

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Thursday 25 October 2018 at 10.00 am**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors L Brown and M Wilson

Also Present:

Councillor D Brown

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

Acting Inspector Caroline Dickenson

Nathan Audas – Operations Manager, Red Oak Taverns Ltd

Martyn Webster – Business Development Manager, Red Oak Taverns Ltd

1 Declarations of Interest

There were no declarations of interest.

2 Application for Summary Licence Review - Oddfellows Arms, 52 Church Street, Seaham

Consideration was given to an application received from Durham Constabulary for steps to be taken prior to a review hearing in relation to the Premises Licence for the Oddfellows Arms, 52 Church Street, Seaham (for copy see file of Minutes).

The Licensing Team Leader advised that the Licensing Authority had received a summary licence review application under Section 53A of the Licensing Act 2003 from Durham Constabulary on 23 October 2018. In accordance with the provisions of the Act the application must be considered within 48 hours of receipt. The Officer informed Members of the steps the Sub-Committee could consider in accordance with the legislation, and a full hearing would be required within 28 days (by 20 November 2018). Members were also informed that the DPS had been removed by the Premises Licence Holders who were Red Oak Taverns Ltd.

Following questions from Mr Buston, Solicitor, the Operations Manager Mr Audas advised that Red Oak Taverns Ltd had owned the premises since 2015 and had held the Premises Licence since March 2018.

Acting Inspector Dickenson was in attendance to give evidence on behalf of Durham Constabulary. Members were informed that the Police had applied for a summary review of the Premises Licence following a serious assault on a male at the premises on 20 October 2018, details of which were included in the application.

The DPS was seen witnessing the assault on CCTV but had not contacted the Police during or after the incident. The Police only became aware of the assault when the injured person's wife made contact.

Members of the bar staff had tried to assist the injured person but were forcefully pushed back by the suspects.

Following an earlier incident on the premises on 5 August 2018, details of which were included in the application, the Police had met with the Premises Licence Holder to discuss their concerns. As a result of that meeting voluntary conditions had been placed on the Premises Licence, which included reducing the opening hours from 2.30am to 1.00am. The premises should therefore have been closed at the time of the assault on 20 October 2018.

The Police requested an immediate suspension of the Premises Licence.

Following a question, Members were informed that a suspect had been arrested but released under investigation until medical information in respect of the injured person had been received. Two other suspects had been identified but not arrested as they had not been located, and a statement had not yet been received from the injured person.

Mr Buston asked if the door staff would have been aware that the assault was taking place.

Mr Audas advised that there were two SIA doorstaff at the front of the premises on the evening of the assault. The premises were relatively small and the room where the assault occurred was at the end of a short corridor. He needed to establish with the premises where the doorstaff were during the assault.

Mr Audas addressed the Sub-Committee, acknowledging that this was a very serious incident and understood the reasons for the application by the Police. Red Oak Taverns Ltd held 160 premises licences across the country and when they purchased the premises in 2015, they inherited the DPS. In August 2018 measures had been put in place which were to be reviewed in November 2018 with a view to having the temporary measures lifted. Following the assault on 20 October 2018 swift action was taken to remove the DPS with the instruction that the premises be closed immediately, and they hoped to achieve a surrender of the tenancy within 7 – 21 days. The premises were closed the day before the hearing. Red Oak Taverns Ltd hoped to find a new tenant and DPS in November, and would give an undertaking that the pub would not trade until a DPS was appointed that the Police were satisfied with. He therefore asked the Sub-Committee not to suspend the Premises Licence as he believed that the actions proposed were in effect the same ie a suspension, but without the suspension of the Premises Licence.

Councillor Blakey asked if Red Oak Taverns Ltd would normally be alerted to an incident by the tenant.

Mr Audas advised that all premises operated differently but it had been made clear to the DPS in August that she must let them know of any incidents on the premises. The Licensing Team Leader confirmed that this was included as a condition.

Mr Audas continued that she had not made contact and they had written to her to explain what was expected of her, and that they were unable to retain her in the premises. She had responded that she had notified the Licence Holders by e-mail on 20 October 2018 but Mr Audas advised that this had not been received. They had gained more information regarding the incident from the papers for the summary review hearing.

Councillor Blakey asked if there had been other incidents at the premises prior to 2018. Acting Inspector Dickenson informed Members of the number of incidents since 2015 and were informed that these should not be relied upon in making their determination.

Following a further question from the Member, Acting Inspector Dickenson advised that the two incidents in August and October were not linked.

At 10.25am the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 10.35am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the application, and the verbal representations of Acting Inspector Dickenson and Mr Audas on behalf of the Premises Licence Holder.

Resolved:

That the Premises Licence be suspended with immediate effect.