

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 14 February 2017 at 10.00 am**

### **Present:**

**Councillor J Maitland (Chair)**

### **Members of the Committee:**

Councillors O Gunn, J Hart, I Jewell and J Lee

### **Also Present:**

K Coulson-Patel (Council's Solicitor)  
H Johnson (Licensing Team Leader)  
S Mooney (Solicitor - Durham Constabulary)  
Sgt C Dickenson (Durham Constabulary)  
Insp R Stockdale (Durham Constabulary)  
Det. Constable Haythorne-thwaite (Durham Constabulary)  
S Smith (Sintons LLP Solicitors on behalf of the Premises Licence Holder)  
J Cunningham Senior (Premises Licence Holder)  
J Cunningham Junior (Designated Premises Supervisor)  
J Robson (Employee of the Bridge Inn - Witness)  
A Mellor (Employee of the Bridge Inn - Witness)  
K Jameson (Employee of the Bridge Inn - Witness)

### **1 Apologies for Absence**

Apologies for absence had been received from Councillors B Glass and B Kellett.

### **2 Substitute Members**

Councillors J Hart and I Jewell were substitute members for Councillors B Glass and B Kellett.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Application for the Review of a Premises Licence - The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland**

Consideration was given to the report of the Corporate Director of Adult and Health Services which asked Members to consider and determine an application by Durham Constabulary to review the premises licence in respect of The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland which is currently licensed to supply

alcohol for consumption both on and off the premises and for the provision of regulated entertainment (for copy of report, see file of minutes).

A copy of the licence, location plan and supporting documents had been circulated.

Addition documentation had been received from Durham Constabulary and the Licence Holder, a copy of which had been circulated to Members prior to the meeting.

On 18 January 2017 the Licensing Authority received an application and supporting certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider whether it was necessary to take interim steps pending determination of the full review of the premises license within 48 hours of receipt of the application.

On 20 January 2017 the Statutory Licensing Sub-Committee met to consider the application and any necessary interim steps. It was decided to remove the designated premises supervisor from the licence and to suspend the premises licence with immediate effect.

On 23 January 2017 the Premises Licence Holder submitted a representation to review the decision of the Statutory Licensing Sub-Committee made on 20 January 2017.

On 25 January 2017 the Statutory Licensing Sub-Committee met to consider the representation and decided to continue with the interim steps which were to remove the Designated Premises Supervisor and suspend the premises licence until the full review hearing.

The Licensing Team Leader advised the Sub-Committee that she had received correspondence from the Premises Licence Holder's Solicitor who had been in conversation with Durham Constabulary to propose that the removal of Mr J Cunningham Junior as the Designated Premises Supervisor be maintained and they would offer a condition that Mr J Cunningham Junior have no involvement or management of The Bridge Inn until such time as the investigation currently being undertaken by Durham Constabulary had been concluded.

The Chairman sought confirmation from the Premises Licence Holder that he was in agreement with the proposal which Mr Cunningham confirmed.

S Smith the Premises Licence Holder's Solicitor indicated that the review hearing had been brought about by Durham Constabulary due to an alleged incident involving an employee who had alleged that he had been assaulted by Mr Cunningham Junior and threatened by Mr Cunningham Senior which her clients had denied and had said was totally fabricated.

The investigation was ongoing and no charges had been made and her clients should be treated as innocent until proven guilty according to law. She acknowledged that action had to be taken against a serious assault but this had to

be balanced against the need to preserve the livelihood of those involved. Members were asked to consider the letters of support that the Licence Holder had submitted.

S Smith confirmed that she had spoken to Mr Mooney to see if they could come to a compromise so that the business could operate as they could not close for months while the investigation was ongoing.

They had suggested a compromise to allow the business to operate but this was not an admission of guilt.

Councillor Jewell asked how they would ensure that Mr Cunningham Junior would have no involvement with the business.

S Smith responded that the business was in the name of Mr Cunningham Senior and he dealt with deliveries, orders and the opening of the premises. Staff were capable of running the premises and the only involvement that Mr Cunningham Junior had with the premises was the cleaning of the lines and did not serve behind the bar.

One of the current employees at The Bridge Inn had already undertaken the personal licence holder's course and was in the process of applying for her personal licence. They hoped she would receive her personal licence within the next seven days and they would not sell alcohol until this time and she had been named as the Designated Premises Supervisor.

S Mooney, speaking on behalf of Durham Constabulary indicated that Durham Constabulary were agreeable to the proposal put forward by the Premises Licence Holder. He stated that the investigation was still ongoing but no charges had been laid. The investigation could take some time to conclude and they had to weigh everything up and take everything into account and a balanced approach had been taken. Their greatest concern was with the alleged actions of the Designated Premises Supervisor who was the initial aggressor and who's role was crucial in the running of the premises.

Durham Constabulary still had concerns of the Premises Licence Holder but the role of the Premises Licence Holder was different to a Designated Premises Supervisor and the allegations against him were lesser and they acknowledged that he needed to be on site in order to run the business.

Durham Constabulary would continue to closely monitor the premises and would have the option to bring further review proceedings if necessary.

S Smith indicated that there had been no history of violence at the Premises since the Cunningham's had taken over the running of the premises and she would not expect any issues going forward.

At 10.15 am the Sub-Committee retired to deliberate the application in private. After re-convening at 10.20 am the Chairman delivered the Sub-Committee's decision. In determining the application the Sub-Committee had considered the report of the Licensing Team Leader and the verbal and written representations of the Applicant

and the Licence Holder. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:** (i) That the suspension on the licence be lifted.

(ii) That the removal of Mr J Cunningham Junior as the Designated Premises Supervisor be upheld.

(iii) That the following condition be added to the licence:-

Mr J Cunningham Junior is to have no involvement in the running or management of The Bridge Inn until such time as the investigation, currently being undertaken by Durham Police, has been concluded and confirmation has been given in writing by the appropriate Police Officer that he may resume his involvement in the business, such confirmation not to be unreasonably withheld.