

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1. Premises details:

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

**Lux Bar
28-30 Front Street
Consett**

Post town: Consett

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

2. Premises licence details:

Name of premises licence holder (if known): **BAR LUX LTD**

Number of premises licence holder (if known):
DWTSPR0240

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read

guidance note 1]:

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

(Please tick the box to confirm)

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

[Please read guidance note 2]

Shortly after midnight on 1st July 2019 a male was assaulted inside Lux Bar, Front Street, Consett. The victim in this assault was attacked by two males by means of being struck to the face, and hit over the head with a bottle causing the bottle to smash. Once the victim fell to the ground he was further subjected to a sustained attack by both males. The male has been left in need of hospital treatment for a significant wound to his head and face, as well as extensive injuries to his body. This incident is being investigated as a Wounding with intent, which is the most serious level of assault under the Offences Against the Persons Act 1861. This was a vicious and sustained attack which is caught on CCTV.

One of the two offenders above was known to the management and door staff premises as they had been involved in another serious assault just a few weeks before, 27th May 2019, I shall refer to him as Male 1 from here. On 27/05/19 Male 1 and another offender attacked a customer inside the premises, leaving him unconscious.

Male 1 was barred from the premises.

On 1st July 2019, in spite of the fact that Male 1 was barred from the premises, he had been allowed entry. The manager of the premises and the door staff had a discussion about his presence and according to the manager, they agreed to "keep an eye on him" and eject if it got busy. It is our submission that this fundamental failing by the management to properly control who has access to the premises has resulted in a very serious assault taking place.

Turning to the incident on 27th May 2019, on this occasion Male 1 above and another (I'll refer to him as Male 2) attacked a male inside Lux Bar, leaving him unconscious. There are a number of failings by the premises on this occasion too. On this occasion, Male 2 was already banned from local licensed premises under the Pubwatch scheme, a fact of which the manager and door staff were aware. Following the attack on this male the offending males go to leave the premises as door staff go to the assistance of the victim. One of the two offending males then return to the scene, inches from the now very vulnerable victim, unchallenged and collect his bottled drink before leaving the premises. It is Durham Constabulary's submission that on this occasion male 2 should have not been allowed entry in to the premises in the first place and because of this failing he went on to commit this serious assault. Furthermore having carried out this attack, one of the attackers can be clearly seen on CCTV to return to the scene in the presence of door staff, unchallenged. He could easily have carried out a further attack if he had been so minded.

The current owners and operators of Lux Bar obtained their licence in November 2018 and began trading in December 2018. Since that time there

have been 6 reported assaults associated with the premises. In the last 9 weeks there have been three very serious assaults.

On 5th June 2019 a member of Durham Constabulary met with a representative of Lux Bar, to express significant concerns about the most recent incident (27/05/2019) and to seek assurances that the licensing objectives would be actively promoted. It is of concern to Durham Constabulary that following that meeting the latest assault occurred, where once again a male known to be violent, in that very premises was allowed entry.

On 2nd July 2019 Durham Constabulary representatives met with representatives of Lux Bar, DPS, PLH and manager. The content of this meeting caused very serious concerns for Durham Constabulary in relation to the management of this premises and the lack of control in place. During this meeting it was established the person in day to day control of the premises is he is the of the only director of Lux Bar Ltd, Lux Bar Ltd are the PLH. Mr Peter SKOTIDAKIS is DPS. Both and Peter thought that Peter was PLH, he is not. When asked what he does at the premises Peter, the DPS, replied "nothing really" he stated he just comes and has a look around sometimes and helps out behind the bar occasionally, if it's busy. Neither Peter nor had any knowledge of the conditions attached to their premises licence and it became apparent that they are breaching several of them regularly. There were several other failings highlighted during this meeting which demonstrated to Durham Constabulary that the operators of this bar are not taking their obligations seriously, indeed they didn't even know what their obligations were.

It is Durham Constabulary's submission that the management of this premises are failing to properly control the premises to such an extent that it has become associated with serious crime and disorder and is putting the public at risk of harm. Durham Constabulary are seeking the revocation of the premises licence for this premises.

Signature of applicant:

Date: 3rd July 2019

Capacity: Superintendent

Contact details for matters concerning this application:

Address:

DH78RS

Telephone number(s):

Email:

Notes for guidance:

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

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

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

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

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

Durham Constabulary
Force HQ
Aykley Heads
DH1 5TT

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

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

Premises:
LUX BAR (Time Bar)
28-30 Front Street
Consett
DH8 5AQ

Premise licence no: DWTSPR0240

Name of Premises licence holder: Bar Lux LTD

I am a Superintendent in Durham Constabulary.

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

There have been a number of serious assaults at the premises whereby the victims have received significant injuries.

On 27th May 2019 there was an assault at the premises whereby the suspect was on Pubwatch and barred from licenced premises within Consett. Following this incident, on 5th June 2019 a meeting was held with the designated premises supervisor Peter SKOTIDAKIS and who is the manager of the premises and represents the premise licence holder Bar Lux Ltd, to address the police concerns around the management and running of the premises, in particular the allowing of barred persons into the premises.

It is apparent however following the most recent incident on 1st July 2019 that these concerns have not been addressed, as we now have yet another member of the public who has suffered significant injuries whilst on the premises. The suspect for this assault was also barred from the premises but had been allowed in.

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

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

Signed

Dated 3/7/2109

Print Name R. Allen,

Title Superintendent