

**APPLICATION TO REVIEW PREMISES LICENCE**

<b>Licence holder</b>	ROBERT WILSON	<b>Ref No: DL 11/00403/VARDPS</b>
<b>Premises:</b>	SLATERS ARMS HOTEL 49-50 BONDGATE DARLINGTON, DL3 7JJ	
<b>Licensable Activities:</b>	<ol style="list-style-type: none"> <li><b>1. Sale of Alcohol</b> for consumption <b>ON &amp; OFF</b> the Premises</li> <li><b>2. Regulated Entertainment</b> (live &amp; recorded music and provision of facilities for entertainment similar to making music &amp; dancing)</li> </ol>	
<b>Current Hours:</b>	<b>Sale of Alcohol &amp; all</b>	11.00 to 24.00 Monday –Thursday
	<b>Regulated Entertainment:</b>	11.00 to 01.00 Friday- Saturday 12.00 to 24.00 Sunday
<b>Current non-standard hours:</b>	From end of specified times on New Year’s Eve until the beginning of specified times on New Year’s Day Terminal hour extended by one hour on the Friday to Sunday of the 2 May bank holiday weekends &the August bank holiday weekend, the Thursday to Monday of the Easter holiday weekend, on 24 December and on 26 December.	
<b>Premises opening Times:</b>	11.00 to 00.30 Monday – Thursday 11.00 to 01.30 Friday – Saturday 12.00 to 00.30 Sunday	
<b>Durham Constabulary Application:</b>	<b>Review of Premises Licence on the grounds of crime and disorder</b>	
<b>Notification to Responsible Authorities/Other Persons:</b>		
Durham Constabulary has served notice of this application to the following:		
Environmental Health Manager	Chief Fire Officer	
Trading Standards Manager	Darlington Safeguarding Children Board	
Planning Manager	The Health Authority/PCT	
The Licence Holder	The Licensing Authority	
<b>Information on the Premises:</b>	<b>11 April 2013</b>	
<b>Information on Council’s web site:</b>	<b>11 April 2013</b>	

## LEGISLATION:

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public
- Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State. The Licensing Authority may depart from its own Policy or the Secretary of State's Guidance if it has good cause but must be able to give full reasons for such a departure.

## DESCRIPTION OF PREMISES

The Applicant Company which initially held the premises licence described the premises as follows:

*"The Slaters Arms is a one bar public house with snug rooms, on a terrace adjoining other businesses. The pub is not in a residential area. The pub does not serve food"*

## BACKGROUND

On 27 July 2005 an application was properly made by Punch Taverns Ltd for the **conversion** of a licence in respect of these premises. The application was made in accordance with Schedule 8 of the Licensing Act 2003. The Police, who were the only statutory consultee for a conversion application, did not make any representations and it was subsequently granted on the same terms and conditions as the earlier Justices Licence in accordance with the Licensing Act 1964. Members are aware that this licence did not take effect until 24 November 2005.

At the same time an application for a **variation** of licence was properly made to extend the original licensing hours. This was properly advertised and subject to full consultation. Once again no representations were received and the application was duly granted to take effect from 24 November 2005.

On 27 February 2006 an application was made to **vary** the licence to allow structural alterations to be made as part of a refurbishment of the premises. Once again no representations were received and the licence was duly granted on 27 March 2006.

On 30 August 2006 an application was properly made to **vary** the **DPS** from Della Halliday to Dominic Hoggard. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

On 12 February 2008 an application was properly made to **vary** the **DPS** from Dominic Hoggard to Paul Cave. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

On 10 June 2009 an application was properly made to **vary** the **DPS** from Paul Cave to Ian Michael Soulsby. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

On 24 June 2009 an application was properly made to **vary** the **DPS** from Ian Michael Soulsby to Claire Louise Metcalfe. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

## SLATERS ARMS HOTEL

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On 24 June 2009 an application was properly made to **vary** the **DPS** from Claire Louise Metcalfe to Alan Brennan. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

On 12 January 2011 an application was made to transfer the premises licence from Punch Taverns Ltd to Robert Wilson. Once again, the Police, (who are the only statutory consultee for an application to transfer a premises licence), did not make any representations and it was subsequently granted with effect from 04 February 2011.

On 17 January 2011 an application was properly made to **vary** the **DPS** to Kevin Scott. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

On 02 March 2011 an application was properly made to **vary** the **DPS** from Kevin Scott to Robert Wilson. As the Police, who are the only statutory consultee in respect of such applications, did not make any representation the licence was duly varied.

A copy of the current licence is appended for Members' attention at **Appendix 1A**.

### **THE APPLICATION FOR THIS REVIEW**

On 10 April 2013 an application was properly made by Durham Constabulary to review this premises licence on the grounds of the prevention of crime and disorder. In summary the representation reflects the concern of the Police at the number of incidents of crime and disorder associated with the premises, the way in which the premises is managed including the lack of cooperation from the premises and the type of clientele that the premises appears to attract. The Police have requested that the Licensing Authority remove the DPS, reduce the licensable hours and suspend the premises licence for a 3 month period. The representation had been served, as required, on the premises licence holder and all other Responsible Authorities. The representation has been reproduced in full at **Appendix 1B**

### **THE LICENCE HOLDER'S RESPONSE**

A copy of the application for review has been served on the licence holder. At the time of preparing this report there had not been any response from the licence holder.

### **THE LICENSING POLICY**

Members are referred to the following relevant sections of the Council's Licensing Policy which are reproduced at **Appendix 1C**

Section 6.1 – 6.3	Impact of Licensable Activities
Section 10-10.4.	Prevention of Crime and Disorder

A full copy of the policy will be available at the hearing for Members' reference.

### **THE GUIDANCE**

Members are referred to the Secretary of State's Guidance in relation to the prevention of crime and disorder and the review process. This is reproduced at **Appendix 1D**.

### **ADDITIONAL INFORMATION**

A map of the premises will be produced at Committee for the benefit of Members.

### **POINTS FOR CLARIFICATION**

Members are referred to the notice of hearing **points for clarification** (See **Appendix 2**).





**Licensing**  
 Town Hall, Feethams, Darlington. DL1 5QT  
 Tel: (01325) 388562 Fax: (01325) 388555  
<http://www.darlington.gov.uk>

APPENDIX 1A

PART A

Licensing Act 2003 Premise Licence  
**The Slaters Arms Hotel**

<b>Premises Licence Number</b>	<b>DL11/00403/VARDPS</b>
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## PART 1 – PREMISES DETAILS

<b>Premises Details:</b>	<b>Slaters Arms Hotel</b> 49-50 Bondgate, Darlington DL3 7JJ	
<b>Telephone Number:</b>	01325 465038	
<b>Licence effective from:</b>	02 March 2011	<b>Duration of Licence:</b> Indefinite
<b>Authorised Licensable Activities:</b>	<b>Authorised Hours</b>	
<b>Retail sale of alcohol</b> (Consumption ON AND OFF premises)	11:00 - 24:00 Monday to Thursday 11:00 - 01:00 Friday and Saturday 12:00 - 24:00 Sunday	
<b>Regulated Entertainment:</b>		
<b>Films; Live Music; Recorded Music; Provision of facilities for Entertainment similar to Making Music or Dancing</b>	11:00 – 24:00 Monday to Thursday 11:00 – 01:00 Friday and Saturday 12:00 – 24:00 Sunday	
<b>Premises Opening Hours:</b>	11:00 – 00:30 Monday to Thursday 11:00 – 01:30 Friday and Saturday 12:00 – 00:30 Sunday	
<b>Non-standard/seasonal timings:</b> A further additional hour into the morning following every Friday to Monday for each May Bank Holiday, every August Bank Holiday weekend, every Thursday to Monday for the Easter Bank Holiday weekend, Christmas Eve, Boxing Day.		
<b>New Year's Eve Exemption:</b> The licensable activities specified in this licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's Day).		
The premises will close 30 minutes after the end of the non-standard/seasonal timings.		

## PART 2

<b>Premises Licence Holder:</b>	<b>Robert Wilson 49-50 Bondgate Darlington DL3 7JJ</b>
<b>Telephone Number:</b>	<b>07885 716148</b>

<b>Designated Premises Supervisor:</b>	<b>Robert Wilson 49-50 Bondgate Darlington DL3 7JJ</b>
<b>Personal Licence No:</b>	<b>DL11/00229/PERSON</b>
<b>Issuing Authority:</b>	<b>Darlington Borough Council</b>

**Annex 1 Mandatory Conditions:**

- 1. Every Supply of alcohol under the premises licence must be made by or authorised by a person who holds a personal licence.**
- 2. No supply of alcohol may be made under the premises licence:-**
  - (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence or**
  - (b) at a time when the designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.**
- 3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

**In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—**

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-**
  - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
  - ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;**
- d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—**
  - i) the outcome of a race, competition or other event or process, or**
  - ii) the likelihood of anything occurring or not occurring;**
- e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.**

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

**Annex 2 Conditions consistent with the Operating Schedule and/or converted from the Original Licence(s):**

1. This licence is subject to all of the embedded conditions/restrictions inherent in the Licensing Act 1964 save those relating to hours which have been amended by virtue of this application.

2. A CCTV system, which conforms to the current Durham Constabulary “Minimum requirements for CCTV on licensed premises” document, shall be operational at all times when the premises are open to the public.

3. That conspicuous and legible signage will be prominently displayed within the premises, requesting that patrons leave the establishment in a quiet and orderly manner.

4. Effective lighting will be maintained in the car park and other exterior areas of the building.

5. All children must be accompanied by an adult and must leave the premises by 7:00pm unless permitted to stay by the duty manager.

6. The Designated Premises Supervisor will monitor capacity levels to prevent over crowding.

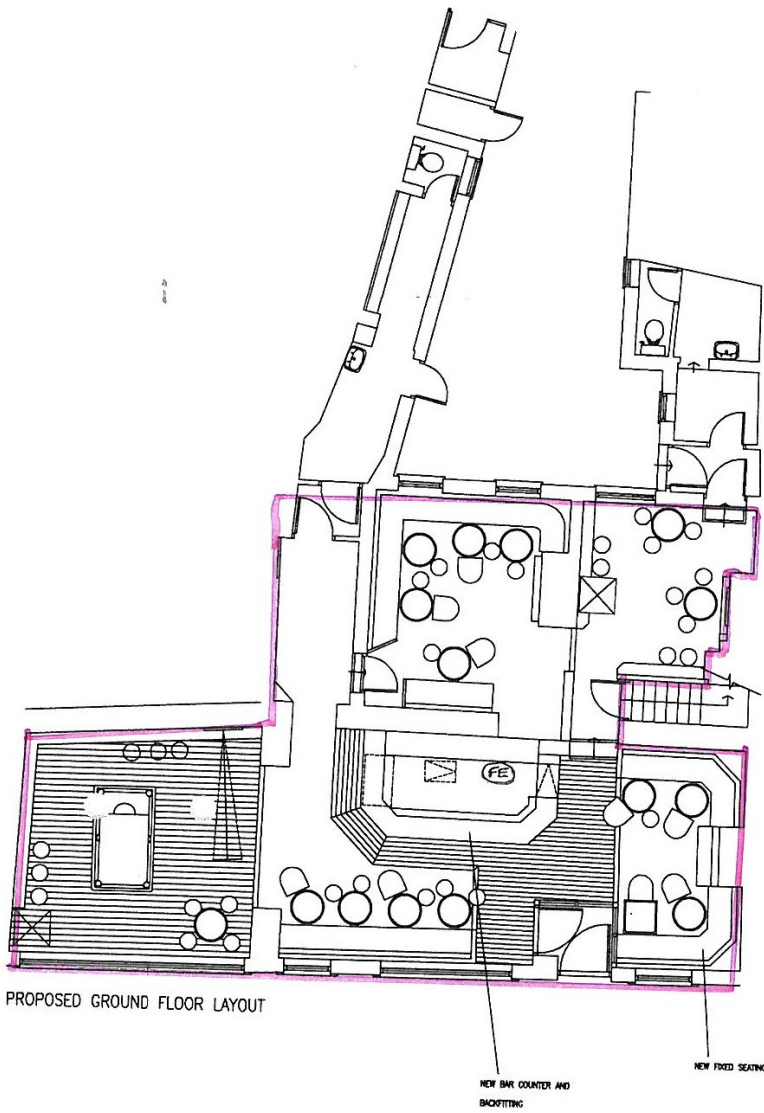
**Annex 3 Conditions attached after Licensing Authority Hearing:  
None**

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**Authorised Officer**

Date of Issue: 14 March 2011

In accordance with the application to vary the Designated Premises Supervisor

Annex 4 Premise Plan



		A LICENSED DESIGN CONSULTING & IMPLEMENTATION SERVICES FOCUSING ON LICENSING FOR SALE OF ALCOHOL IN SPINNING, THE PUB AND RESTAURANT SECTOR, INCLUDING THE LATEST LEGISLATION
Client: PUNCH TAVERNS LTD		
Project: SLATERS ARMS DARLINGTON		
Drawing type: EXISTING/PROPOSED GROUND FLOOR LAYOUT		
scale 1:50	date 14/12/05	drawn by DLG

(FE) - Fire Extinguisher

Note - all fire equipment will be kept on the premises & maintained as per British Standards

— Licensed areas & sale and consumption of alcohol.



**THE APPLICATION FOR REVIEW OF PREMISES LICENCE**

**Representor:** Durham Constabulary  
**Comments:** Based on the Prevention of Crime and Disorder

**“GROUNDS FOR REVIEW**

1. The Applicant is seeking a review of the premises licence for the Slaters Arms Hotel at 49-50 Bondgate, Darlington, DL3 7JJ as it is an appropriate course of action to address concerns relating to the prevention of crime and disorder objective in the Licensing Act 2003.
2. The Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) is Mr Robert Wilson.
3. On the 9th July 2011 a male was subjected to an alleged assault by way of "glassing". It was believed that this assault took place in the beer garden to the premises just after 6PM. The injured party was then found walking down the street covered in blood. He was not cooperative with the Police, refusing to say what had happened and where it had taken place other than he had been attacked. The investigating officer spoke to the PLH/DPS about whether the suspected assailant is still drinking at the premises despite being subject to a "Pubwatch" ban. The PLH/DPS was reported as becoming defensive, describing the male concerned as a "lovely lad" and that he was not going to bar him on past behaviour.
4. On the 3rd April 2012 a large scale disturbance within the premises spilled out onto the street. It was reported that one of the group was armed with a pool cue. This incident was not reported to the Police by staff at the premises.
5. On the 26th April 2012 a meeting took place between Sgt Kelly of the Alcohol Harm Reduction Unit and the PLH/DPS. Sgt Kelly raised his concerns that the incident on the 3rd April 2012 was not reported by staff at the premises as well as discussing staff training, the use of an incident book and CCTV. Sgt Kelly explained his concerns over the clientele attending the premises, many of whom he referred to as not being able to drink in other town centre venues due to bans for violent behaviour through "Pubwatch". Sgt Kelly urged the PLH/DPS to join "Pubwatch".
6. After a follow up letter, Sgt Kelly and PCSO McAllister attended the premises on the 9th May 2012 to check the CCTV was operable. They found it was even though the equipment to extend the recording time to 30 days was still on order.
7. Two days later, on the 11th May 2012, a male reported that he was assaulted in the premises. He met with Officers but decided that he did not wish to make any complaint. There was no report of any incident by staff at the premises.
8. On the 12th May 2012, the staff at the premises did report that a large group of males had become rowdy and gone out to the car park for a fight, with one of them returning covered in blood. Officers attend and speak to an injured party who was not cooperative.
9. On the 14th July 2012 a report was received from an anonymous female that 50 to 60 members of the travelling community had attended the premises and were becoming

- rowdy and throwing drinks. Officers attended and spoke to the PLH/DPS who said they had a few people in the premises that they didn't want but they had left prior to the police arrival. Then later that evening a call was received from a staff member to say there was a fight in the premises involving 20 to 25 people and that the PLH/DPS had been hit. Officers attend and the group dispersed. One male was found with a head cut but he would not provide any details.
10. On the 25th August 2012 the Ambulance Service reported an Ambulance had attended a male at the premises who had collapsed with a hand injury and was refusing to go to Hospital and kicking off despite the bone being exposed. Eventually, before the Police could arrive, the male agreed to go to Hospital. The staff at the premises did not report any incident to the Police.
  11. On the 21st December 2012 a serious disturbance outside the premises was reported by two passing males after 11PM. Both males reported glasses being thrown and used as weapons. Two officers arrived on the scene first and found 20 males fighting in various small groups, some of whom were on the road, obstructing traffic. One officer was forced to use her pepper spray after being hit in the eye. After the incident this officer was approached by the PLH/DPS who did not seem overly concerned by the incident.
  12. On the 26th December 2012 a male reported that another male had come out of the premises and thrown a pint of beer over him and his car as he sat and waited for a takeaway and then subjected him to abuse.
  13. On the 27th January 2013 a report was received from the Ambulance Service that a male, aged 50 years old, had been assaulted at the premises and was unconscious. Officers attend to find a female outside of the premises telling them that it is closed. They enter the premises and saw two males with head injuries. Both the injured parties and customers were noted as being un-cooperative with the officer's enquiries. The Police recovered the CCTV to find that the assault had taken place within a CCTV blind spot.
  14. On the 30th January 2013 PCSO McAllister of the Alcohol Harm Reduction Unit met the PLH/DPS. During the meeting the PLH/DPS admitted that he had been trying to self-police the premises. He accepted the latest assault took place within a CCTV blind spot and that he would extend the CCTV accordingly. He also produced an incident book yet this did not accurately reflect the incidents that had taken place. Despite it being suggested in April 2012 he had still not joined "Pubwatch" yet the Applicant understands he has now done this. He said he was looking at improvements such as life bans, employing male bar staff and extending the door staff provisions.
  15. The Police have serious concerns over the management of this venue. It is a premises that attracts violent and disorderly clientele and despite serious incidents the staff at the premises do not regularly report matters to the Police, even when the incidents are reported the attending officers face a lack of cooperation when they attend. The Police fear that if action is not taken there will be a continuance of this behaviour and further serious injuries will be sustained by patrons or even passers-by as violence spills out on to the street.
  16. It is for the Licensing Authority to determine the appropriate action to promote the licensing objectives. If it assists the Authority the Applicant would respectfully ask the Authority to remove the DPS, reduce the licensable hours and suspend the premises licence for 3 months as the most appropriate action to promote the relevant licensing objectives.

**APPENDICES TO SUPPORT APPLICATION FOR REVIEW**

- Appendix 1B (1) Photograph of Premises
- Appendix 1B (2) Premises Licence and plan
- Appendix 1B (3) Statement of Sgt Kelly 05 March 2013
- Appendix 1B (4) Statement of PC Carter 23 February 2013
- Appendix 1B (5) Statement of PC Fairest 07 April 2013
- Appendix 1B (6) Letter from PCSO McAllister to PLH/DPS 06 February 2013
- Appendix 1B (7) Schedule of Incident Logs

NOT PROTECTIVELY MARKED



NOT PROTECTIVELY MARKED



**Licensing**  
 Town Hall, Feethams, Darlington. DL1 5QT  
 Tel: (01325) 388562 Fax: (01325) 388555  
<http://www.darlington.gov.uk>

**PART A**

Licensing Act 2003 Premise Licence  
**The Slaters Arms Hotel**

<b>Premises Licence Number</b>	<b>DL11/00403/VARDPS</b>
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**PART 1 – PREMISES DETAILS**

<b>Premises Details:</b>	<b>Slaters Arms Hotel</b> 49-50 Bondgate, Darlington DL3 7JJ	
<b>Telephone Number:</b>	01325 465038	
<b>Licence effective from:</b>	02 March 2011	<b>Duration of Licence:</b> Indefinite
<b>Authorised Licensable Activities:</b>	<b>Authorised Hours</b>	
<b>Retail sale of alcohol</b> (Consumption ON AND OFF premises)	11:00 - 24:00 Monday to Thursday 11:00 - 01:00 Friday and Saturday 12:00 - 24:00 Sunday	
<b>Regulated Entertainment:</b>		
<b>Films; Live Music; Recorded Music; Provision of facilities for Entertainment similar to Making Music or Dancing</b>	11:00 – 24:00 Monday to Thursday 11:00 – 01:00 Friday and Saturday 12:00 – 24:00 Sunday	
<b>Premises Opening Hours:</b>	11:00 – 00:30 Monday to Thursday 11:00 – 01:30 Friday and Saturday 12:00 – 00:30 Sunday	
<b>Non-standard/seasonal timings:</b> A further additional hour into the morning following every Friday to Monday for each May Bank Holiday, every August Bank Holiday weekend, every Thursday to Monday for the Easter Bank Holiday weekend, Christmas Eve, Boxing Day.		
<b>New Year's Eve Exemption:</b> The licensable activities specified in this licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's Day).		
The premises will close 30 minutes after the end of the non-standard/seasonal timings.		

## PART 2

<b>Premises Licence Holder:</b>	<b>Robert Wilson 49-50 Bondgate Darlington DL3 7JJ</b>
<b>Telephone Number:</b>	<b>07885 716148</b>

<b>Designated Premises Supervisor:</b>	<b>Robert Wilson 49-50 Bondgate Darlington DL3 7JJ</b>
<b>Personal Licence No:</b>	<b>DL11/00229/PERSON</b>
<b>Issuing Authority:</b>	<b>Darlington Borough Council</b>

**Annex 1 Mandatory Conditions:**

- 1. Every Supply of alcohol under the premises licence must be made by or authorised by a person who holds a personal licence.**
- 2. No supply of alcohol may be made under the premises licence:-**
  - (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence or**
  - (b) at a time when the designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.**
- 3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

**In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—**

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-**
  - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
  - ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;**
- d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—**
  - i) the outcome of a race, competition or other event or process, or**
  - ii) the likelihood of anything occurring or not occurring;**
- e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.**

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

**Annex 2 Conditions consistent with the Operating Schedule and/or converted from the Original Licence(s):**

1. This licence is subject to all of the embedded conditions/restrictions inherent in the Licensing Act 1964 save those relating to hours which have been amended by virtue of this application.

2. A CCTV system, which conforms to the current Durham Constabulary “Minimum requirements for CCTV on licensed premises” document, shall be operational at all times when the premises are open to the public.

3. That conspicuous and legible signage will be prominently displayed within the premises, requesting that patrons leave the establishment in a quiet and orderly manner.

4. Effective lighting will be maintained in the car park and other exterior areas of the building.

5. All children must be accompanied by an adult and must leave the premises by 7:00pm unless permitted to stay by the duty manager.

6. The Designated Premises Supervisor will monitor capacity levels to prevent over crowding.

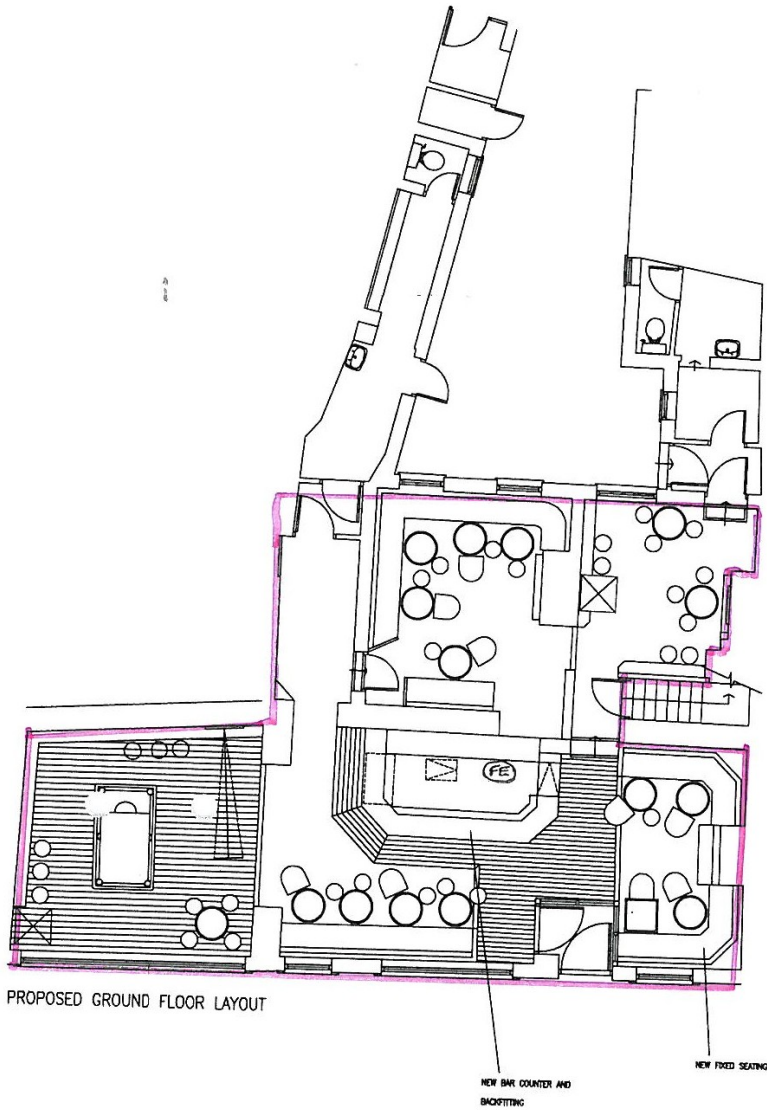
**Annex 3 Conditions attached after Licensing Authority Hearing:**


None

.....  
**Authorised Officer**

Date of Issue: 14 March 2011

In accordance with the application to vary the Designated Premises Supervisor




		
PLANNING & DESIGN MAINTENANCE & ENVIRONMENT LICENSED PREMISES ACCORDING TO USE OF PROPOSABLE SPECIAL USE CLASS USE CLASS USE CLASS USE CLASS USE CLASS		
Client: PUNCH TAVERNS LTD		
Project: SLATERS ARMS DARLINGTON		
Drawing type: EXISTING/PROPOSED GROUND FLOOR LAYOUT		
scale 1:50	date 14/12/05	drawn by DLG

ⓔ - Fire Extinguisher

Note - all fire equipment will be kept on the premises & maintained as per British Standards

— Licensed areas & sale and consumption of alcohol.



RESTRICTED (when complete)	Form MG11(T) <small>(rev. 05/07)</small>
<b>DURHAM CONSTABULARY</b> <b>Witness Statement</b> (CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)	
URN <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>	
Statement of <b>TIMOTHY MARK KELLY</b> POLICE SERGEANT 277	
Age if under 18 <b>OVER 18</b>	(If over 18 insert 'over 18'). Occupation:
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.	
Signature: 	Date: 5 <sup>th</sup> March 2013
Tick if witness evidence is visually recorded <input type="checkbox"/> (supply details on rear)	
I am a Police Sergeant in Durham Constabulary based in the Alcohol Harm Reduction Unit at Darlington. I have 7 years licensing experience all of which has included responsibility for Darlington Licensed Premises.	
The Police decision to seek a review of the Premises Licence of The Slater's Arms, 46 Bondgate, Darlington DL3 7JJ, is based upon the Crime and Disorder Objective of The Licensing Act. Police concerns revolve around both violent incidents occurring at the premise and poor management associated with the Premise Licence Holder and Designated Premises Supervisor, Robert Wilson. The Police feel that a significant factor in the degree of violence associated with some incidents at the premise is the nature of the clientele attracted by the venue, some of whom are barred from other Town Centre Premises for previous acts of violence through the town centre Pubwatch Scheme.	
Mr Wilson took over the premise in January 2011 as the Premise Licence Holder; he then took on the additional role of Designated Premises Supervisor in March of the same year. Although the volume of incidents linked to the premise since his arrival is not in itself of exceptional concern, the 14 incidents linked since June 2011 are mainly involving violence and disorder, and are double the linked incidents for the previous 3 years. In addition the premise does not always call the Police when incidents occur despite being previously advised to do so, and it is the contention of the Police that actual incident may therefore be higher.	
The following incidents serve to evidence the concerns of the Police.	
Pc 1849 Horner attended the premise on Friday September 14 <sup>th</sup> 2011, during the course of follow up enquiries to a serious assault which occurred just after 1800hrs on Monday July 9 <sup>th</sup> 2011 on a drunken male in which he had received injuries to his left eye caused by a glass being used as a weapon. The male had been located in a nearby street and would not originally provide details of the offence to the Police through fear of reprisal. Pc Horner had established that this assault had occurred in the beer garden of the venue at the rear. Staff stated they were not aware of any incident till some weeks later. Pc Horner enquired as to whether a named individual, currently barred on Pubwatch was still frequenting the venue Mr Wilson remarked that this male was "a lovely lad and he wasn't going to bar him based on past behaviour."	
At midnight on Tuesday April 3 <sup>rd</sup> 2012 Police received a report from town centre CCTV of a disturbance outside the front of the premise involving a group of males, one of which was armed with a pool cue. The Police received a second anonymous call regarding the same incident at 0004hrs. Attending officers discovered that 2 groups had begun fighting inside the venue and that this disturbance had spilled out onto the pavement, before some suspects had made off from the scene. Significantly no call was made to the Police by staff at the premise, despite the obvious seriousness of the incident. 2 males were subsequently arrested for offences including that of criminal damage.	
I attended the premise on Thursday 26 <sup>th</sup> April and spoke at length to Mr Wilson the Premise Licence Holder and Designated Premises Supervisor. I advised Mr Wilson that it was a concern to the Police that the female member of staff on duty did not immediately contact the Police in what was a serious incident. I also questioned Mr Wilson with regards to the training provided to staff and the need for the use of an incident book. Work was on-going to extend CCTV coverage at the premise and I advised Mr Wilson that it was a condition of the premise licence that CCTV is operable at the premise, and that this would need to be	
<b>PROTECT</b>	
Signature: 	Signature witnessed by:
RESTRICTED (when complete)	

RESTRICTED - (When complete)

Page No: 2 of 2

Continuation of Statement of: Timothy Mark Kelly

resolved within 30 days. I also advised Mr Wilson that I was concerned as to the nature of the clientele being attracted to the premise, many of whom were not able to drink in other Town Centre venues as they had been banned, often for violent behaviour, through the Pub Watch scheme. I asked him to consider the merits of joining the scheme.

I summarised the meeting by means of an advisory letter sent via recorded delivery to Mr Wilson on Friday April 27<sup>th</sup> 2012. I revisited the premise on Wednesday May 9<sup>th</sup> 2012 with PCSO Mc Allister and established that CCTV was now up and running, however equipment was still on order to extend recording time to 30 days.

Further disturbances were reported at the premise on the night of Saturday 14<sup>th</sup> July, the first report was received from an anonymous female at 2132hrs believed to have been a barmaid re a large number of travellers causing a disturbance as landlord had turned off music to try and get them to leave. At the time of officer's attendance these males had left. However at 2349hrs the first of a number of calls was received of an on-going fight involving 20-25 people in which Mr Wilson had been assaulted by way of a punch to the head. Other calls referred to persons glassed though this was not confirmed on officer's arrival, those present refusing to divulge what had occurred and making there way from the scene.

A further serious disturbance was reported by 2 passing males as occurring immediately outside the premise at 2310hrs on Friday 21<sup>st</sup> December 2012. Both callers reported glasses being thrown and used as weapons. 2 Officer's on mobile patrol came across this incident almost immediately. They identified approximately 20 males involved in fighting in various small groups, some of whom were actually on the carriageway obstructing traffic. Whilst attempting to break up these fights PC Carter was forced to deploy and discharge her Pepper Spray this followed her being struck to her right eye by an arm of one of the males involved in the disturbance. After the incident PC Carter was approached by a male who identified himself as the Landlord of the Premise, PC Carter reported that this male did not appear overly concerned about the incident. Further enquiries revealed that this incident had started due to a domestic confrontation within the premise; no call to the Police was received by staff at the premise.

Police were contacted by ambulance staff at 0108hrs on Sunday 27<sup>th</sup> January 2013 regarding a report of an unconscious 50 year old male inside the premise who had been assaulted. Attending officers were nearby at the time of the call and on arrival were advised by a female, believed to be a member of bar staff "that the premises were closed". Officer's recorded that they felt this was an attempt to get them to leave the location and not enter the Public House. Once inside they established 2 males with injuries, one who had been kicked to the head on more than one occasion, both males were taken to DMH for treatment. Officers met with general non co-operation from the injured parties and customers, but established a suspect had left the scene before their arrival. CCTV of the build up to this incident including the initial assault was subsequently requested by PCSO Mc Allister on the afternoon of the same date, and handed in to Darlington Police Office the next day.

Following this incident and the concerns raised by it, PCSO McAllister and [REDACTED] met with Mr Wilson the Premise Licence Holder and Designated Premises Supervisor at Darlington Police Office at 2-15pm on Wednesday 30<sup>th</sup> January 2013. During this meeting Mr Wilson agreed that he had been trying to "self police" the premise. He confirmed that the latest assault had occurred in a CCTV "black spot" within the premise and that he was to extend CCTV coverage accordingly. Mr Wilson produced an incident book however this did not accurately reflect recorded incidents at the venue. Mr Wilson stated he was considering joining Pubwatch (as he indicated when I met him in April 2012), introducing life bans, and introducing a written drugs policy (drug traces were found during a visit to the premise on August 30<sup>th</sup> 2012). Mr Wilson further stated he was looking to employ male bar staff and extend door staff provision.

The Police have no confidence in the management of the Premise by Mr Wilson. Despite Police advice incidents of serious violence continue. Officers feel that staff are generally unsupportive and, in the latest assault, potentially obstructive. In order to promote the Crime and Disorder Objective of the Licensing Act the Police seek to Review this Premise Licence.

Signature:



PROTECT

Signature witnessed by:

RESTRICTED (when complete)

MG11

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC 2668 CARTER

Age if under 18: +18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: L. Carter (witness) Date: 23/02/13

I am the above named officer, working from Darlington Police Office.

On Friday 21st December I was on uniformed mobile patrol in company with PC 252 Thompson. At 23:09 we were travelling along WOODLANDS ROAD towards BONDGATE and as we approached the crossroads there appeared to be a number of males in the road, but it was unclear what was occurring. As we approached the group it became apparent that there were around 20 males in the road, right in the middle of the traffic, and also on the pavement outside of the SLATERS ARMS. There were at least 12 males fighting in a number of groups and I shouted over the pocket set for immediate assistance to the location. PC THOMPSON and I then got out of the vehicle and approached two of the groups who were fighting. PC THOMPSON was interjecting between a group of two males, one of whom had blood on his face, and I also started to interject between another group of two males who were fighting. There were a number of punches being thrown but due to the volume of people it was difficult to see who was doing what. Whilst I was among the two fighting males, another two males joined the group. I continued to attempt to separate the males and during the fracas the arm of one of the males went into my right eye causing it to swell and water up. As the fight continued I deployed my pepper spray and sprayed a male who was part of the group of males that I was attempting to separate. At this point PC THOMPSON joined me and the fighting began to subside. At this point I was aware that a marked police vehicle and an unmarked police vehicle had arrived on scene. Two other marked police vehicles then arrived a short while later. The situation had calmed down and the males from the incident were dispersed, and whilst I was tending to the male who I had pepper sprayed I was approached by a male who stated that he was the landlord of the SLATERS ARMS. I cannot remember what the landlord was saying to me as my main concern was the welfare of the male who had been pepper sprayed. We were stood in the doorway of the SLATERS ARMS when I was approached by the landlord, and he did not seem overly concerned about the fracas that had taken place outside of his premises. PC THOMPSON and I then dealt with a domestic incident en route to the hospital and whilst speaking with one of the parties she stated that the incident outside of the SLATERS had started due to a domestic incident within the SLATERS ARMS. The incident had then spiralled out of control and into the street. From the information available to me at the time I was not aware of any members of staff from the SLATERS ARMS making any attempts to control or diffuse the violent incident outside of their premises and it appeared that the landlord of the premises was not on site

Signature: L. Carter Signature witnessed by: .....

2010/11

RESTRICTED (when complete)

1 of 3

**RESTRICTED (when complete)**

MG11

until after the violence had subsided. This incident could have had serious consequences for those involved and also other members of the public. It was a very violent situation and due to the males fighting in the road this could have had serious consequences. This will have been very shocking for members of the public to have seen and would have caused them some distress.

I have seized a copy of the CCTV footage of the incident from Darlington Borough Council and this can be exhibited in court if necessary as LC/1.

Signature: L. Cotton 2668 Signature witnessed by: .....

Signature: L. Cotton 2668 Signature witnessed by: .....

2010/11

**RESTRICTED (when complete)**

2 of 3

**RESTRICTED (when complete)**

Form MG11  
(amended Apr 08)

**DURHAM CONSTABULARY**  
**Witness Statement**

(CJ Act 1967, s.9; MC Act 1980, ss 5A (3) (a) and 5B, Criminal Procedures Rules 2005, Rule 27.1)

URN 

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Statement of: Karl Alan Forrest

Age if under 18: over 18 (if over 18 insert 'over 18'). Occupation: Police Officer (P 1229)

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: [Signature] Date: 07/04/2013

Tick if witness evidence is visually recorded  (supply details on rear)

I am the above named person and at present I am employed as a Police Constable with Durham Constabulary serving in Darlington.

On Tuesday the 19<sup>th</sup> of March 2013 I was on duty dressed in uniform on mobile patrol of Darlington town centre in the company of P 1819 Horner.

About 1800hrs that day I was made aware from other officers that members of a funeral wake in the Cockerton area of Darlington were making their way into Darlington town centre. Whilst on mobile patrol I became aware that numerous people from the funeral had made their way to the Slaters Arms public house on Bonessgate. I could see through the premises window that there about 30 people in the main bar area.

During the course of the evening we passed the front of the Slaters arms and saw that several people had come out of the pub and were stood

Signature: [Signature] Signature witnessed by: \_\_\_\_\_

**RESTRICTED (when complete)**

P.T.O.

RESTRICTED (when complete)

Form MG11 (Cont)  
(amended Feb 06)

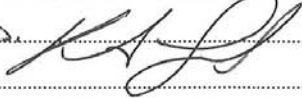
DURHAM CONSTABULARY

Page no: 2 of 2

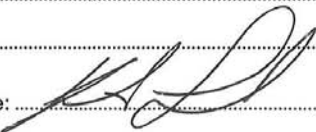
Continuation of Statement of: Karl Alan Forrest

on the pavement directly outside the main door and were smoking talking on their mobile telephones or just talking, the people had with them what appeared to be glass, glasses with contained what appeared to be alcoholic drinks. We stopped the vehicle and asked them to go back inside the pub with their drinks. On speaking to the people it was obvious that they had been drinking alcohol but after a few minutes they went back inside. We had cause to ask people who were drinking alcohol outside the pub on the streets to go back inside about four times during the course of the evening until we went off duty at 2300hrs.

At no time in the course of the evening did I witness any member of staff at the Slaters Arms stop people from leaving the premises with their drinks or go outside and ask people to go back inside the pub.



Signature:



Signature witnessed by:

RESTRICTED (when complete)

SLATERS ARMS HOTEL

APPENDIX 1B (6)



Darlington Police Office  
6 St. Cuthbert's Way  
Darlington  
DL1 5LB  
Tel: (0345) 6060365  
Fax: (01325) 742811

This matter is being dealt with by  
5429 Mandy McAllister Tel: 01325 742261



Town Hall  
Feetham  
Darlington  
DL1 5QT  
Tel: (01325) 388582  
Fax: (01325) 388555

This matter is being dealt with by  
[REDACTED] Tel: 01325 388559

6 February 2013

Dear Mr Wilson,

**LICENSING ACT 2003**  
**RE: SLATER'S ARMS HOTEL, 46 BONDGATE, DARLINGTON, CO DURHAM**

According to our records, you are the recorded designated premise supervisor and premise licence holder for the above venue.

On Wednesday 30<sup>th</sup> January 2012 at 15.00 you attended a meeting at Darlington Police Station, with [REDACTED] from Darlington Borough Council Licensing Authority, and Mandy McAllister from the Police Alcohol Harm Reduction Unit.

At the meeting recent incidents that had taken place at the above premise were discussed at length and you were advised of the issues and concerns that both the Police and the Council had with regard to the management of the premises in general, including the levels of violence and intoxication.

You were advised that one particular disturbance at the premises had resulted in a police officer being injured, and in a frank and shocking admission you admitted that the premise very often "self polices itself". This may be indicative of the general management of the premises at present which is causing so much concern.

However, during our meeting we were encouraged by your assurances that you intended to:

- Employ a male member of staff, to work behind the bar. You stated that presently there are only females working on an evening.
- Employ door staff at the venue.
- Modify the CCTV at the premise, in order to cover the 'blind spot' that had recently been found.
- Join the Darlington Pub Watch Scheme.

Cont...../

SLATERS ARMS HOTEL

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We were also pleased that you seemed to take on board our recommendations that it would be prudent for you to have a written Drugs Policy, a Refusals Register, and for staff training to be given to each member of staff with a written record of when such training had taken place signed by each member of staff at the conclusion of the training session.

Mandy McAllister informed you that senior police managers had taken the decision to enter in discussions with the force solicitor, with regards to the merits of a formal review application of the premise and [REDACTED] advised you of the Council's Licensing Sub Committee powers in relation to a formal review of the premises licence, these actions include:

- Adding, altering or modifying conditions attached to the current licence
- Removing a licensable activity such as live or recorded music;
- Removing the Designated Premise Supervisor
- Suspending the licence for a period not exceeding three months
- Revoking the licence

The Licensing Act 2003 relaxed and removed prohibitions inherent in the Licensing Act 1964, but also transferred a greater responsibility to the Premise Licence Holder to ensure that the business are conducted in accordance with the Act and increased the penalties for those who do not do so. In order to obviate the need to take a more robust stance in relation to these premises it is recommended that you attend to the above concerns as a matter of urgency.

If you would like to discuss this matter further, please do not hesitate to contact either officer at the above addresses.

Yours sincerely

Mandy McAllister,  
Licensing Unit South Area

Yours sincerely

[REDACTED]  
Principal Licensing Officer



NOT PROTECTIVELY MARKED

Slaters Arms Hotel

Schedule of Incidents

**Incident Reported on the 09/07/2012 (Log DHM-09072011-0411)**

Report from the Ambulance Service, which was received at 6.22PM, that a male has been assaulted and taken to Hospital with lacerations above his left eye and right cheek. Male spoken to and stated he had been drinking at friend's house and had fallen over. Later on the male said he was attacked but would not provide any further details. Enquiries show the call to the Ambulance Service was made by a female who came across the male on Duke Street/Outram Street. He was covered in blood and asked her to contact an ambulance. The Officers spoke to the landlord of the premises as it seemed the male was glassed in the premises beer garden. Neither the Landlord nor his staff was aware of the incident until weeks later. When the Landlord was asked if the suspected assailant still drank in the premises he was reported as becoming defensive saying this male (who is the subject of a pubwatch ban) was a lovely lad and he was not going to bar him based on past behaviour.

**Incident Reported on the 03/04/2012 (Log DHM-03042012-0003&0002)**

Anonymous report received just after midnight of 7 or 8 males fighting outside venue and one male reported to have a pool cue. Officers attend and report that 2 groups of males have been fighting inside the pub and this has then spilled out onto the street, with one group then making off in a vehicle. No report received from the premises.

**Incident Reported on the 11/05/2012 (Log DHM-11052012-0451)**

Report from injured party, sounding intoxicated, at 11.49PM that he has been punched by an unknown male at the premises. He says he will wait for the Police outside of the premises. Within a matter of minutes the male phones back and says he will no longer make a complaint but will still meet the officers just not outside the premises but on Larchfield Street, near the boxing club. Officers attend the injured party and report that he does not want to speak to anyone and does not want any further action taken.

**Incident Reported on the 12/05/2012 (Log DHM-12052012-0446)**

A report is received from the staff at the premises at 8.58PM that approximately 15 minutes ago 10 males were kicking off and left to take it further in the car park. During the call one of the males returns covered in blood. Officers attend and speak to the injured party who will not co-operate.

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

**Incident Reported on the 10/06/2012 (Log DHM-10062012-0480)**

Male reports at 9.31PM that a known local male, who is known as a local street fighter, has approached him in the premises and said "why are you looking at me like that, this is not going to start because I will finish it here and now".

**Incident Reported on 14/07/2012 (Log DHM-14072012-0575&0574&0489)**

Call from an anonymous female at 9.30PM that 50 to 60 travellers have entered the premises and are now kicking off as the landlord has turned off the music. She reports they are being rowdy and throwing drinks. Officers attend and the Landlord said he had a few people in the premises that they didn't want however these had left prior to Police involvement. A staff member reports at 11.49PM that there is an on-going fight inside the premises between a group of males. A further call from a staff member at 11.50PM reports an on-going fight involving 20 to 25 people and that the PLH/DPS has been hit. A further call is then received from a male reporting the fight and saying that some people have been glassed. Female then reports the same. Officers attend, group disperses and no complaints of assault. Ambulance cancelled as not needed. Attending officer locates a male with a slight cut to his head, refusing to provide any details, disclose what has taken place and refusing an ambulance.

**Incident Reported on 25/08/2012 (Log DHM-25082012-0004)**

Report received from the Ambulance Service, just after midnight, stating that a male (the son of the PLH/DPS) had collapsed on the premises with a hand injury. The Ambulance Crew required Police assistance as the male needed to go to Hospital as bones were exposed yet is refusing and kicking off with the Crew. Police to attend but then stood down as the male went to Hospital with the Ambulance.

**Incident Reported on 21/12/2012 (Log DHM-21122012-0509&0405)**

Staff member reports, at 11.11PM, that there is a large disturbance outside the premises and persons were using broken glasses.

**Incident Reported on 26/12/2012 (Log DHM-26122012-0388)**

Male reports, at 10.18PM, that he was parked up outside of the premises, collecting take away meal, when a male has come out of the premises and thrown a pint of beer over the caller and his car. During the call the suspect male and another have come out of the premises again and were being abusive to the caller, accusing him of drink-driving.

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**Incident Reported on 27/01/2013 (Log DHM-27012013-0028)**

Report received from the Ambulance Service, at 1.08AM, that a male, aged 50 years old, has been assaulted and is unconscious. Officers had been passing the premises at the time the incident was called in and a female was outside the premises and had said the pub was closed in what appeared to be an attempt to get the officers to leave the location. Officers went inside the premises and reported two males with blood on their face, one of whom was un-cooperative from the outset and eventually all parties became un-cooperative and refused to say what had occurred.

**NOT PROTECTIVELY MARKED**

## EXTRACTS FROM LICENSING POLICY

## 6.0 THE IMPACT OF LICENSABLE ACTIVITIES

6.1 **Policy:** When considering whether a licensable activity should be approved the Licensing Authority will, if relevant representations are received, assess the likelihood of it contributing to unacceptable, adverse impact in terms of crime and disorder and public nuisance, in particular to local residents and businesses. Applicants should therefore consider the following when making an application:

- a) The proposed hours and days of operation and how often an activity occurs.
- b) The location of the premises, particularly in relation to residential properties and such places as hospitals, hospices and places of worship.
- c) The number and type of current and future customers.
- d) The means of access and egress to the premises which should have public access on principal pedestrian routes.
- e) The availability of public transport for patrons arriving at and leaving the premises compared to the anticipated level of private transport usage.
- f) The likely effect of car parking demand on both principal roads and residential streets and the impact this may have on local residents and emergency access.
- g) The need for provision of portable toilet facilities outside of the premises.
- h) The cumulative impact of licensed premises within the area and the scope for mitigating such impact.
- i) Waste disposal arrangements including bin storage and the collection and containment of litter from the vicinity of the premises.
- j) Public nuisance caused by unauthorised advertising and fly-posting and, in considering any application from premises which are currently licensed, the Licensing Authority will, if relevant representations are received, take into account any evidence of:
  - a. Past demonstrable adverse impact from the activity, particularly on local residents and businesses; or
  - b. If adverse impact has been caused, that appropriate measures have been agreed and put into place to address any future adverse impact. If measures are to be put into effect or alternatively if there has been insufficient time to assess their usefulness a licence may be granted for a limited period only.

6.2 **Reason:** To achieve the licensing objective of preventing public nuisance. To promote this objective the Licensing Authority, in considering the likelihood of adverse impact, will take into account, among other matters:

- The precise nature of the activity, particularly in terms of entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting which should take place on main pedestrian routes rather than through residential areas.
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance

NB Where steps can be taken to mitigate adverse impact and such steps are reliable, practical and robust then an activity may be licensed.

### Additional Information

The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives. In making its decisions the Licensing Authority accepts the difficulties that licence holders face in preventing anti social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an anti social way which impacts on local residents and/or businesses. The Licensing Authority recognises the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy therefore is to achieve a balanced approach to these difficult issues.

## 10.0 CRIME AND DISORDER

### 10.1 Policy: The Licensing Authority will expect the applicant to indicate in his operating schedule the steps proposed to prevent crime and disorder on and in the vicinity of their premises and/or events.

**Reason:** Prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule. The factors that impact on crime and disorder may include:

Underage drinking  
Drunkenness on premises  
Public drunkenness  
Drugs  
Violent behaviour  
Anti-social behaviour

### 10.2 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- a. Effective and responsible management of premises.
- b. Training and supervision of staff.
- c. Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other Voluntary Codes of Practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA).
- d. Acceptance of accredited means of age identification e.g. DVLA photo driving licence or "PASS" approved proof of age' cards
- e. Provision of effective digital CCTV in and around premises.
- f. Employment of Security Industry Authority licensed door-staff.
- g. Provision of plastic or shatter resistant glasses.
- h. Provision of secure, deposit boxes for confiscated items.
- i. Procedures for assessing risk associated with promotions and events such as "happy hours" for the potential to cause crime and disorder, and plans for minimising such risks.
- j. Measures to prevent the use or supply of illegal drugs.

**APPENDIX 1C (cont)**

- k. Employment of licensed door supervisors and other appropriately trained staff.
  - l. Installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with bottles or glasses (on licence sales).
  - m. Provision of litterbins and other security measures, such as lighting, outside premises.
  - n. Membership of Darlington 'Pub Watch' scheme.
- 10.3 The Licensing Authority will expect the operating plan to include a risk assessment into the use of door-staff, in terms of the actual need for such a service and also the ratio of such personnel to patrons based on capacity of the premises.
- 10.4 **Policy: The Licensing Authority will normally require a Personal Licence holder to be on the premises at all times when alcohol is being sold.**

**Reason:** It is important that there is an accountable, responsible person present at all times when alcohol is being sold. This is to ensure that alcohol is not sold to persons who have had too much to drink and to ensure that alcohol is only sold to persons over the age of 18 years. In terms of crime and disorder, there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.

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**GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003  
(REVISED OCTOBER 2012)**

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**PURPOSE**

- 1.7 The Guidance is provided to licensing authorities in relation to the carrying out of their functions. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. The Guidance has no binding effect on police officers who, within the terms of their force orders and the law, remain operationally independent. However, the Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

**LEGAL STATUS**

- 1.9 Section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must "have regard" to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and as long as licensing authorities have properly understood the Guidance they may depart from it if they have reason to do so as long as they are able to provide full reasons. Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

**LICENCE CONDITIONS – GENERAL PRINCIPLES**

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;

**APPENDIX 1D (cont)**

- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

**CRIME AND DISORDER**

- 2.1 Licensing Authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder.** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent** and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.



## **10. CONDITIONS**

### **GENERAL**

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (paragraphs 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### **PROPOSED CONDITIONS**

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

### **CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE**

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts

**IMPOSED CONDITIONS**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

**PROPORTIONALITY**

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

**HOURS OF TRADING**

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours

**FIXED PRICES**

- 10.20 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant

## **APPENDIX 1D (cont)**

risk to any one of the four licensing objectives.

- 10.21 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

### **MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL**

- 10.24 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

### **DESIGNATED PREMISES SUPERVISOR**

- 10.25 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.26 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.27 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

### **AUTHORISATION BY PERSONAL LICENCE HOLDERS**

- 10.28 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders.

**APPENDIX 1D (cont)**

This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

- 10.29 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.30 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.31 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
  - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
  - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.32 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.33 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

**DOOR SUPERVISION**

- 10.56 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.57 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports grounds (section 4(6 to 12)). Furthermore, in certain circumstances

**APPENDIX 1D (cont)**

persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).

- 10.58 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

**THE REVIEW PROCESS**

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to

**APPENDIX 1D (cont)**

ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitive. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations.

These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.



**APPENDIX 1D (cont)**

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## APPENDIX 2

### LICENSING ACT 2003 NOTIFICATION OF HEARING (Regulations 6 and 7)

Date of Notification: 14 May 2013

Type of Hearing: Review of Premises licence

Premises: The Slaters Arms Hotel  
49-50 Bondgate  
Darlington, DL3 7JJ

Hearing Details: 09.30 am, Thursday 30 May 2013

Location: Darlington Borough Council,  
Town Hall, Darlington,  
DL1 5QT

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Copy of notice sent to: Mr R Wilson (Premises Licence Holder)  
Durham Constabulary (Applicant for Review)

**Attendance:** All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you. Please complete the attached form at **Appendix 2A** and return to the Licensing Section **no later than 12 noon on Thursday 23 May 2013**

**Non-attendance:** If you notify the Licensing Authority that you will not be attending this hearing and that you will not be legally represented in your absence, the hearing may proceed in your absence. If you do not notify your non-attendance and then do not attend this hearing the Licensing Sub Committee will decide whether it is in the public interest to adjourn the hearing to enable you to attend or whether to hold the hearing in your absence. If the hearing does proceed in your absence your representations will still be considered.

**Procedure at the Hearing:** You will find attached, at **Appendix 2B**, the procedure that will be followed at the Hearing. The Hearing will take place in public unless it is deemed in the public interest to exclude the public or any party to the Hearing from all or part of the Hearing. If a party is excluded from the Hearing (s)he will be able to provide written information to cover any verbal representations (s)he may have made if (s)he had not been so excluded. The Hearing will take the form of a discussion and each party will be permitted an equal period of time to provide information, make comment and express their views.

**Withdrawal of Representations:** Anyone wishing to withdraw representations should do so as soon as possible. Although this can be done at the Hearing, you are requested, where possible, to give at least 24 hours notice as it may no longer be necessary for the Hearing to proceed.

**Outcome of Hearing:** A decision will be made at the end of the hearing, although this may take some time.

**Points for Clarification:** The Licensing Authority considers that the following matters will need to be clarified by the **Police** at the Hearing:

- details of any further interventions by the Police since 30 January 2013 and also any further incidents of concern since that date

The Licensing Authority considers that the following matters will need to be clarified by the **Premises Licence Holder** at the Hearing:

- how he manages the premises to reduce incidents of crime and disorder
- what training is provided for his staff in dealing with incidents of crime and disorder
- what systems are in place to ensure that Police assistance is sought when incidents commence



Licensing Section  
Town Hall, Feethams, Darlington. DL1 5QT  
Tel: (01325) 388562 Fax: (01325) 388555  
<http://www.darlington.gov.uk>

**NOTICE OF ATTENDANCE**

Please complete the following notice in block capitals and return to the address detailed below:

**DATE OF HEARING: 09.30 AM THURSDAY 30 MAY 2013**

**NAME OF PREMISES: THE SLATERS ARMS HOTEL,  
49-50 BONDGATE  
DARLINGTON, DL3 7JJ**

**YOUR NAME:** .....

**I WILL\*/ WILL NOT\* BE ATTENDING THE HEARING**

**I WILL\*/ WILL NOT\* BE LEGALLY REPRESENTED**

**NAME OF LEGAL REPRESENTATIVE (IF APPROPRIATE):**

.....

**I DO\*/ DO NOT\* CONSIDER A HEARING TO BE NECESSARY**

(\*delete as appropriate)

If you wish to be accompanied by any other person please provide details of their name and an outline of what they wish to say and how this will assist you:

**Name:** .....

**Details:** .....

.....

**Please return to: Mrs P Ross  
Licensing, Parking, TS & CCTV Manager  
Darlington Borough Council  
Town Hall, Feethams  
DARLINGTON DL1 5QT**

## LICENSING SUB COMMITTEES

### FULL HEARING PROCEDURE FOR APPLICATIONS FOR REVIEWS OF PREMISES LICENCES/CLUB PREMISES CERTIFICATES WHERE RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED

1. The Chair will welcome all parties who are present and introduce the Members. The Chair will explain to the parties at the beginning of a hearing the procedure that it is proposed to follow. The hearing will take the form of a discussion. Cross-examination will not be permitted without the consent of the Chair.

Any Members who know the Premises Licence holder or any of the objectors will declare this fact and not take part in the hearing of the application. This is in addition to the declaration of any personal or prejudicial interest.

(NB. The Secretariat will endeavour to ensure that Ward Members and Members that are personally known to the applicant are not included on the Sub Committee.)

All hearings will usually be in public. The Sub Committee may however exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Licensing Manager will outline the application.

2. **The Application for the Review**

NB: Where the application comes from Interested Parties, i.e. local residents or businesses within the vicinity of the premises, the Sub Committee will expect that wherever possible a spokesperson be elected to speak on behalf of the group. This person will make the application. At the conclusion of the application the Chair will ask the group if there is any information which is additional to the application made by the spokesperson and if so will permit this information to be given.

- [1] The Applicant for the review or their representative will give their reasons for making the application.
- [2] The Applicant for the review or their representative will then call any witnesses and/or give reasons for their objection.
- [3] The Premises Licence Holder or his/her representative may then question the Applicant for the review [if they have given evidence] and any witnesses.
- [4] The Chair or any member of the Licensing Sub Committee, through the Chair, may ask questions of the Applicant for the Review and any witnesses.

If several applications/representations have been received and the Applicants for the Review have not agreed to present the case jointly, this procedure will normally be repeated for each individual Applicant.

3. **The Premise Licence holder's (PLH) Case**

- [1] The PLH or their representative presents their response to the application for review.
- [2] The PLH or their representative will then call any witnesses and/or give evidence in support of his/her response.
- [3] The Applicant(s) for the Review may then question the PLH if they have given evidence] and any witnesses.
- [4] The Chair or any Member of the Licensing Sub Committee through the Chair will ask questions of the PLH and any witnesses.
- [5] The PLH or their representative will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.

4. The PLH will be asked by the Chair of the Sub Committee whether, in the light of the information heard in relation to the review, they wish to amend the operating schedule, change the designated premises supervisor (Premises Licences only) or offer additional conditions, as when they retire, Members will consider only the information before them at that time.

If the PLH wishes to amend the operating schedule, change the designated premises supervisor (Premises Licences only) or offer additional conditions the Applicant(s) for the Review will be given the opportunity to comment on the proposal.

5. **Closing Statement or Summary**

- [1] **By or on behalf of the Applicant(s) for the Review.** . The Applicant(s) for the review may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] **By or on behalf of the PLH** The PLH will be invited to summarise any points they wish to make and comment briefly on the Applicant for the Review's replies to questions. They cannot introduce new issues

6. **Conclusion**

**All decisions will be made in private.**

The Legal Officer will repeat, in summary form, any legal advice given to Members when the public is re-admitted.

Once a decision has been reached the press and public will be re-admitted to the meeting together with the Premises Licence Holder, Responsible Authorities and Other Persons. At this stage, the Chair will announce the Sub Committee's decision, will give reasons for the decision and advise all parties of rights of appeal. The decision will subsequently be formally notified to the Applicant(s), Responsible Authorities and Other Persons in writing, including their rights of appeal as soon as possible after the Hearing.