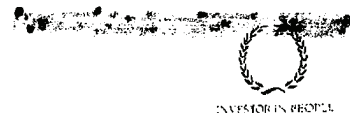
Also of note in the evidence is the fact that groups of students were given alcohol to pour directly into each other's mouths. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 states that the responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another. This evidence shows a clear breach of a licensing condition and total disregard for the licensing legislation.

Alcohol is one of the most harmful drugs we have, simply because it is licensed does not mean that it is any less dangerous than other drugs. In County Durham we have some of the highest rates in the country of under-18s being admitted to hospital directly as a result of excessive alcohol consumption. We know that sexual exploitation of children in the County is linked to alcohol. We know that sexual violence such as rape has a strong correlation with alcohol. Young girls who are able to access alcohol on licensed premises may be more vulnerable to this type of abuse and any bar management that does not have significant safeguards in place needs to be challenged.

Also, we have ID4U, a PASS approved proof of age scheme, in County Durham. There is no excuse for this bar not to be asking for identification and challenging those who look under age.

**Children and Adults Services**

Durham County Council, County Hall, Durham DH1 5UG  
Main Telephone 03000 260 000 Textphone 0191 383 3802 Text 07786 02 69 56



We do not wish to add any additional evidence in support of this representation as we feel that it is adequately covered in the bundle of evidence provided by Durham Constabulary. We wholeheartedly support the revocation of this license and urge the Licensing Committee to uphold Durham Constabulary's request.

Yours faithfully,

A large black rectangular redaction box covering the signature of Anna Lynch.

**Anna Lynch**  
**Director of Public Health, County Durham**

cc. Alcohol Harm Reduction Coordinator, Durham County Council  
Alcohol Harm Reduction Unit, Durham Constabulary



Durham DH1 4EB  
8 December 2012

Karen Monaghan  
Acting Licensing Team Leader  
Environment, Health and Consumer Protection  
PO Box 617  
Durham  
DH1 9HZ

Dear Ms Monaghan,

**Review of premises licence for Boxers Bar, 69-70 Crossgate, Durham City DH1 4PR**

Crossgate Community Partnership is a charity whose objects are:

- to promote the conservation and improvement of the physical and natural environment of Crossgate and the surrounding area in Durham City
- to promote the establishment, continuation, and improvement of local amenities
- to build and maintain a strong, safe, healthy, and balanced community by encouraging the residents of Crossgate and neighbouring areas to participate in community activities.

The principal way we do this is to hold monthly residents meetings. The first part of these meetings comprises a PACT meeting. I should also point out, though it is obvious from our name, that our area of interest includes all of Crossgate including therefore 69-70.

I am writing to support the police application for this license to be reviewed. This bar has been of concern to our members since it opened in its present form and it has been discussed at every one of our past six meetings. In our view this licence should be revoked because Boxers is consistently operated in contravention of the four licensing objectives.

**Prevention of Crime and Disorder:** The area outside the bar has been the scene of a number of fights and noisy incidents, involving threats of and actual violence. Any protests by the public at this behaviour are received with abuse. Our members have witnessed assaults on persons ejected from the bar, and even threats being made to a Civil Enforcement Officer. It is clear, even from the street, that the inside of the premises is patronised by aggressive clients and that no attempt is made by management to control this behaviour.

**Public Safety:** a pickup truck branded Boxers Bar was regularly parked on the pavement outside which presents a danger to local residents especially the elderly and visually handicapped who have the right to a clear public pavement. Attempt to have the vehicles removed and/or the owner fined have had no effect. This vehicle was parked on double-yellow lines and for prolonged periods without loading or unloading taking place.

**Prevention of Public Nuisance:** The pavement outside the Boxers Bar was used by clients as a smoking area. Cigarette butts were thrown to the ground and no attempt was made by management to keep the area clean. The noise generated by the bar has been the subject of complaints by local residents especially those who live in the flats above. Local business is concerned that their customers are deterred by the regular disturbances both inside and outside the premises.

**Protection of Children from harm:** failure to meet this objective is the most serious factor. There is independent evidence from the police and from local residents that young teenagers (below the age of 18) frequented the premises in the knowledge that they will be served alcoholic beverages. No attempt is made by the management to deal with the inevitable drunkenness that follows. Young underage people soon learn where they will be served and this knowledge attracts other similar clients. The Twitter user @DurhamCityzen took a photograph of the official notice of this licence review and then noted in a tweet "As I was taking the Boxers pic two girls turned up asking "is this shut now?" They were not of drinking age by about half a decade."

We have read the police evidence submitted in support of this licence review. The PACT meetings that it mentions are the ones held at the commencement of our monthly meetings. Several of the incidents outside the bar are ones that our members have also raised at our meetings, and our information supports the police accounts of events. The other reports, particularly of sales to a 15-year-old girl and of the 17-year-old locked overnight in the premises are not in the personal knowledge of our members but they concern us considerably as they are not isolated incidents.

It appears that the management of this business is so defective that they are not fit to hold a licence for the sale of alcoholic drink. Despite complaints warnings and even fines they continued to operate rowdy premises, pollute the locality with litter and noise, and be a risk to the public especially young people.

I emailed you on 15 September this year to express the concerns of the Crossgate Community Partnership that a minor variation could be used to transform these premises from upmarket restaurant to downmarket sports bar. In your reply of 17 September you quoted the minor variations form submitted in support of that application:

For any restrictions contained within the former Justices Restaurant Licence (issued under the 1964 Act) and rolled over on to the premises licence on conversion to be removed particularly the restriction that alcohol can only be sold ancillary to a meal. This is so that customers are not obliged to order food when frequenting the premises for an alcoholic drink. This would be in line with many other restaurants and it is not believed that there would be any adverse effect on the objectives.

In the light of subsequent developments this seems to me to be deceptive, particularly the phrase "This would be in line with many other restaurants". When Boxers Bar opened they did not serve food, and a limited snack menu was only introduced later. I would ask the panel determining this application for a review to take this deception into account when assessing what weight to give to any statements that the licence holder may give in an attempt to retain their licence.

Consequently the Crossgate Community Partnership supports the police application for the review of the licence of Boxers Bar. This licence should be revoked for good. Please advise me of the date of any hearing into this application as we may wish to attend and give evidence. My email address is [REDACTED]

Yours sincerely,

[REDACTED]

Roger Cornwell

**APPENDIX 5 – STATEMENT OF LICENSING POLICY SECTION  
5.0 & 7.0 & 8.0 & 19.0**



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

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

5.1 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.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that 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 television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will 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.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', 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.

5.4 The application for premises selling alcohol 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, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. 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.

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

5.6 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.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

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

## **7.0 Prevention of Public Nuisance**

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

7.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to

demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style and characteristics of the premises and events.

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

7.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

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

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

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

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

8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- the Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

8.3 The Licensing Authority may consider the following when dealing with a Licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four Licensing Objectives.

8.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards Service to ensure the appropriate enforcement of the law,

especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales.

8.6 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

### ***Access to Cinemas***

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

8.8 The Act provides that it is mandatory for Licensing Authorities to include a condition in all Premises Licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

8.9 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

### ***Children and Public Entertainment***

8.10 Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

8.11 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access



and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

8.12 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

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

## **19 Reviews**

19.1 The Licensing Act provides a mechanism for reviewing a Premises Licences and Club Premises Certificates where problems associated with a premises undermine the Licensing Objectives following grant or variation.

19.2 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 Interested Party. 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

19.3 The proceedings set out in the Act for reviewing Premises Licences and Club Premises Certificates represent a key protection for the community. Unless the 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 for up to 3 months or the revocation of the Licence.

19.4 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.

## **APPENDIX 6 – RELEVANT PARTS OF 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.** 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 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.6 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** 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.
- 2.7 **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.** However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence

and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **PUBLIC SAFETY**

2.8 **Licence holders have a responsibility to ensure the safety of those using their premises**, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### **Ensuring safe departure of those using the premises**

2.11 **Licence holders should make provision to ensure that premises users safely leave their premises.** Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

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

## Safe capacities

- 2.13 **“Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises.** For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.14 **It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk.** This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.15 **The special provisions made for dancing in section 177 of the 2003 Act apply only to premises with a “permitted capacity” of not more than 200 persons.** In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the 2005 Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of

new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.

2.17 Public safety includes the safety of performers appearing at any premises.

## **PUBLIC NUISANCE**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## **PROTECTION OF CHILDREN FROM HARM**

2.25 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.26 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.28 **Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- 2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.
- 2.32 **Licensing authorities should give considerable weight to representations about child protection matters.**
- 2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

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

- 2.35 **Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers** (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.



## **Section 182 Guidance**

### **11.0 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 the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. 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. 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 13 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 written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **REPETITIOUS GROUNDS OF REVIEW**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote 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.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to 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;
  - to 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);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to 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.
- 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. 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. 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, or the sale of firearms. 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 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 Class A drugs 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police 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 PERSISTENT SALES OF ALCOHOL TO CHILDREN**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether 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 outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.



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**ADDITIONAL DOCUMENTS FROM DURHAM CONSTABULARY  
RECEIVED 4.1.13**

[REDACTED]

[REDACTED]

[REDACTED]

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: Patrick Lincoln

Age if under 18: 021 (if over 18 insert 'over 18') Occupation: Licensing Administrator 6406

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This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: ..... (witness) Date: 4/1/2013

I am a licensing administrator in the Alcohol Harm Reduction unit based at Meadowfield. On the 18<sup>th</sup> May 2012 the unit received a Temporary event notice application for Yokos Tapanyaki. This application was in the name Natalie PAYNE. PAYNE was therefore the premise user. This application covered the first 7 days in June 2012. On the 28<sup>th</sup> June 2012 a further Temporary Event Notice was received by the unit for the 6<sup>th</sup> July 2012, The applicant and Premise user was again Natalie PAYNE.

During these applications I received complaints associated with Boxers namely on the 11<sup>th</sup> June 2012 Antisocial behaviour and noise nuisance, on the 23<sup>rd</sup> June 2012 antisocial behaviour outside and noise was excessive as the report was that 50 people were drinking outside, on the 25<sup>th</sup> June 2012 antisocial behaviour and environmental issues, on the 29<sup>th</sup> June 2012 public order issues, and on the 30<sup>th</sup> June 2012 antisocial behaviour and nuisance.

Our records for this period of time indicated that a was the DPS for the premise and that no application had been made to change it. Initial attempts were made by Sgt Robson to locate and deal with the matters arising in house. was not contactable. As a result I was instructed to contact the Premise Licence Holder.

I noted from the previous documentation that Mr David Campbell of FBC Manby Bowdler LLP was acting on behalf of Pemberstone Partnerships, the premise licence holders.

On the afternoon of Monday 2<sup>nd</sup> July 2012, I attempted to contact Mr Campbell regarding who was the DPS and the issues already arising in respect of the premise. Mr Campbell was unavailable.

At 4.07pm that same day i sent an e mail to Mr Campbell at his office, within which i expressed our concerns with issues of noise and young drinkers associated with the premise. Along with other matters around the DPS and i invited a reply.

On the 6<sup>th</sup> July at 10.46am i received a reply from Mr Campbell indicating that an application would be submitted to Durham Licensing. No response was received regarding the current issues identified at the premise.

Signature: ..... Signature witnessed by: .....

Not Disclosable

**Witness contact details**

Home address: AHRU, Annand House, Meadowfield, Durham Postcode: DH78RS

Home telephone No: 01913752308 Work telephone No:

Mobile: E-mail address: jim.lincoln@durham.pnn.police.uk

Preferred means of contact (specify details): mobile

Best time to contact (specify details):

Gender: Male Date and place of birth: [REDACTED]

Former name: Ethnicity Code (16 + 1):

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness care**

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? n/a
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).  
no

**Witness Consent (for witness completion)**

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A

Signature of witness: ..... PRINT NAME: .....

Signature of parent/guardian/appropriate adult: ..... PRINT NAME: .....

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Station:

Time and place statement taken:

SATURDAY, AUGUST 11, 2012

# Raunchy bar near ancient church

**By Mark Tallentire**  
mark.tallentire@nne.co.uk

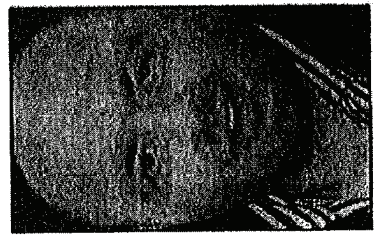
A RAUNCHY bar with scantily-clad waitresses and topless bar-men has opened only yards from a city's 900-year-old church.

Sports bar Boxers has opened in Crossgate, Durham City, opposite St Margaret's Church and near leafy South Street.

The all-female waitressing team, including some part-time models, wear short tennis skirts and sports bras. After 7pm, the barnea strip down to boxing shorts.

The bar was the idea of Joel Bond, who was born and raised in the city. About £100,000 has been spent on transforming a near-3,000sq ft former Japanese restaurant, creating up to 14 jobs.

Mr Bond said: "It is something new and something different. I believe it will be an asset to Durham, rather than something detrimental."



**CITY PLAN:**  
Joel Bond

The bar opened six weeks ago, with the restaurant, which will serve US diner-style food, set to follow on Monday.

No one at St Margaret's Church could be contacted for comment yesterday.

Mr Bond said: "It has been very busy. We get the odd passer-by having a look. They perhaps have a snigger, but we have not had

any massive complaints." Earlier this year, the Eazy Street cabaret club opened nearby, promising to bring Vegas-style glamour to Durham. Despite an investment of about £80,000, it closed after six weeks.

In 2008, residents saw off an attempt to open a lap-dancing club in North Road.

However, Mr Bond believes he is offering something people want, saying: "I think so - and hope so."

Mr Bond, who opened Boxers with support from chartered surveyor and property agent Bradley Hall, said he wants to open more restaurants and nightclubs in Durham City and across the region over the next 12 months.

Boxers has eight plasma televisions, showing sport.

Mr Bond said: "The premises are in an area of the city which is currently undergoing a huge regeneration, and I hope the new place will provide a massive boost."



**STRIPPED DOWN:**  
Bar staff from Boxers

# Time for a sort out?



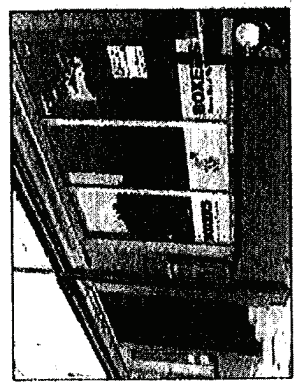
It is a perfect time to consider disposing of many items that might be cluttering up your jewellery box and cupboards. With Gold and Silver at record prices and with a huge demand from foreign & British buyers, we are able to offer great prices.

OVER 50s CAR INSURANCE

Paying more than

**£188?**

20% of new RIAS customers paid less.



**SPORTS BAR:** Boxers, in Durham City

**Projects aid**

**Statutory Licensing Sub-Committee (1)**

15<sup>th</sup> January 2013



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

**Report of Terry Collins, Corporate Director, Neighbourhood Services**

**Name and Address of Premises:** The Jumping Bean, 5 Neville Street,  
Durham DH1 4EY

**1. Summary**

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence received from:

Mr Kayvan Khazaei  
13 Church Close  
Riding Mill NE44 6DP

A plan showing the location of the premises is attached at Appendix 1.

A plan showing the internal layout of the premises is attached as Appendix 2.

**2. Details of the Application**

An application for the grant of a premises licence was received by the Licensing Authority on 19th November 2012. A copy of the application is attached as Appendix 3.

The details of the application are as follows:

Opening hours of the premises	Monday to Sunday 08.00 – 23.30 New Years Eve until 00.30
Sale of Alcohol (on the premises)	Monday to Sunday 12.00 – 23.00 New Years Eve until 00.00

The applicant has proposed steps which they intend to take in order to promote the four licensing objectives, which are outlined within the application form.

The application has been advertised in accordance with regulations.

**3. Representations**

The Licensing Authority received two representations, one from a Responsible Authority, namely from Durham Constabulary and another from Crossgate Community Partnership.

The representations relate to all four licensing objectives, namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the representations from Durham Constabulary and Crossgate Community Partnership are attached as Appendix 4.

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

The Parties to the hearing will be:

- Mr Kayvan Khazaei (Applicant)
- Sgt 1590 Tim Robson, Licensing and Partnerships Unit, Durham Constabulary (Responsible Authority)
- Crossgate Community Partnership (Other Person)

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

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

- 5.0 - Prevention of Crime and Disorder
- 6.0 – Public Safety
- 7.0 – Prevention of Public Nuisance
- 8.0 – Protection children from harm

Attached as Appendix 5.

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

The Sub-Committee's attention is drawn to the Guidance issued under section 182 of the Licensing Act 2003 and in particular

- 2.1 – 2.7 Crime and Disorder
- 2.8 – 2.17 Public Safety
- 2.18 – 2.24 Public Nuisance
- 2.25 – 2.35 Protecting children from harm

Attached as Appendix 6.

#### **7. For Decision**

The Sub-Committee is asked to determine the application in light of the above having regard to the application and the representations received.

## **APPENDIX 1 – LOCATION PLAN**

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended October 2012)

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**Contact: Karen Monaghan**

**Tel: 03000 265104**

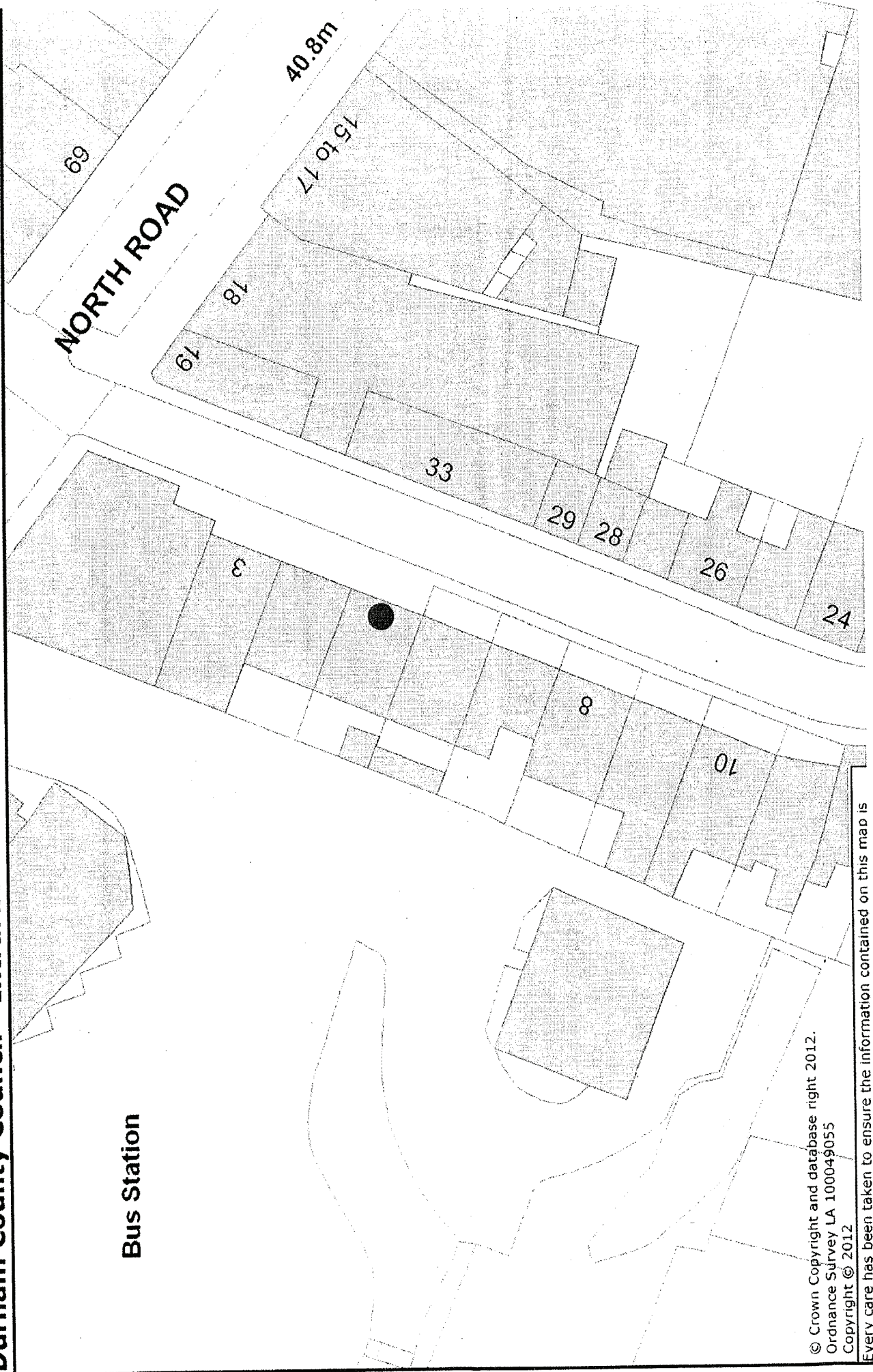
**Email: [karen.monaghan@durham.gov.uk](mailto:karen.monaghan@durham.gov.uk)**

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Plan for identification purposes only; not to be used for scaling or formal documentation

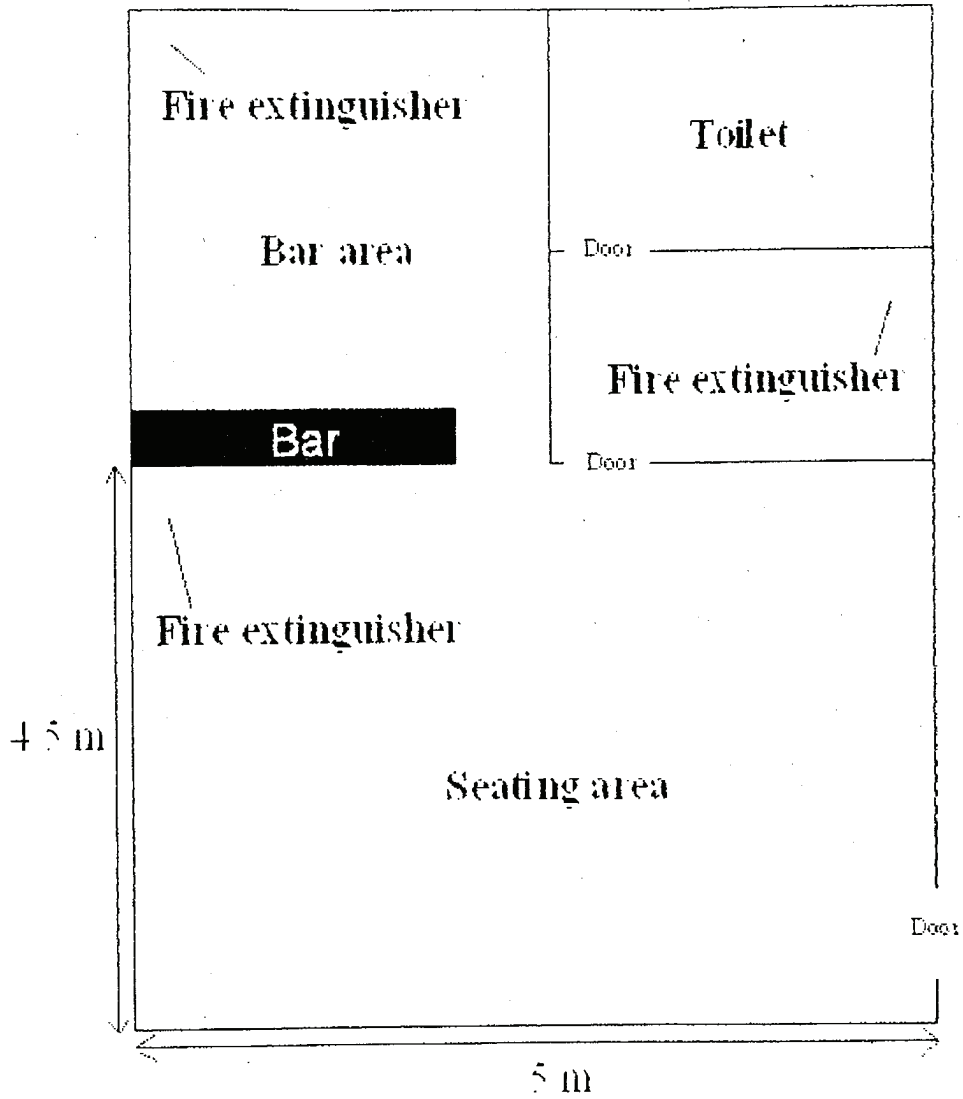
**Durham County Council - IntraMAP**



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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

## **APPENDIX 2 – INTERNAL PLAN OF PREMISES**

## Plan of premises



**APPENDIX 3 – PREMISES LICENCE APPLICATION**

CIVICA REF: 022302  
ALP036000942

NEW  
c-

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

by 17/12

Application for a premises licence to be granted  
under the Licensing Act 2003

9

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We KAYVAN KHAZAE  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 - Premises Details**

Postal address of premises or, if none, Ordnance Survey map reference or description			
5, Neville st, Durham - JUMPING Bean.			
Post town	DURHAM	Postcode	DH1 4ET
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 7,300.00 B.	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
27	12	2012

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A SMALL PLACE, 4.5M x 4.2M AREA OF CUSTOMER SPACE NEAR THE CENTRE OF DURHAM, WITH OTHER BARS IN CLOSE PROXIMITY IE. OPPOSITE AND ROUND THE CORNER. WILL PROVIDE HOT FOOD WITH ALCOHOL AND TEA AND COFFEE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00	11:00	<b>Please give further details here</b> (please read guidance note 3) STAND UP COMEDY		
Tue	12:00	11:00			
Wed	12:00	11:00	<b>State any seasonal variations for performing plays</b> (please read guidance note 4) NO PLANNED VARIATION		
Thur	12:00	11:00			
Fri	12:00	11:00	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	12:00	11:00			
Sun	12:00	11:00			



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)			
Thur						
Fri						
Sat			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sun						

NOT NEEDED - NOT LICENSABLE ACTIVITY.

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing  <p style="font-size: 2em; text-align: center;">Stand up comedy</p>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	12:00	11:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	12:00	11:00	<b>Please give further details here</b> (please read guidance note 3) PM		
Wed	12:00	11:00	PM		
Thur	12:00	11:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4) PM		
Fri	12:00	11:00	PM		
Sat	12:00	11:00	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	12:00	11:00	PM		

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat								
Sun								



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>				
				Off the premises <input type="checkbox"/>				
				Both <input type="checkbox"/>				
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	12:00	11:00 PM	New years eve till 12:00 AM					
Tue	12:00	11:00 PM						
Wed	12:00	11:00 PM						
Thur	12:00	11:00 PM				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	12:00	11:00 PM						
Sat	12:00	11:00 PM						
Sun	12:00	11:00 PM						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	KAYVAN KHAZAEI
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	to follow
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	11:30	New years eve 12:30am
	<del>08:00</del>	<del>11:30</del>	
Tue	08:00	11:30	
Wed	08:00	11:30	
Thur	08:00	11:30	
Fri	08:00	11:30	
Sat	08:00	11:30	
Sun	08:00	11:30	
			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)

**M** Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

Police will be contacted if there is any disorder. Customers who appear drunk will not be served alcohol.

c) Public safety

First aid kit kept on premises,  
Fire extinguishers kept on premises

d) The prevention of public nuisance

Sign to display – telling customers to leave quietly

e) The protection of children from harm

challenge 25 policy with proof of age required.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).  
If signing on behalf of the applicant, please state in what capacity.

Signature	[Redacted]
Date	14/11/12
Capacity	Manager

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## **APPENDIX 4 - LETTERS OF REPRESENTATIONS**

NOT PROTECTIVELY MARKED



Durham Constabulary  
Licence Support Officer  
Alcohol Harm Reduction Unit  
Annand House  
John Street North  
Meadowfield  
County Durham  
DH7 8RS

Web Site: [www.durham.police.uk](http://www.durham.police.uk)  
E-mail: [NALU@durham.pnn.police.uk](mailto:NALU@durham.pnn.police.uk)

Tel No: 0191 3752308  
Fax No: 0191 375 2304  
DX: 721661

Your Ref:  
Our Ref: PJL/PREM/2943

11 December 2012

This matter is being dealt with by PCSO Martin Haigh & Sgt Tim Robson  
Tel 0845 60 60 365 ext 6632351 or direct 0191 3752351

**OBJECTION**

Dear Sir/Madam

**Premises:** Jumping Bean, 5 Neville Street, Durham City

**Applicant:** Kayvan Khazae

**Type of application:** new premise Licence application

**Date Received:** 19.11.2012

With reference to the above application, please note that the Police **OBJECT** to this application on the grounds of – The Prevention of Crime & Disorder  
The Prevention of Public Nuisance

This is on the basis that this is primary a residential area and being close to the gateway of Durham City, and this will impact adversely on the quality of lives of residents in the area.

This premise will impact on public nuisance and disturbance within Neville street and the surrounding area, due to the nature and style of the premise.

Yours faithfully

Inspector Colin Dobson

CP

NOT PROTECTIVELY MARKED

Licensing Officer  
Durham County Council  
Annand House  
John Street North  
Meadowfield  
County Durham  
DH7 8RS

Durham DH1 4EB  
8 December 2012

Karen Monaghan  
Acting Licensing Team Leader  
Environment, Health and Consumer Protection  
PO Box 617  
Durham  
DH1 9HZ

Dear Ms Monaghan,

**New premises licence application for Jumping Bean, 5 Neville Street, Durham DH1 4EY**

Crossgate Community Partnership is a charity whose objects are:

- to promote the conservation and improvement of the physical and natural environment of Crossgate and the surrounding area in Durham City
- to promote the establishment, continuation, and improvement of local amenities
- to build and maintain a strong, safe, healthy, and balanced community by encouraging the residents of Crossgate and neighbouring areas to participate in community activities.

The principal way we do this is to hold monthly residents meetings. Our area of interest is for this side of the City and includes Neville Street.

It is our view that this application is so sketchy that if it were granted in its present form it would give too much scope to an operator, and there is no guarantee that the four licensing objectives would be met. We are not impugning the good faith of the applicant but feel that if his vision does not work out we must not be left with a licence that could be exploited, possibly by another operator, to run a high volume vertical drinking establishment which would not be appropriate for this location. Our comments below are made in the light of this potential.

In terms of the four licensing objectives, a general comment is that the Council's *Statement of Licensing Policy* has some very useful things to say about what needs to be addressed in the Operating Schedule and there is no evidence that the applicant has read this. The answers given on the application form are completely inadequate. Specifically:

**Prevention of Crime and Disorder:** The statement "police will be contacted if there is any disorder" is not a measure to *prevent* disorder, it is a strategy to deal with it should it happen. North Road is an area in need of careful management. There are already problems of drunkenness and under-age drinking. Premises restricted in size are difficult to control. As noted below some customers would inevitably try to drink outside unless this is controlled in some way. Rivalries between different groups need to be considered and addressed. The application has been made without a Designated Premises Supervisor being identified.

**Public Safety:** The application does not demonstrate that the premises comply with appropriate safety standards or that a risk assessment has been carried out. The *Statement of Licensing Policy* says "It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants." The plan of the premises indicates the location of



fire extinguishers but appears to have no emergency exit. The permitted occupancy would have to be limited and if a popular entertainer was provided it would be likely that people unable to obtain entry would obstruct the already narrow pavement and street.

**Prevention of Public Nuisance:** Because the premises are so small it is inevitable that if it became crowded customers would spill out of it and create noise and litter. There is a paved area in front of the premises which is not, as far as we can tell, part of the public highway and it is possible that customers could congregate here and not be subject to the designated places order that covers this part of the city. They might overflow onto the public highway in the absence of police officers, but retreat onto private land if challenged. Neville Street is a very narrow street, steep and cobbled and "One Way". The buildings in the street are old domestic premises. Customers accessing and leaving the premises would be a focus for disorder and vehicle traffic such as taxis would create significant disturbance. Again, the *Statement of Licensing Policy* sets out what areas need to be addressed and this has not been done.

**Protection of Children from Harm:** The only measure offered here is a "challenge 25" policy. The applicant says he intends to run the premises as a venue for stand-up comedy. The operating schedule needs to demonstrate that either the performers will be restricted to family-friendly entertainment or children need to be excluded when performances appropriate to mature audiences are taking place.

**In summary** the applicant has indicated that he wishes to run Jumping Bean as a café serving hot food with alcohol, tea and coffee, with no live or recorded music but with stand-up comedy. The impression given is that alcohol would be incidental to the enterprise rather than its focus. If everything goes right this could be an enhancement to the facilities of the City. Unfortunately the application shows no evidence that the potential risks have been assessed and addressed. The application is so vague that it could apply to an operation very different to and very much more disruptive than the one being suggested. Consequently the Crossgate Community Partnership objects to this application in its present form.

Please advise me should a revised application be made, and also of the date of any hearing into this application as we may wish to attend and give evidence. My email address is

[REDACTED]

Yours sincerely,

[REDACTED]

Roger Cornwell  
Chairman

**APPENDIX 5 – STATEMENT OF LICENSING POLICY  
SECTIONS 5.0 & 6.0 & 7.0 & 8.0**



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

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

5.1 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.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that 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 television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will 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.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', 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.

5.4 The application for premises selling alcohol 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, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. 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.

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

5.6 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.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

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

## **6.0 Public Safety**

6.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

6.2 Applicants are advised to seek advice from the Council's Health and Safety team,

and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

## **7.0 Prevention of Public Nuisance**

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

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

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

7.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- Assessment of likely noise levels in the premises.
- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, openable windows, double doors / lobbies to entrances).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).

- Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
- Ways to limit noise / disorder from patrons leaving the premises.

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

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

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

8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- the Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

8.3 The Licensing Authority may consider the following when dealing with a Licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.

- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four Licensing Objectives.

8.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales.

8.6 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

### **Access to Cinemas**

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

8.8 The Act provides that it is mandatory for Licensing Authorities to include a condition in all Premises Licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

8.9 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

### ***Children and Public Entertainment***

8.10 Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

8.11 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

8.12 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

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



**APPENDIX 6 – RELEVANT PARTS OF 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.** 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 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.6 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** 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.
- 2.7 **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. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence

and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **PUBLIC SAFETY**

2.8 **Licence holders have a responsibility to ensure the safety of those using their premises**, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### **Ensuring safe departure of those using the premises**

2.11 **Licence holders should make provision to ensure that premises users safely leave their premises.** Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

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

## Safe capacities

- 2.13 **“Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises.** For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.14 **It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk.** This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.15 **The special provisions made for dancing in section 177 of the 2003 Act apply only to premises with a “permitted capacity” of not more than 200 persons.** In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the 2005 Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of

new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.

2.17 Public safety includes the safety of performers appearing at any premises.

## **PUBLIC NUISANCE**

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.22 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.24 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## **PROTECTION OF CHILDREN FROM HARM**

2.25 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.26 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.28 **Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- 2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.
- 2.32 **Licensing authorities should give considerable weight to representations about child protection matters.**
- 2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

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

- 2.35 **Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers** (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.





LICENSING ACT 2003 – To Durham County Council - Licensing Authority

Application for the Grant of a Premises Licence

Premises: Jumping Bean, 5 Neville Street, Durham City

Applicant: Mr Kayvan Khazaei

Interested parties: Other Persons (Crossgate Community Association)

Date of application: 19<sup>th</sup> November 2012

We, the applicant(s) and Interested Party/Parties pursuant to Regulation 9 of The Licensing Act 2003 (Hearings) Regulations 2005 give notice to the Authority that we consider a hearing to be unnecessary and request that the Authority dispenses with such provided that any licence granted includes the following provisions or conditions in addition to any already put forward in the original application and also the signed mediation agreement with Durham Constabulary:

- The premise licence holder/designated premises supervisor will undertake to ensure that a maximum capacity of 60 persons will be enforced within the premises.
- The toilet will be modified so that it can be used by a disabled person and a portable ramp will be available so that disabled people may enter the premises before the premises operates under a premises licence.
- The premise licence holder/designated premises supervisor will ensure that any entertainment, except that intended for young people, will not start until 8pm on any day of the week (which is when a lower age limit of 18 comes into force).

Signed:  ..... (Applicant)

Title: *Mr* .....

Full Name: *Kayvan Khazaei* .....

Date 11 January 2013

Signed:  ..... (Other Person)

Title Chair, Crossgate Community Partnership

Full Name Roger John Cornwell

Date 11 January 2013

## LICENSING ACT 2003

TO: The County Council of Durham as the Licensing Authority.

**Application for Grant of a Premises Licence**

**Premises:** *Jumping Bean, 5 Neville Street, Durham*

**Applicant:** Mr Kayvan Khazaei

**Interested parties:** *Police*

**Date of application:** 19/11/2012

We Interested Party/Parties pursuant to Regulation 9 of The Licensing Act 2003 (Hearings) Regulations 2005 give notice to the Authority that we consider a hearing to be unnecessary and request that the Authority dispenses with such provided that any licence granted includes the following provisions or conditions in addition to any already put forward in the original application:

**The retail sale of alcohol will take place between 17:00hrs and 23:00hrs (00:00 New Year's Eve) Monday to Sunday with a stipulation that no alcohol will be consumed ON premise after 23:15hrs (00:15hrs New Year's Eve)**

**The Prevention of Crime and Disorder**

- Challenge 25 will ensure only persons of lawful age will be able to purchase alcohol from our premise. Photo ID only (PASS logo card / photo driving licence / passport)
- Visual inspection, and personal interaction with customer, will enable staff to determine if the customer is fit to be sold alcohol. If staff believe person to be intoxicated with drink or drugs they will be refused
- CCTV will be installed and fitted to home office standards. A minimum of three digital colour cameras will be installed internally. One must be focused on the point of sale, one focused on the entrance / exit and one other. A minimum of two cameras will be fitted externally. These cameras will be infra-red and one will cover the entrance / exit and one will record images of a panoramic view of the street outside. Recordings will be stored for a minimum of 28 days
- A member of staff will be available at all times the premises is open to download CCTV footage when requested by an authorised officer

NOT PROTECTIVELY MARKED



Durham Constabulary  
Licence Support Officer  
Alcohol Harm Reduction Unit  
Annand House  
John Street North  
Meadowfield  
County Durham  
DH7 8RS

Web Site: [www.durham.police.uk](http://www.durham.police.uk)  
E-mail: [NALU@durham.pnn.police.uk](mailto:NALU@durham.pnn.police.uk)

Tel No: 0191 3752308  
Fax No: 0191 375 2304  
DX: 721661

Your Ref:  
Our Ref: P JL/PREM/2943

10 January 2013

This matter is being dealt with by PCSO Martin Haigh  
Tel 0845 60 60 365 ext 6632351 or direct 0191 3752351

Dear Sir/Madam

Premises: Jumping Bean, 5 Neville Street, Durham City

Applicant: Kayvan Khazae

Type of application: New Premise Licence application

Date Received: 19.11.2012

With reference to the above application, please note that the Police have no issues with this application. This follows lengthy negotiations with the applicant. Please note the mediation document signed by both parties ( attached ).

Yours faithfully

  
Inspector Colin Dobson

NOT PROTECTIVELY MARKED

Licensing Officer  
Durham County Council  
Annand House  
John Street North  
Meadowfield  
County Durham  
DH7 8RS

- We will display signs and adhere to the law regarding alcohol and children
- If concerns arise about a child we will contact the Police for advice/assistance and not make our own investigations or conclusions

**Memorandum of Understanding**

- The premise will refrain from the retail sale of alcohol until 'Change of Use' planning permission has been granted

**This has not been granted at the present time**

Signed:  (Applicant)

Title: *Mr*

Full Name: *Karwan Khuzaree*

Date: *9/1/13*

Signed:  (Responsible Authority)

Title: *PCSO 1480*

Full Name: *Mervin Hatcher*

Date: *09/01/2013*

FORM NEEDS TO BE SIGNED BY ALL INTERESTED PARTIES AND THE APPLICANT, ONE FORM CAN BE USED FOR ALL OR EACH HAVE INDIVIDUAL ONES.

## PROTECT

- Notices will be clearly displayed at entrance and around the premise stating CCTV is in operation
- Persons known to be, or suspected of buying on behalf of children will be refused and reported to the Police.
- External lighting will be installed and will be in full working order

### Public Safety

- Designated smoking areas with notices in place reminding customers to keep noise levels to a minimum
- Good housekeeping procedures in place
- Where a Pubwatch exists, the premise will be an active member of Pubwatch, and will attend meetings, and join activities
- Maintain an incident book, and record and report all instances of disorder

### The Prevention of Public Nuisance

- Customers will not be permitted to take their drinks outside.
- Signs displayed at entrance / exit encouraging customers to leave the premise quietly
- Designated smoking areas with notices in place reminding customers to keep noise levels to a minimum

### The Protection of Children from Harm

- Challenge 25 will be enforced. Refusals will be logged, along with any behavior associated with the refusal
- Children under the age of 16 will be supervised by an adult at all times
- Children under the age of 18 must not be in the premise after 20.00hrs
- Persons known to be, or suspected of buying on behalf of children will be refused and reported to the Police

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