

**THE COUNTY COUNCIL OF DURHAM**

**Licensing Committee**

**NOTICE OF DETERMINATION**

**Licensing Act 2003 (the Act)**

Date of Hearing: 20<sup>th</sup> January 2017  
Date of Determination: 20<sup>th</sup> January 2017  
Committee Members: Councillor B. Kellett (Chair)  
Councillor C. Hampson  
Councillor P. May

**1) Type of application or hearing**

Summary Licence Review

**2) Applicant**

Durham Constabulary

**3) Premises**

The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland

**4) Application**

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

**5) Witnesses**

The Sub-Committee heard from the following:

- Helen Johnson, Licensing Team Leader
- Chief Superintendent Jane Spraggon, Durham Constabulary
- Caroline Dickinson, Durham Constabulary

**6) Licensing Act 2003**

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

**7) Section 182 Guidance**

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

**8) Licensing Policy**

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

**9) Licensing Objectives**

The Sub-Committee took account of the information provided by the Applicant for the purposes of the review and with respect to the licensing objectives:

**9.1 Prevention of crime and disorder**

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

**9.2 Public Safety**

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

**9.3 Prevention of Nuisance**

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

**9.4 Protection of Children from Harm**

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

**10) Evidence and Reasons**

Representations of Helen Johnson, Licensing Team Leader

**10.1** An application and the supporting certificate, required by Section 53A of the Act, was received by the Licensing Authority on the afternoon of Wednesday 18<sup>th</sup> January 2017.

**10.2** The Licensing Authority is required to consider the matter within 48 hours of receipt of the application. The application is to be considered on the morning of 20<sup>th</sup> January 2017 and therefore within the timescales stipulated in the Act.

- 10.3 The Licensing Committee has power under section 53B to consider a number of interim steps namely:
- Modification of the conditions of the premises licence.
  - Exclusion of the sale of alcohol by retail from the scope of the licence.
  - Removal of the Designated Premises Supervisor from the licence.
  - Suspension of the Licence.
- 10.4 Ms Johnson had been to the premises to serve notices and the certificate provided by Durham Constabulary. The premises were closed so they had been served by the post-box.
- 10.5 She had made attempts to contact the Premises Licence Holder, with no answer to her telephone calls.
- 10.6 It was confirmed there would be ongoing consultation and the matter would be required to be heard at a full hearing by 15<sup>th</sup> February 2017.

#### Representations of Durham Constabulary

- 10.7 The evidence submitted by Durham Constabulary is that, on 16<sup>th</sup> January 2017, the chef ("the Injured Party") at the premises attended The Bridge Inn to collect wages owed to him, believed to be before Christmas.
- 10.8 On arriving it was clear that the Premises Licence Holder was not at the premises and so the Injured Party went to the rear of the premises where he knew he lived. The Premises Licence Holder, the Designated Premises Supervisor and a further male were present.
- 10.9 It is alleged they declined to pay the Injured Party and, upon hearing this, he stated he would not be working for them anymore.
- 10.10 It is at this point that it is alleged the Designated Premises Supervisor, JJ (Joseph Junior), punched the Injured Party on the side of the face. It is also alleged that the Premises Licence Holder had a metal bar and that they all chased the Injured Party, who managed to run away.
- 10.11 The Injured Party had driven immediately to his local police station and reported the matter.
- 10.12 Subsequent medical treatment at both Durham and Sunderland Hospitals revealed that the Injured Party had suffered a fractured jaw. It was not yet clear whether an operation and metal plate would be required to remedy the injury.

- 10.13 Three people had been arrested as a result of the incident, the Designated Premises Supervisor being a suspect in a Section 18 assault and the Premises Licence Holder being suspected of affray.
- 10.14 They had subsequently been placed on police bail until 10<sup>th</sup> March 2017. No charges had, as yet, been laid.
- 10.15 The Constabulary stated that these actions were in contravention of the crime and disorder objective and that it was necessary to take interim steps, namely the removal of the Designated Premises Supervisor and the suspension of the Premises Licence.

### Reasons

- 10.16 Section 21 of The Violent Crime Reduction Act 2006 made amendments to the Licensing Act 2003 ("the Act") by introducing the provision for a summary review. This added to the Act section 53A with supplementary sections 53B and 53C to deal with the subject.
- 10.17 Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises licence where the same covers serious crime or serious disorder associated with premises.
- 10.18 It is accepted by the Committee that this does amount to serious crime and serious disorder and the application made in this case is in order and falls to be dealt with under sections 53A, 53B and 53C of the Act.
- 10.19 The actions had involved the Premises Licence Holder, the Designated Premises Supervisor and the Premises' chef and had taken place within the vicinity of the premises, to the rear. The actions were associated with the premises giving a clear interpretation of Section 53A(b) of the Licensing Act 2003. The connected with and involved in the premises. They worked with and had a relationship with the Injured Party who also was associated with the premises.
- 10.20 Section 53B(2) of the Act empowers the Licensing Committee to consider this application without the Premises Licence Holder having been given the opportunity to make representations. They had heard of the attempts to contact the Premises Licence Holder and had been assured the Police certificate had been served.
- 10.21 Having considered the information provided and taken account of the serious nature of it, and the clear implications that the premises are associated with serious crime and disorder, the Committee considers that it has no alternative than to make the decision that it does.

**11) Decision**

The Committee has considered the evidence given by Durham Constabulary today and has decided:

- 11.1 to remove the Designated Premises Supervisor, JJ (Joseph Junior) Cunningham, from the licence;
- 11.2 to suspend the premises licence with immediate effect.

Signed:



(Chair)

Dated:

**20<sup>th</sup> January 2017**

**PLEASE NOTE:**

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