

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 January 2013 at 2.00 pm**

Present:

Councillor

Members of the Committee:

Councillors C Carr, A Hopgood, J Shiell and J Wilkinson

Also Present:

Councillor A Hopgood

H Johnson – Licensing Team Leader

S Grigor – Legal Officer

Sgt T Robson – Durham Constabulary

S McGonigle – Danbury Associates, Premises Licence Holder

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest (if any)

There were no declarations of interest received.

4 Minutes of the Meeting held on 11 December 2012

The Minutes of the meeting held on 11 December 2012 were agreed as a correct record and were signed by the Chair.

5 Application for the Review of a Premises Licence - The Prince of Wales, West Auckland

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the review of a Premises Licence in respect of the Prince of Wales, West Auckland (for copy see file of Minutes).

Members had been provided with a copy of the Premises Licence, location plan and the Notice of Determination of the expedited review hearing held on 11 December

2012, together with additional information from the Applicant and the Premises Licence Holder.

Sgt T Robson, Durham Constabulary provided background to the history of the premises and took Members through the Police statements which set out in detail incidents dated 24 June, 18 August and 10 November 2012, together with details of the Police operation on 7 December 2012.

Following the operation on 7 December 2012 which was undertaken as a result of intelligence indicating that the pub was being used as a place to supply cocaine, attempts were made to contact the DPS without success. The Police then made application for an expedited review pursuant to Section 53A of the Licensing Act 2003 which resulted in a suspension of the licence at a hearing on 11 December 2012.

Sgt Robson referred to a subsequent incident at Bishop Auckland Police Station on 12 December 2012, details of which were set out in the Police statements circulated.

It was disappointing that the village green area of West Auckland had such an unruly and disreputable public house with a history of unruly clientele. A PCSO conducting a licensing check had noted that the atmosphere inside of the pub was hostile and anti-Police. Since the closure of the premises on 11 December 2012 the nearby Eden Arms had seen an increase in poor behaviour of customers and the landlord had sought assistance from the Police.

Whilst he had highlighted as much information as he could in a public hearing a protracted investigation was ongoing in relation to the public house and individuals associated with it. It was clear that serious crime was being committed within and associated with these premises.

On the basis of this the Police made an application under Section 14(1) Licensing Act (Hearing Regulations) 2005 where the Licensing Authority may exclude the public from all or part of a hearing when it considered that the public interest in so doing outweighed the public interest in the hearing. This would allow the Police to divulge sensitive information without being detrimental to the ongoing investigation or to the Police Officers involved.

The Sub-Committee considered the request and determined that as the information was highly sensitive and could jeopardise criminal investigations if disclosed, all parties should be excluded to allow Members to hear details of the ongoing Police investigations, in order to assist in their determination of the application.

Accordingly at 2.25pm all parties were asked to leave the meeting and returned at 2.50pm.

In response to a request for clarification from Councillor Carr in relation to a number of points in the information submitted by the Police, Sgt Robson confirmed that there was evidence of poor management, that alcohol had been served to a person

who was already intoxicated, and that drug sales and supply were taking place at the public house.

Mr McGonigle spoke on behalf of Danbury Associates as the Premises Licence Holder. He provided a background to the company which was based in Ireland and which owned other licensed premises in England, all of which were managed without problem.

He advised that prior to his appointment as DPS in July 2011 various checks had been carried out on Colin Lee and the company were satisfied of his suitability as a secure tenant. The company did not become aware of the issues referred to by the Police until December 2012 at which time they had tried to contact the DPS without success. The company had therefore communicated with his son during the last month, who Mr McGonigle had only met for the first time today.

As soon as the problems became known to the company steps had been taken to replace the DPS with Christina Ashton who managed one of their premises in Stoke on Trent. He condemned the incidents that had occurred and stressed that had the company been aware of the incidents sooner steps would have been taken at that time.

In responding to questions from Members he stated that he first became aware of the problems on the receipt of an e-mail from the Licensing Officer on 12 December 2012. Whilst he accepted that the company did not have specific policies for monitoring the operation of its premises this was the first time they had encountered problems with tenants and therefore had not believed that procedures were necessary. However he offered an assurance that the company would review its policies closely for the future.

Following a request for clarification from Councillor Carr Mr McGonigle explained that the company wished to continue to hold a premises licence to facilitate a possible sale of the premises.

In summing up Sgt Robson stated that the Police received weekly/monthly phone calls from other licensed premises to discuss any problems and this had not happened with the management of the Prince of Wales. He had listened to the Licence Holder's representations and pointed out that the DPS was responsible for the day to day running of the premises. In view of the activities in previous months the licence should be revoked.

Mr McGonigle concluded that from July 2011 up to December 2012 there had been no issues and the DPS had managed the premises well. The company wanted to keep their Premises Licence and believed that the right person would be able to manage the premises without problem.

At 3.05pm all parties were asked to retire to allow Members to deliberate the application in private. After re-convening at 3.15pm the Chair delivered the Sub-Committee's decision.

In determining the application Members had considered the report of the Licensing Officer, the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy. The Sub-Committee had also taken into account the verbal and written representations of the Applicant and the Licence Holder.

Resolved:

That the application be revoked and in accordance with Section 53C of the Licensing Act 2003 the suspension imposed at the previous interim hearing be continued but only until such time as this revocation came into effect.