

FOR CHAIR AND MEMBERS
OF THE LICENSING ACT 2003
SUB COMMITTEE
FOR 23 SEPTEMBER 2013

APPENDIX 1

APPLICATION TO REVIEW PREMISES LICENCE

Licence holder	EASTEYE LTD	Ref No: DL 11/01206/VARDPS
Premises:	INSIDE OUT BEAUMONT STREET WEST DARLINGTON, DL1 5SX	
Licensable Activities:	<ol style="list-style-type: none"> 1. Sale of Alcohol for consumption ON & OFF the Premises 2. Regulated Entertainment (live & recorded music, performance of dance, entertainment similar to live & recorded music and performance of dance, provision of facilities for making music,& dancing & entertainment similar to making music & dancing) 3. Late Night Refreshment 	
Current Hours:	Sale of Alcohol:	11.00 to 04.00 Every Day
	All Regulated Entertainment:	11.00 to 04.00 Every Day
	Late Night Refreshment	23.00 to 04.00 Every Day
Current non-standard hours:	From end of specified times on New Year's Eve until the beginning of specified times on New Year's Day	
Premises opening Times	11.00 to 04.30 Every Day	
Durham Constabulary Application	Review of Premises Licence on the grounds of crime and disorder and the Protection of Children from Harm	
Notification to Responsible Authorities/Other Persons:		
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	
Information on the Premises	21 June 2013 and again 10 August 2013	
Information on Council's web site:	21 June 2013 and again at the close of business on 09 August 2013	

INSIDE OUT

This application for review of premises licence was due to be considered by Members on 15 August 2013. On 07 August 2013, legal representatives for the licence holder brought to the attention of the Licensing Authority that there had been a procedural error in respect of the Licensing Authority's notice of review. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 at regulation 38 (a) (i) requires the Licensing Authority to advertise an application for the review of a premises licence on the premises that are the subject of the application, at the main offices of the Licensing Authority and where relevant on the LA's website. The notice must be pale blue in colour, size A4 or larger and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. The legal representatives advised that the font size was 14 not 16 and therefore the review application was invalid. They requested that the hearing set for 15, 19 & 20 August 2013 be cancelled.

Officers checked the statutory notice and confirmed that although part of the notice was in font 16 the remainder of the notice was in font 14. Given recent rulings in the Magistrates Courts, that Licensing Authorities must comply with the word of the law rather than the spirit of the law (*Tinseltown NW3 Ltd v Camden London Borough* and *Mu Mu Enterprises v North Somerset Council*) the review application had to be declared invalid and the process had to start again. Further information is available in the section of the report dealing with the application for review

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 has described the premises as follows:

“Late Night Entertainment Venue”

BACKGROUND

On 18 July 2005, an application was properly made by Wessex Taverns Ltd for the **conversion** of a licence in respect of these premises, which at the time were known as CLUB 2K. 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.

INSIDE OUT

On 01 February 2007 Mincoff solicitors advised, in writing, that Wessex Taverns Ltd had gone into administration on 31 January 2007. As a result an application was made to transfer the premises licence to Easteye Ltd. 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 01 February 2007.

On 06 March 2007 a new application for a Premises Licence was properly made by Easteye Ltd in respect of these premises. The application was to vary the hours for all licensable activities (but retain the New Year's Eve hours) and to vary the interior of the premises in relation to the bar area, DJ booth and some seating. Due to the scope of the variation to the original licence a variation application was not deemed to be appropriate and therefore a new application was required. Initially there were representations in respect of this application from the Police on the grounds of prevention of crime and disorder and Environmental Health on the grounds of prevention of public nuisance. The Applicant Company, however, agreed to additional conditions being attached to any grant of licence and the representations were withdrawn. A further representation had however been received from a then "Interested Party" on the grounds of public nuisance. This could not be resolved through mediation and as a result the matter was referred for a hearing to the Licensing Sub Committee.

On 17 April 2007 The Council's Licensing Act 2003 Sub Committee heard the contested application and granted the application subject to the conditions agreed with the Police and Environmental Health and also subject to a voluntary undertaking that the Applicant Company would install double-glazing at their expense to the residence of the representor.

On 15 May 2007 an application was received to change the premises name to INSIDE OUT. This was duly processed.

On 16 May 2007 an application was made to vary the DPS from BS Ladhar to Craig Shaw. 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 26 March 2009 an application was made to vary the DPS from Craig Shaw to Simon Barnett. 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 16 March 2010 an application was made to vary the DPS from Simon Barnett to Dean J Vasey. 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 16 March 2011 an application was made to vary the DPS from Dean J Vasey to Donna Douthwaite. 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 20 April 2011 an application was made to vary the DPS from Donna Douthwaite to Jonathan Neale. 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 27 June 2011 an application was made to vary the DPS from Jonathan Neale to Dean Vasey. 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 INITIAL APPLICATION FOR REVIEW

On 20 June 2013 an application was properly made by Durham Constabulary to review this premises licence on the grounds of crime and disorder and the protection of children from harm. In summary the representation reflected numerous incidents of crime and disorder either within the premises or within the immediate vicinity of the premises, some of which involve young people under the age of 18 years. The Police requested that, as a minimum course of action, Members reduce the terminal hour for licensable activities to 2 am; reduce the premises closing hour to 2.30 am and suspend the premises licence for a period of 6 weeks. Additional statements were submitted on 18 July 2013 and 22 July 2013 to support the application. In addition the Police also advised that they wished to produce photographs of injuries to support the application for review.

THE LICENCE HOLDER'S RESPONSE

A copy of the application for review was served on the licence holder and the Applicant Company's legal representatives were asked to provide any comments in respect of the application for review no later than 12 noon on 18 July 2013 (which was the last day for consultation on the original review application). Nothing was received from the Applicant Company or its legal representative by that date and report was therefore prepared without the benefit of any comment from the licence holder.

On 07 August 2013 the Applicant Company's legal representative raised the procedural error made by the Licensing Authority in respect of the font size of the notice of application for review and requested that the application be declared invalid as detailed in the first paragraphs of this report.

THE RESUBMITTED APPLICATION FOR REVIEW

On 09 August 2013 the application for review was properly resubmitted by Durham Constabulary to review this premises licence on the grounds of crime and disorder and the protection of children from harm. As detailed above in the paragraph relating to the initial submission, the representation reflects numerous incidents of crime and disorder either within the premises or within the immediate vicinity of the premises, some of which involve young people under the age of 18 years. The Police have again requested that, as a minimum course of action, Members reduce the terminal hour for licensable activities to 2 am; reduce the premises closing hour to 2.30 am and suspend the premises licence for a period of 6 weeks. The application has been reproduced in full at **Appendix 1B**.

The photographic evidence referred to in the paragraph above relating to initial application for review has not been served as it is privileged information and this will be made available to Members at the hearing. Members are invited to go into closed session to view this evidence in the public interest, i.e. so that members of the public are not identified in public.

THE LICENCE HOLDER'S RESPONSE TO THE RESUBMITTED APPLICATION FOR REVIEW

At the time of preparing this report there had not been a response from the licence holder or their legal representatives. Should any such response be subsequently received it will be forwarded to Members of the Sub Committee and to the Police accordingly

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
Section 11-11.2.3	Protection of Children from Harm

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**).

The **Police** have been asked to provide details of any further interventions by the Police or any further incidents of concern since 13 July 2013

The **Licence holder** has been asked to clarify the Company's position in relation to the following:

- how the premises are managed to reduce incidents of crime and disorder
- how are the premises managed to actually deal with incidents of crime and disorder and in particular incidents of violence
- what is the policy of the premises in respect of admissions to the premises of young persons (under the age of 18 years) and patrons who are under the influence of alcohol and how is this policy implemented
- what training is provided for staff in dealing with incidents of crime and disorder
- what training is provided to ensure that children and young persons (under the age of 18) are restricted from access and/or are restricted from purchasing alcohol

MEMBERS' OPTIONS

Members may consider the following options:

1. To modify the conditions on the licence – i.e. to alter, remove or add additional conditions that they consider appropriate to promote the crime prevention, public nuisance prevention, public safety or child protection licensing objectives
2. To remove the Designated Premises Supervisor
3. To suspend the entire licence for a period not exceeding 3 months
4. To revoke the licence
5. To take no action against the licence

INSIDE OUT

If Members are minded to add additional conditions they must be appropriate to promote the licensing objectives detailed above. For example Members may wish to consider a condition in respect of polycarbonate drinking glasses given the incidents of and injuries from violence at the premises as cited by the Police. Members are reminded that any such conditions should not duplicate existing legislation.

Members are further reminded that any party to the review who is aggrieved at the decision of the Licensing Sub Committee (i.e. Premises Licence Holder or Police) may appeal the decision to the Magistrates Courts. In the event of such appeal any determination by the sub committee will not take effect until the appeal is disposed of

Contact Officer: Pam Ross
Ext 2647

Richard Alty
Director of Services for Place

For admin use only: Date of Sub Committee: 23 September 2013
Sub Committee Decision:

**REVIEW: MODIFY CONDITIONS/EXCLUDE LICENSABLE ACTIVITY/REMOVE
DPS/SUSPEND/REVOKE/NO ACTION**
Reasons:



**APPENDIX 1A
PART A**

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

Licensing Act 2003 Premise Licence
INSIDE OUT

Premises Licence Number	DL11/01206/VARDPS
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PART 1 – PREMISES DETAILS

Premises Details:	INSIDE OUT Beaumont Street West, Darlington, DL1 5SX	
Telephone Number:	01325 381238	
Licence effective from:	28 June 2011	Duration of Licence:
		Indefinite
Authorised Licensable Activities:	Authorised Hours	
Retail sale of alcohol (Consumption ON AND OFF premises)	11:00 - 04:00	Every Day
Regulated Entertainment: Films; Live Music; Recorded Music; Performances of Dance; Entertainment similar to Live, Recorded Music or Dancing, Provision of facilities for Making Music, Provision of facilities for Dancing, Provision of facilities for Entertainment similar to Making Music or Dancing	11:00 - 04:00	Every Day
Late Night Refreshment:	23:00 - 04:00	
Premises Opening Hours:	11:00 - 04:30	Every Day

Non-standard/seasonal timings:

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).

PART 2

Premises Licence Holder:	Easteye Limited, 15-16 Stockholm Close, Tyne Tunnel Trading Estate, North Shields, Tyne & Wear, NE29 7SF
Registered Company No:	01628443

Designated Premises Supervisor: Personal Licence No: Issuing Authority:	Dean Vasey PAL0014 Teesdale District Council
<p>Annex 1 Mandatory Conditions:</p> <ol style="list-style-type: none"> 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:- <ol style="list-style-type: none"> (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— <ol style="list-style-type: none"> a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:- <ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> 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
8. Any person acting in the capacity of a Door Supervisor must be registered in accordance with the requirements of the Security Industry Authority.
9. The admission of children to film exhibitions must be limited to those films classified as suitable for children by the film classification body. Where no classification has been made the licence holder must approach the Licensing Authority who will then classify the film. The same restriction will then apply.

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

1. A CCTV system that is compliant with Durham Constabulary's minimum standards document shall be installed and maintained within the premises. Recordings will be produced on request to the Police or an authorised officer of the Council.
2. The Designated Premises Supervisor (DPS) or their representative shall attend Darlington Pub Watch meetings on behalf of the Applicant Company.
3. The Challenge 21 scheme shall be implemented at the Premises.
4. Door supervisors shall be employed at the premises as follows:

Monday to Wednesday	2 door staff from 20.00 hours onwards
Thursday and Sunday	2 door staff from 20.00 hrs, 4 door staff from 22.00 hrs.
Friday and Saturday	2 door staff from 20.00 hours, 4 door staff from 22.00 hours & 6 door staff from midnight onwards.
5. Late night refreshment will not be provided unless 28 days prior notice is provided, in writing, to the Police.
6. The DPS or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents (ie if it is clearly audible and recognisable as coming from the licensed premises at or beyond the boundary of any nearby noise sensitive property). These checks shall be documented in a logbook kept for this purpose and shall include the time and date of any checks, the person making them and the results including any remedial action. This logbook shall be made available for inspection on request of the Police or authorised Officer of the Council.
7. Radio equipment shall be kept on the premises and maintained in good working order to enable the DPS or their representative(s) to liaise with the Police and other Pub Watch premises.
8. The DPS or their representative shall maintain an up to date logbook recording the details of all door staff employed on the premises and an up to date incident book recording details of all incidents relating to the premises. These documents shall be produced on request of the Police or authorised officer of the Council.

9. No person carrying open or sealed glass bottles shall be admitted to the premises.
10. No person shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle except for consumption in the area immediately outside of the premises (NB this will not apply to sealed containers sold as off sales).
11. There shall be no off sales of alcoholic drinks on New Year's Eve or New Year's Day or when an event is taking place without the Applicant Company providing 7 days' notice in writing to the Licensing Authority and the Police.
12. There shall be no irresponsible drinks promotions, including all you can drink for a set fee, 2 for the price of one and similar promotions.
13. The maximum occupancy of the premises shall not exceed the figure prescribed in writing by the fire Authority (this is currently 1309 excluding staff).
14. External lighting advertising or promoting the premises shall not cause nuisance to neighbouring or adjacent properties.
15. Glass bottles and other materials shall not be deposited in any skip, bin or other container outside of the premises between the hours of 22.00 and 08.00 and such containers shall not be removed from the premises within those times.
16. Clear and legible signage shall be displayed at all exits and throughout the premises requesting that patrons leave in a quiet and orderly manner.
17. All windows and doors shall remain closed, apart from normal ingress and egress, when licensable activities are taking place.
18. The DPS or their representative shall respond immediately to any complaints and/or queries concerning noise or other disturbance.

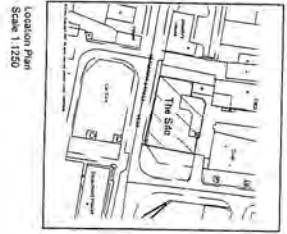
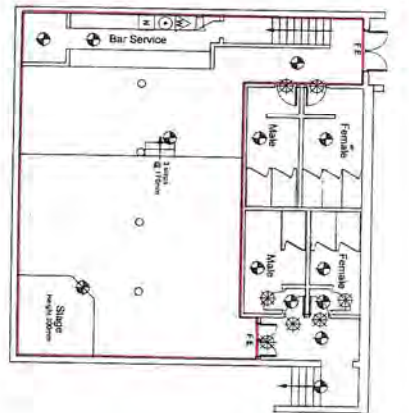
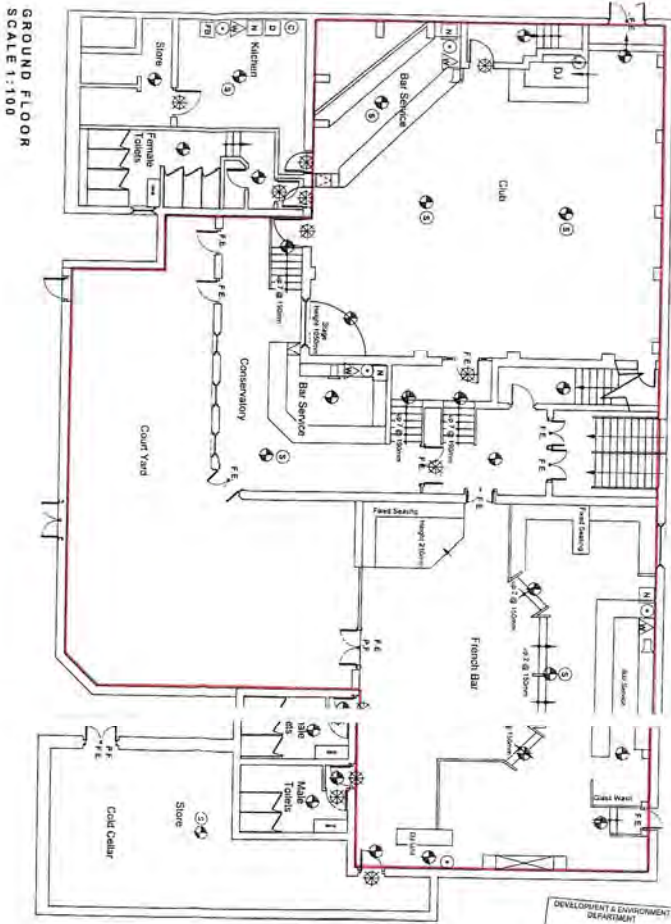
Annex 3 Conditions attached after Licensing Authority Hearing:

None

Annex 4

Annex 4

LEGEND	
①	LIQUOR FULLY MANNED UNDEGRADED EQUIPMENT
②	CO2
③	DRY POWDER
④	HEAT DETECTION
⑤	STAFF FIRE INSTRUCTION NOTICE BOARD
⑥	SMOKE DETECTION
⑦	SMOKE DETECTION
⑧	SMOKE DETECTION
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SBD

Partnership

Part 2000, Park Road
Whangarei, Northland
New Zealand
Tel: 09 839 2222 Fax: 09 839 2200
www.sbd.co.nz

Club 2K
Dairymongers

Labour Licence
Licence No: 07/888/01
1 100

Fire 07
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Authorised Officer

Date of Issue: 28 June 2011

In accordance with the application to vary the Designated Premises Supervisor

THE APPLICATION FOR REVIEW OF PREMISES LICENCE

Representor: Durham Constabulary
Comments: Based on the Prevention of Crime and Disorder and the Protection of Children from Harm

 GROUNDS FOR REVIEW

1. The Applicant is seeking a review of the premises licence for Inside Out, Beaumont Street, Darlington, Co. Durham DL1 5SX as it is a necessary course of action to address concerns relating to the prevention of crime and disorder and protection of children from harm licensing objectives of the Licensing Act 2003.
2. The Premises Licence Holder for Inside Out is Easteye Limited.
3. The Applicant's concerns arise from a number of incidents that have been reported, particularly since early 2012.
4. On 17 April 2012 the police met with representatives from Easteye Limited, Darlington Borough Council and Phoenix Security to discuss concerns relating to the number of reported incidents, which included incidents of violence and disorder both inside and in the immediate vicinity of the premises. The possibility of a review application was raised by the police during the discussions regarding the appropriate steps that needed to be taken to secure a reduction in the number of reported incidents and related concerns.
5. It was agreed that the Premises Licence Holder and the police would meet on a fortnightly basis following the meeting, and for a period of time there was an improvement and the number of reported incidents did fall.
6. However, due to further concerns, subsequent meetings between the police and the Premises Licence Holder took place on 16 October 2012 and 13 November 2012. The Applicant was concerned at the nature and volume of incidents, particularly those of a violent nature, which were being reported to have occurred at the premises.
7. Since 1 February 2012 there have been well in excess of 100 incidents relating to Inside Out reported. The highest number of reported incidents at the premises in one month was in March 2013. A high proportion of those reported incidents have occurred in the early hours of the morning, and have been attended by the police.
8. Of particular concern to the Applicant has been the number of reported incidents of violence and drunkenness, which have included the following:-
 - (a) On 3 March a male was punched in the side of the face by an unknown person when leaving the toilet cubicle, resulting in bruising to the left eye and a suspected crack in the left orbital bone. On 6 March another male was taken to hospital for treatment following an assault inside the premises.
 - (b) On 26 May 2012 police assistance was requested in relation to an unconscious male who had been assaulted. The male could not remember what had happened and was taken to Darlington Memorial Hospital.

- (c) In the early hours of 4 August 2012 a female was punched in the face by another female. When the victim approached the other female to ask why she had punched her she was hit again in the face but this time with a bottle. The victim sustained facial injuries which included a broken nose and cuts above and below her left eye. On the same date a caller reported that a bottle was thrown towards him in the rear garden area and he was then hit by another male.
- (d) On 15 September 2012 a male was taken to hospital after reported to have been assaulted in the premises toilets, requiring his cuts to be glued. Later that month, on 29 September, there was a report of males throwing bottles at each other outside of the premises.
- (e) On 6 October 2012 an ambulance was reported to have been requested for a male bleeding from the head, and for a member of door staff with suspected broken ribs.
- (f) On 4 November 2012 an ambulance attended to treat an intoxicated female, with apparent head injuries, who was reported to have been assaulted inside the premises. Later that month, on 12th November 2012, a male reported having been assaulted in the early hours of Saturday morning by an unknown male. The male was reported to have been treated by an ambulance, and his injuries were said to be a broken nose, broken cheek bones, broken eye sockets, behind his nose broken, a hairline fracture to the jaw and swelling and bruising to both eyes.
- (g) On 12 January 2013 a male, on being escorted to the premises exit, attempted to break free and head-butted a member of door staff in the face causing her nose to bleed.
- (h) On 11 February 2013 a caller reported that the previous day he was struck on the head by glass thrown by an unknown person, sustaining injuries to his face which required hospital treatment.
- (i) On 2 March 2013 a member of door staff was reported to have been repeatedly punched by a male who he had tried to stop urinating on the dance floor. When the doorman has fallen to the ground the male has reportedly continued to punch him to the head and stamped on him. On the 10th March there was a further report of assault when a male was punched to the side of the head when purchasing drinks at the bar. On the same day it was reported that a 17 year old female had sustained an injury to her foot while in the premises on 8th March, which was to require surgery on a severed tendon. On 29th March 2013 a male attended A & E after he had been assaulted by an unknown male, and was treated for a suspected fractured nose and swelling to his nose and left cheek.
- (j) On 13 April 2013 it was reported that staff had detained a female who was reported to have glassed somebody, though no subsequent complaint of assault was made. On the following day staff reported a fight involving approximately 30 persons outside the premises.
- (k) On 6 May 2013 the police received a call from a 17 year old female claiming to have been dragged down the stairs and thrown out of the premises by door staff. When efforts were made to re-contact the caller a male answered and advised that the female had drunk too much.

9. In addition to the reported incidents of violence there have also been reports of customers falling down, or falling asleep in the premises, due to their levels of intoxication.
10. There have also been a number of reports of property, including mobile phones, having been stolen or lost in the property.
11. The Applicant has been prepared to mediate and work with the Premises Licence Holder over a period of time, but is of the view that given the volume of incidents since the early part of 2012, with particular reference to the number and serious nature of the reported incidents of violence and drunkenness, that fortifying the conditions alone is no longer sufficient. While it is for the licensing authority to determine the action necessary to secure and promote the licensing objectives, the Applicant would urge the Authority to take strong action, to include as a minimum a reduction in the hours of the authorised licensable activities at the premises until 2am (2.30am close) and a period of suspension of 6 weeks.

SCHEDULE OF APPENDICES TO SUPPORT APPLICATION FOR REVIEW

Appendix 1B(i)	Authorisation of Chief Constable	19 April 2010
Appendix 1B(ii)	Statement of Inspector Colin Dobson	14 January 2013
Appendix 1B(iii)	Statement of Sgt Tim Robson	15 May 2013
Appendix 1B(iv)	Statement of PCSO Mandy McAllister	22 May 2013
Appendix 1B(v)	Statement of DC David Ripley	13 May 2013
Appendix 1B(vi)	Statistical Document	12 June 2013
Appendix 1B(vii)	Schedule of Incidents	05.02.12 – 26.05.13
Appendix 1B(viii)	Statement of PCSO Mandy McAllister	04 July 2013
Appendix 1B(vix)	Statement of PCSO Mandy McAllister	14 July 2013
Appendix 1B(x)	Statement of Licensing Enforcement Officer, Brian Murray	22 July 2013

DURHAM CONSTABULARY

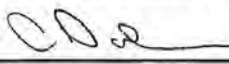
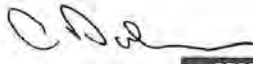
Constabulary Headquarters
Aykley Heads
DURHAM
DH1 5TT

This is to certify that Chief Inspector 332 Elaine Taylor of Durham Constabulary is authorised by me to exercise the functions of a Chief Officer of Police under the Licensing Act 2003.

Dated the 19th day of April 2010

Signature: 

Chief Constable

RESTRICTED (when complete)		Form MG11(T) <small>(encl. June 07)</small>
DURHAM CONSTABULARY		
Witness Statement		
<small>(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)</small>		
		URN <input type="text"/>
Statement of Colin Dobson		
Age if under 18 ov 18 <small>(if over 18 insert 'over 18')</small>		Occupation: Police Inspector 220
<p>This statement (consisting of <u>2</u> 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.</p>		
Signature: 	Date: 14 th January 2013	
Tick if witness evidence is visually recorded <input type="checkbox"/> (supply details on rear)		
<p>I am a Police Inspector in Durham Constabulary and my current role is head of the Alcohol Harm Reduction Unit. This unit was established to deal with the wider harm alcohol causes to communities and reduce demand on police and local authority resources.</p> <p>The night time economy is extremely resource intensive for police, particularly on a Friday and Saturday night. We have responded to this demand with a change to officers shift pattern to accommodate peak demand through an 'overlap' of officers on duty. This pattern is unsustainable for a seven day period so that overlap is primarily into the early hours of Saturday and Sunday. These officers deal exclusively with the night time economy issues around licensed premises.</p> <p>A recent study showed that all prisoners brought into custody after 9.45pm one Saturday night were under the influence of alcohol. Even during mid-week that figure is at around 80% of all arrests made at night. The behaviour of prisoners whilst under the influence of alcohol can be very erratic and dangerous at times so they will often require more than one officer to deal with them until they are placed in a cell. Once in a cell, drunken prisoners place a high demand on custody staff and often require a medical intervention. Arresting officers will then be abstracted in order to conduct an investigation, which are often prolonged due to alcohol consumption of victims, witnesses and the defendant. These investigations continue into the day and are often delayed until those involved are sober. It costs between £1500 and £1700 to keep one person in custody for one day. There are currently 52 cells in County Durham and Darlington, which are often at capacity on Friday and Saturday night. The cost of alcohol to the tax payer is considerable.</p>		
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Signature: 	Signature witnessed by:	
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RESTRICTED - (When complete)

Page No. 2 of 2

Continuation of Statement of:

Colin Dobson

Investigations will often continue well after a person has left custody with officers viewing many hours of CCTV, sending items for forensic examination, taking statements and submitting a file to the CPS.

With over 22 years police service, many of which have been on the front line policing the night time economy throughout County Durham and Darlington I have seen a great deal of drunkenness linked to licensed premises. There are also many incidents that occur away from licensed premises when customers leave, such as damage to surrounding areas and domestic assaults when they return home.

Under the current economic climate there has been a decline in the night time economy in most parts of Durham Constabulary police area. People choose to stay at home to drink cheaper alcohol from supermarkets and those that do go out tend to do so later in the night. They will often be drunk before going to licensed premises. Where those premises remain open later in the morning I have seen an increase in drunkenness and the level of confrontation/violence these people are prepared to use. These people also make themselves increasingly vulnerable. I have often seen people who I can only describe as 'staggering' in the road due to excessive intoxication increase as the night goes on, putting themselves at risk of being involved in road accidents and indeed recently witnessed one such accident.

Alcohol is a legal drug that has massive consequences for our communities and demands a great deal of our resources. We will continue to respond to the demands of our communities but we have finite resources and the impact of dealing with alcohol related incidents results in less time to carry out other policing duties. As a result, officers attending urgent and priority incidents may be dispatched from neighbouring areas whilst officers are committed to dealing with the people they arrest

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MG11

WITNESS STATEMENT

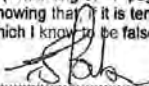
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Timothy John Robson

Age if under 18: 021 (if over 18 insert 'over 18') Occupation: Police Sergeant 1590

This statement (consisting of 4 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:  (witness) Date: 15/05/2013

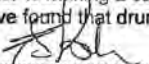
I am a Police Sergeant in the Durham Constabulary, presently stationed in the Alcohol Harm Reduction Unit. I have 10years experience in all aspects of pure licensing. I hold a National Certificate for Personal Licence Holders, a National Certificate for Designated Premises Supervisors, a National Certificate for Licensing Practitioners and I am the holder of a Personal Licence for alcohol retail. I hold an Award in assessment of licensed premises, and I am a Best Bar None assessor.

Inside Out is a licensed premises situated in Beaumont Street Darlington. The premise licence holder is Easteye Limited and the current DPS is a Mr Dean Jeffrey Vasey.

The club consists of a number of rooms offering differing styles of music and in doing so attracting different customers. My policing of licensing matters in Darlington has indicated that due to there being extended hours, indeed to the early hours of the morning then the customers attending these venues will inherently leave their homes much later. The customers will heavily pre load on alcohol and then attend late night / early morning venues. Areas

Under the current fiscal climate there has been a marked decline in the early evening night time economy in most parts of Durham Constabulary police area. People choose to stay at home to drink cheaper alcohol from supermarkets and those that do go out tend to do so later in the night. They will often be drunk before going to licensed premises. Where those premises remain open later in the morning. I have seen an increase in drunkenness and the level of confrontation/violence these people are prepared to use. These people also make themselves increasingly vulnerable. I have often seen people who I can only describe as 'staggering' in the road due to excessive intoxication increase as the night goes on, putting themselves at risk of being involved in road accidents and indeed recently witnessed one such accident where a drunken male fell down a road maintenance hole.

With this in mind it is essential that strict measures are put in place to prevent drunkenness. Such measures encompass proper checking at the door, constant monitoring of patrons levels of intoxication and that bar persons positively seek to check the intoxication of customers prior to making a sale. The cost of running large venues such as Inside Out is high and I have found that drunken persons have been served alcohol in this venue. I have

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spoken to the individuals in this venue who were very intoxicated yet still carrying alcoholic drinks. Inside out has the greatest occupancy in Darlington and has with it the latest opening hours. The night time economy in Darlington has had a tendency to move

The night time economy is extremely resource intensive for police and as the night progresses through to the early hours of the morning the limited number of police officers on duty are detailed to address specific intelligence led tasking that do not always orbit late night licensed premises. Inside Out must therefore be properly managed and controlled by its supervisor. I am of the firm belief that this is not the case. The police are not on duty to simply patrol and monitor Beaumont Street, the public being tax payers have expectations that we must fulfil and intelligence led policing creates tasking for officers in areas other than Beaumont Street.

With this in mind I must address the number of incidents associated with Inside Out which in my opinion is far in excess of the norm. Between February 2012 and November 2012 there have been a number of incidents of which I shall break down into specific areas and I shall address some of them now.

I note that there has been 18 incidents of theft within the premises demonstrating that the premise is frequented on occasions by those with criminal intent.

There have been 44 incidents of disorder, drunkenness and violent behaviour.

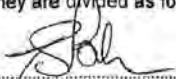
There have been 21 assaults and disturbances some of which are very serious involving a fractured jaw and another resulting in broken ribs. Again the violence and disorder is associated with excessive alcohol consumption. It is notable that many of the incidents are predominantly occurring in the early hours of the morning.

On the 16th October 2012 PCSO McAllister had a meeting with the Premise Licence holder to discuss the on-going incidents and violence associated with Inside out. Assurances were given that matters would be rectified. The premise was raised to amber status at this stage.

Following this meeting Inside out was monitored and there was no improvement. During the next month the premise was subject to 7 incidents of violence, 2 of antisocial behaviour, 3 of theft and 1 of Public Disorder. Due to the continued incidents another meeting was arranged with the premise licence holder.

On the 13th November 2012 PCSO McAllister had a meeting with the Premise Licence holder to discuss the previous months incidents. The status of the premise was raised to Red. This is a heightened state of scrutiny and attention. A premise would only be given red status if it was regularly undermining one or more of the licensing objectives. Inside Out is such a premise. At this meeting assurances were once again given. The premise licence holder was informed at this time that should the undermining of the objectives continue then a review application may be considered.

Up until the date of this statement there has been a further 53 incidents linked to Inside Out. I have disseminated these incidents and I have discounted 4, and of the 49 incidents remaining they are divided as follows.

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Disorder 14, Damage 2, Assault 21, Theft 7, Drunk and heavily intoxicated 14, Security issues 2, Robbery 1 Incidents outside yet still associated with the premise 4.

Of the 31 incidents 3 are after 12 midnight, 9 are after 1am, 19 are after 2am and 15 are after 3am. On some incidents the time is not specified and it was reported the following day.

One incident of note which occurred at 2.10am on the 6th May 2013 involves a 17yr old female who reports having been dragged down the stairs inside of the club by a door supervisor. The 17yr old was drunk.

The recent incidents involve a robbery inside the premise where an intoxicated male has been punched in the face and his gold chain ripped from his neck. On two other separate incidents heavily intoxicated males have been assaulted inside the premise. On another incident a male was assaulted inside the premise and suffered a fractured nose. On another incident on the 30th March at 1.16am a male was found inside the premises passing in and out of consciousness and was found to be extremely drunk and suffering the effects of taking ketamine.

The late opening of this premise contributes to the increased levels of incidents of which 30, in one shape or form breach one or more of the licensing objectives. This is just a small sample of the incidents that are associated with the premise. The impact that its operation has on the Borough of Darlington, and the customers associated with it is quite clear. Inside Out has the latest licence in the area and as such attracts the flow of customers from late bars close by who wish to extend their night.

Fortified conditions and mediation alone has proven an unsuccessful tactic in dealing with this premise. Inside Out on a weekly basis is directly responsible for the impact on residents, customers and the responsible authorities empowered with resolving the incidents associated with Inside Out. Positive action is respectfully requested from the licensing committee to prevent serious injuries or loss of life occurring at this premise.

Signature:  Signature witnessed by:

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WITNESS STATEMENT

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


URN

Statement of: Mandy McAllister

Age if under 18: Over 1 *(If over 18 insert 'over 18')*

Occupation: Licensing Officer

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:  (witness)

Date: 22/05/2013

I am the above named person, employed by Durham Constabulary as a Licensing Officer stationed at Darlington.
 The police have concerns regarding incidents that have occurred within Inside Out, Beaumont Street, Darlington. The following incidents serve to evidence the concerns.

At around midnight on 3rd March 2012 a male had used the toilet cubicle within the premise, upon leaving the cubicle was struck believed with a punch to the left side of the face by an unknown offender causing the male to fall to the floor. The strike results in a bruising to the left eye and a suspected crack in the left orbital bone.
 The victim was visited by police He stated had been using the toilet cubicle in the main bar toilets having just entered the Inside Out nightclub. On leaving the cubicle he was struck to the left side of his face with what he believes to be a punch causing him to fall down to the floor back inside the toilet cubicle. As a result of this strike he has suffered a black left eye swelling to the left cheek and a suspected crack or chip to the left orbital bone. He was treated at Darlington Memorial Hospital and James Cook hospital for his facial injury. The victim did not see the offender and can offer no description. The victim's friend was also in the toilet area and can describe a white short dark haired male who punched his friend but can offer no facial or further description as he did not get a good look at the incident and cannot remember any further when questioned. Enquiries were made regarding CCTV in the Inside Out however they did not have CCTV in the toilet area and the main bar area was of poor quality. The IP stated that he had not had any falling out or disagreements with any person whilst he was out on his night out and he had only been in Inside Out minutes prior to the assault.

On 4th August 2012 a disturbance took place within the premise, as a result a 22 year old female was attacked by a female first by punching her, then hitting her in the face with a bottle. The victim also suffered a broken nose believed to be caused by a punch in the face. One female was subsequently arrested and dealt with by DC RIPLEY.

On 12th November 2012 a male reports that in the early hours of Saturday morning at approximately just after midnight he had been assaulted. He stated he had come into Darlington with a group of friends for a night out. He has attended numerous public houses within Darlington town Centre, and then has ended up in Inside Out. The male has been stood at the rear of the nightclub by the smoking area with three friends. An unknown male offender has approached the injured party (IP), and thrown

Signature:  Signature Witnessed by:

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a punch towards him. IP has ducked away and the offender has thrown a further three punches at IP catching him in the face. IP has fallen to the floor. Offender has walked away. IP has been helped up by friends and taken outside to be treated by ambulance.
IP has received broken nose, two broken eye sockets, broken cheek bones, behind the nose broken, hairline fracture to jaw and swelling and bruising to both eyes. The incident had not been captured on the premise Cctv and remains undetected.

Police were requested to premise on Saturday 2nd March 2013, for an incident where a known male suspect was confronted by door staff as the suspect was urinating on/near to the dance floor and stage area inside the nightclub. On being challenged about his behavior the suspect has repeatedly punched the doorman in the head to temple and the right side of his face causing the doorman to fall to the ground. The suspect has then stood over the doorman and has continued to assault him punching him to the head and stamped on him also. Suspect was ejected by door staff and he then ran from police who were outside the club. CCTV taken from the club is 6-8 minutes out and is missing the incident.

On 8th March 2013 a 17yr old female attended the premise alongside a large group of friends. She sustains an injury to her foot whilst inside the venue. The injured party had felt a pain to her heel and upon looking down had seen that one of her white pumps was now red with blood. She attended the Friarage Hospital and the consultant stated that he thought a blunt instrument had been rammed into her heel. She subsequently had surgery on a severed tendon.
A further report was received on the 17th March from the mother of a young woman who stated that on the 8th March her daughter 18yrs had been out in Inside Out and had also sustained an injury to the bottom of her foot, which needed stitching. She also made mention that she had been informed that three other persons sustained foot injuries on the same night.

A male had been out with friends celebrating an 18th birthday when he had been assault by an unknown male whilst near to the entrance lobby in Inside Out nightclub on Beaumont Street at about 0100hrs 29th March 2013. He had not seen the person approach strike him or leave. He could only describe the offender as a male. He attended A and E and was treated for a suspected fractured nose and swelling to his nose and left cheek. A statement was obtained from the injured Party and he was requested to attend DPO to have his injuries photographed. *YR*

Signature :



Signature Witnessed by:

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WITNESS STATEMENT

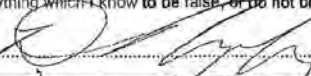
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: David RIPLEY

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Det.Cons 1665

This statement (consisting of / 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:  (Witness) Date: 13/05/13

I am a Detective Constable in the Durham Constabulary currently stationed at Darlington Police Office.


In August 2012 I investigated an assault incident that took place at the night club Inside Out in Beaumont Street DARLINGTON.

The brief details of this offence are that it took place in the early hours of Saturday the 4th of August 2012. The location was described as in the 'top room' of the night club and it involved two females. One of the females initially approached the other and punched her in the face. The reason for this is that the defendant was jealous that the victim was going out with her ex boyfriend who was also present and was involved in a separate incident at around the same time. The victim was about to approach the defendant to ask her why she had punched her only to be met with the defendant hitting the victim again in the face but this time with a bottle.

The victim sustained facial injuries which included a broken nose believed caused by the punch and cuts above and below her left eye believed to be caused by the bottle.

The defendant was charged with the assault and was convicted at Teesside Crown Court earlier this year for a section 47 assault.

Signature:  Signature witnessed by:

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The breakdown of the 74 incidents by Disposal Code is as follows:

Disposal Code	No. of Incidents at Inside Out Between 23:00hrs - 04:59hrs on a Fri/Sat or Sat/Sun 01/02/12 – 31/05/13
SUSPICIOUS/INSECURE	10
VIOLENCE AGAINST PERSON	10
ASB NUISANCE	9
CONCERN/COLLAPSE/INJ/ILLNESS	8
CRIME RELATED INC.	6
CONTACT RECORD	5
CRIMINAL DAMAGE	3
DRUG OFFENCES	3
PUBLIC ORDER	3
DOMESTIC INCIDENT	2
LOST/FOUND-PERSON/PROPERTY	2
POLICE GENERATED ACTIVITY	2
THEFT & HANDLING	2
ABANDONED CALLS TO EMERGENCY SER	1
ASB PERSONAL	1
DUPLICATE	1
LICENCING	1
MESSAGES	1
OTHER OFFENCES	1
ROAD RELATED OFFENCE	1
TASK INCIDENT	1
VEHICLE - CRIMINAL DAMAGE	1
TOTAL	74

73% of these incidents (54 incidents) were tagged as Alcohol Related on the incident log. 7% of the incidents (5 incidents) were tagged as Drugs Related. 1 incident was tagged as Youth Related.

Of the 74 incidents, 68 were attended by police. 24 incidents were graded as Immediate Attendance, and 26 of the incidents were graded as Priority Attendance. The breakdown of the priority grading for all of the incidents was as follows:

Priority Description	No. of Incidents at Inside Out Between 23:00hrs - 04:59hrs on a Fri/Sat or Sat/Sun 01/02/12 – 31/05/13
PRIORITY	26
IMMEDIATE	24
SCHEDULED	10
APPOINTMENT	6
NON ATTENDANCE	6
6	2
TOTAL	74

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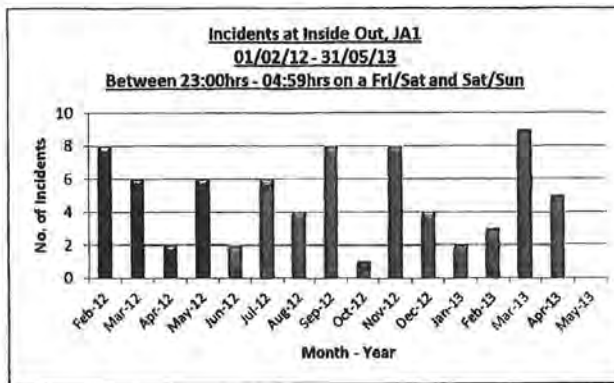
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Incidents recorded at Inside Out, Beaumont Street – JA1 Town Centre
Q1/02/2012 – 31/05/2013
Between 23:00hrs – 04:59hrs on a Friday / Saturday and Saturday / Sunday

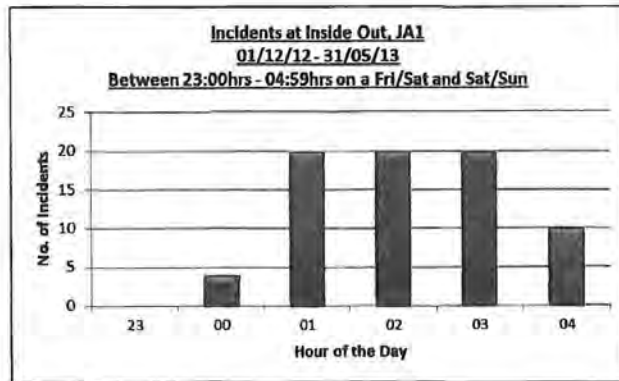
Of the 155 incidents recorded at Inside Out, 48% of these (74 incidents) occurred between 23:00hrs and 04:49hrs on a Friday / Saturday or Saturday / Sunday.

Of these 74 incidents, 62% (46 incidents) were between 23:00hrs – 04:49hrs on a Friday / Saturday, and 38% of the incidents (28 incidents) were between 23:00hrs – 04:49hrs on a Saturday / Sunday.

March 2013 saw the highest reporting between these times on a Friday / Saturday and Saturday / Sunday at the location, with 12% of these incidents (9 incidents) occurring during this month. No incidents were reported between these times on a Friday / Saturday or Saturday / Sunday during May 2013.



Of the 74 incidents between the times being considered on the relevant days, 81% occurred between 01:00hrs and 03:59hrs.



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Disposal Code	No. of Incidents at Inside Out JA1 01/02/12 - 31/05/13
SUSPICIOUS/INSECURE	23
VIOLENCE AGAINST PERSON	22
LOST/FOUND PERSON/PROPERTY	16
ASB NUISANCE	13
THEFT & HANDLING	13
CONCERN/COLLAPSE/INJ/ILLNESS	11
CRIME RELATED INC.	10
CONTACT RECORD	5
DUPLICATE	5
CRIMINAL DAMAGE	4
PUBLIC ORDER	4
ASB ENVIRONMENTAL	3
ASB PERSONAL	3
DOMESTIC INCIDENT	3
DRUG OFFENCES	3
POLICE GENERATED ACTIVITY	3
ABANDONED CALLS TO EMERGENCY SER	2
INTELLIGENCE ONLY	2
LICENCING	2
ROAD RELATED OFFENCE	2
TASK INCIDENT	2
BURGLARY	1
FIREARMS	1
MESSAGES	1
OTHER OFFENCES	1
VEHICLE - CRIMINAL DAMAGE	1
TOTAL	155

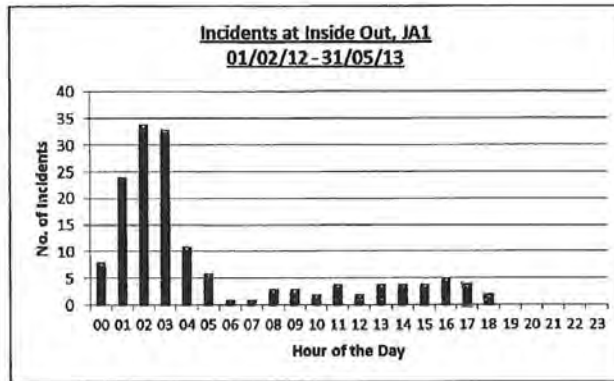
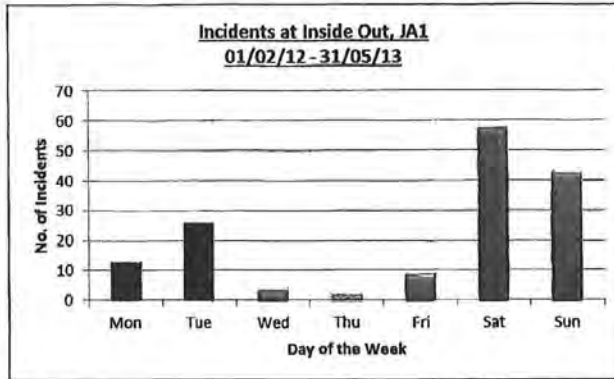
59% of the incidents (91 incidents) were tagged as Alcohol Related on the incident log. 3% of the incidents (5 incidents) were tagged as Drugs Related. 2 incidents were tagged as Youth Related.

Of the 155 incidents, 134 were attended by police (86%). 35 incidents were graded as Immediate Attendance, and 47 of the incidents were graded as Priority Attendance. The breakdown of the priority grading for all of the incidents was as follows:

Priority Description	No. of Incidents at Inside Out JA1 01/02/12 - 31/05/13
PRIORITY	47
APPOINTMENT	36
IMMEDIATE	35
NON ATTENDANCE	21
SCHEDULED	12
6	4
TOTAL	155

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The breakdown of the 155 incidents by Disposal Code is as follows:

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Scanning Document

Prepared By:	Andrea Keillor 12/06/2013	Request From:	PCSO McAllister
File Location:	SNU Docs	Partner Agency:	
Request Ref:	To consider incident data at Inside Out, Beaumont Street, Darlington, JA1 Town Centre.		

Introduction:

This scanning document is based on Durham Constabulary incident data, for the period 01/02/2012 – 31/05/2013.

Date Range:

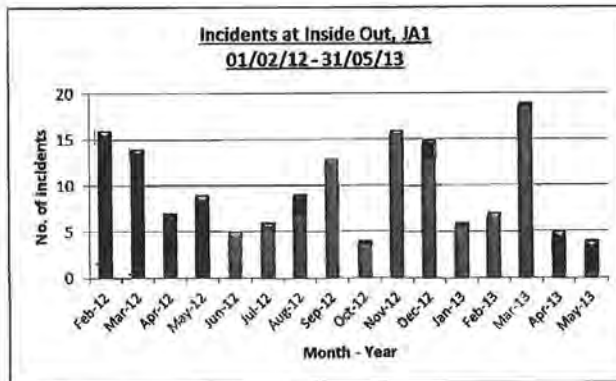
01/02/2012 – 31/05/2013

Area / Location:

Inside Out, Beaumont Street - JA1 Town Centre.

Incidents at Inside Out, Beaumont Street – JA1 Town Centre
01/02/2012 – 31/05/2013

Between 01/02/2012 and 31/05/2013 there have been 155 incidents reported at Inside Out, Beaumont Street, JA1 Town Centre. During this period March 2013 saw the highest reporting at the location, with 12% of the incidents (19 incidents) reported during this month. October 2012 and May 2013 saw the lowest reporting, with 4 incidents each.



Saturday was the hot day for reporting at the location, with 37% of the incidents (58 incidents) being reported on this day. The hot times for incidents to be reported were between 01:00hrs – 03:59hrs, when 59% of the incidents were reported (91 incidents).

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Reported/Recorded Incidents - Inside Out, Beaumont Street West, Darlington between 01/12/2012 and 26/05/2013.**05/02/2012 – 02.03**

2 persons detained for theft of handbag.
Follow up - 1 female charged with Theft, 1 female cautioned.

05/02/2012 – 09.01

Theft of mobile phone whilst inside premise.
Follow up - IP later states phone may have fallen from pocket, recorded as lost property rather than theft.

06/02/2012 – 14.41 and 14.47

Theft of phone whilst IP urinating. 04/02 between 01.00-02.00.
Follow up - believed phone to be lost rather than theft.

11/02/2012 – 01.57

Male detained by door staff for breaking glasses within premises. Male arrested for criminal damage, resist arrest and theft of driving licence.
Follow up - Final warning issued, NFA for theft of driving licence.

11/02/2012 – 03.51

Unattended bag, persons remove cash and phone.
Follow up - incident closed pending any further information.

14/02/2012 – 01.30

Two males outside premise throw stones at staff and customers. Door staff spoken to, no offences disclosed. 1 male arrested for breach of Court Order.

18/02/2012 – 01.12

Door staff escort male outside, brother of male begins to assault door staff, by punching him in the face. 2 males arrested. 1 for drunk and disorderly and 1 for assault.
Follow up - 1 male charged with assault.

25/02/2012 – 02.34

Male reports assault by female causing injury to his nose and face. The male later stated that he did not wish any police involvement. A female stated she had been arguing with IP outside of premise and pushed him away. No Crime.

26/02/2012 – 03.45

Caller reports loud music coming from premises. The music had been at this volume since 02.00.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

28/02/2012 – 02.51

Reports on going problems with premise playing music at unacceptable levels.

04/03/2012 – 11.25

Female caller reports theft of mobile phone and purse from her bag, on previous night. Confirmed theft of mobile phone.

05/03/2012 – 15.32

Reports an assault on 3/3, injured party had been hospitalised. Unknown person punches him in face, resulting in visible injuries to face and eye. Bone chipped in his eye socket. **Follow up** - no CCTV in particular area where assault took place, unable to identify any suspect.

06/03/2012 – 02.52

Male assaulted inside premise taken to hospital for treatment. Door staff chase after person responsible. 1 male arrested. **Follow up** - Male received Police Caution.

07/03/2012 – 15.45

Door staff confiscate passport of underage person. Father contacts premise who states it has been handed to Police. Police have no record of the document being handed in. **Follow up** - passport at Police Office, found property form filed, passport returned.

09/03/2012 – 00.20

Door staff chase drunken male from roof. No complaints of any crime

13/03/2012 – 03.48

Reports of excessive noise emanating from premise

20/03/2012 – 02.27

Intoxicated injured party was punched in the face by known male, declined any medical assistance. **Follow up** - IP no longer wishes to assist Police or press charges.

24/03/2012 – 04.08

CCTV reports fight on going outside the premise. Police attend, no complaints made.

24/03/2012 – 09.08

Caller reporting that he left his mobile phone on a table inside the venue with his friend but that it was missing when he returned to the table.

25/03/2012 – 03.32

Caller reports music from venue is too loud.

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31/03/2012 – 02.42

Ambulance called for male who had taken unknown drugs, and had a bad reaction. Male examined by ambulance personnel. Male stated that he had drunk only alcohol, and the ambulance allowed the male on his way.

02/04/2012 – 01.01

Caller states the property is playing loud music, caller states the music is booming.

03/04/2012 – 03.59

CCTV reports disturbance outside premise between two males, male swung a punch at IP, dispute over girl at the club. No complaints made.

06/04/2012 – 00.22

CCTV monitoring Inside Out, where a number of persons appear to have been pushing and shoving each other. One male with blood on head, refuses details, no complaints. An ambulance was called to assist with one of the males.

08/04/2012 – 02.08

Caller irate stating he has been hit by a bouncer, an argument starts. Caller arrested.

13/04/12 – 02.33

Verbal altercation, all parties have left premises, no complaints

15/04/2012 – 08.23

Caller reports theft of mobile phone the previous night. Daughter had phone whilst in Inside Out. Confirmed theft.

29/04/2012 – 03.57

Police report an assault has taken place, 1 female detained, victim to DMH with head injury. Crimed as a section 39 assault.

07/05/2012 – 08.55

Caller reports theft of wife's mobile phone while in premise.

07/05/2012 – 17.29

Male in front office of station, reporting that he was assaulted in premise the night before. Injuries sustained were bruising and reddening to left eye.

19/05/2012 – 01.58

CCTV reporting possibly of a fight starting, all parties had left prior to police arrival, no offences disclosed.

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19/05/2012 – 04.30

Caller reporting that her phone has been stolen while in premise. No evidence to suggest that the phone has been stolen and not simply lost in nightclub.

20/05/2012 – 17.56

Caller reporting her mobile phone has been taken from her jacket pocket while in club last night. To be dealt with as lost property. The caller by her own admission was intoxicated at the time.

26/05/2012 – 02.10

Caller reporting that he had been assaulted by 2 door staff at premise, and his friend had also been assaulted. The police spoke with the caller and his two friends and also to the door staff. The door staff stated that the three males had been fighting amongst themselves and had been ejected. The males, who were all intoxicated, denied this and stated that the door staff had been heavy handed. Two of the males sustained injuries and were advised to attend hospital.

26/05/2012 – 04.13

Police assistance requested to unconscious male who has been assaulted, male taken to DMH, male cannot remember what happened.

02/06/2012 – 04.34

While police at location, 1 male arrested after officer witnessed 3 packets of white powder falling out of his pocket, and during the search officers located a further 3 packets. Male intoxicated.

04/06/2012 – 09.34

Caller reporting that while in the club last night her blackberry phone went missing from her bag and she thinks someone has taken it.

05/06/2012 – 16.09

Caller reporting that, while in the club last night her mobile phone was taken from out of her bag. She does not know if phone was lost or stolen.

23/06/2012 – 00.55

Male reporting he is outside of premise. He and a friend are being 'started on' by a large group of people, having been picked out for being Chinese Guardsmen. Police on scene no offences disclosed, male was not being allowed to enter the club.

07/07/2012 – 01.13

CCTV report staff from premise trying to restrain male on the ground, male arrested for common assault after spitting in a door persons face.

07/07/2012 – 03.10

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2 males linked to earlier incident on same date arrested outside premise, 1 male then de-arrested and second male given a FPN for D & D.

08/07/2012 – 01.30

CCTV report that door staff have detained a male at premise with some drugs, 1 male arrested.

21/07/2012 – 01.48

Staff request assistance with two males. The two intoxicated males were causing a nuisance but left the location. No offences.

04/08/2012 – 02.22

A male and female have been transported to DMH after being assaulted in premise, 3 persons arrested at scene 1 for D&D and 2 others in relation to assault. The male IP had a minor head injury and a suspected broken jaw, while the female IP was reported as having been bottled in the face resulting in 2 black eyes and cuts to her face. A male taxi driver also reported that during a disturbance outside of the premises his taxi had been damaged by unknown males.

04/08/2012 – 03.19

Caller reporting that while in rear garden area of premise a bottle was thrown towards him. When he asked the male next to him who threw the bottle he has been hit by another unknown male. IP reported the incident to staff at premise who told him to leave by rear exit. IP believes he has a broken nose, and a black eye, but has declined medical assistance. IP stated he didn't see who did it.

08/08/2012 – 15.01

Caller reporting the theft of a bag and contents from inside premises in the early hours of Monday morning. IP spoken to and confirmed that he had become very drunk and left the club at 3.30am still in possession of handbag and believes may have lost bag due to drunken state.

12/08/2012 – 01.27

Police report that member of door staff assaulted at premise. Suspect is a serving soldier who is intoxicated. CCTV from council seized, and CCTV from club to be seized outside of opening hours. Male arrested on suspicion of common assault.

19/08/2012 – 03.23

Head door man advises that they have a drunken, aggressive, female who is being abusive to door staff and spitting at customers. Female spoken to, and given stern words of advice, before leaving in a taxi.

19/08/2012 – 10.58

Caller reporting that her son had phone taken while in premise last night.

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24/08/2012 – 13.16

Caller reporting there are 2 males outside Queen Elizabeth Sixth Form Collage advertising local pubs including Inside Out. Caller believes males are targeting and approaching underage students.

01/09/2012 – 02.32

One male arrested on suspicion of possession of drugs with intent to supply. No confirmation of any crime at this time.

02/09/2012 – 03.59

One male arrested for the possession of controlled substance.

08/09/2012 – 04.03

CCTV monitoring door staff trying to break up fight outside premise. No complaints made to the police.

09/09/2012 – 02.34

Caller advising he has been assaulted by door staff at premise, and has incurred a wrist and neck injury. Further call from IP advising that his friend has now been punched in the face by a bouncer outside of the premises. No complaint made by caller but incident to be investigated on behalf of friend.

15/09/2012 – 05.07

Male taken to DMH after being assaulted in toilet of premises by unknown person at approx. 2.30am. Door staff provided medical care. IP required cuts to be glued and also has bruising.

19/09/2012 – 03.49

Officer reports finding rear gates to location standing open allowing access to the whole rear of the building.

22/09/2012 – 01.41

Caller reporting he has been assaulted by one of the bouncers at the premise. Bouncer appeared to be Polish. CCTV cameras viewed, male was removed by bouncers after vomiting in beer garden.

22/09/2012 – 03.29

One male arrested for criminal damage at location after he was reported as walking through the club towards exit and punching one of the doors causing a pane of glass to crack. Male detained by door staff who contacted police. Offender is intoxicated.

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29/09/2012 – 01.21

Ambulance requested outside premises regarding unconscious female. Reported that female has a pre-existing medical condition whereby she blacks out when she has too much to drink. She has been assisted by door staff to leave the premises and placed in the recovery position until ambulance arrives. Female has been checked over by the ambulance and does not require any treatment.

29/09/2012 – 05.01

Reports of a large disturbance outside of premise where persons were throwing bottles at each other. CCTV monitoring group believed to be involved following initial call and no physical fighting witnessed. 2 males taken to home address, no parties wish to disclose what has happened.

29/09/2012 – 05.02

Anonymous male reporting a disturbance taking place outside premise.

29/09/2012 – 05.02

Report of a fight on-going involving 10 people.

06/10/2012 – 03.06

Ambulance requested for male with blood on head. Further ambulance requested for member of door staff with suspected broken ribs. 3 males arrested for affray.

29/10/2012 – 18.40

Caller reporting that her bag was stolen in toilet area of premise. Caller reported that she went into the toilet cubicle and put the bag on the floor near the door. Persons have reached under and taken the bag. Caller did not see persons.

03/11/2012 – 01.57 & 07.52

Male approached officer and stated he has been assaulted. Male taken to DMH by police with wound to face. Male discharged himself without being treated, and when spoken to again could not recall much of what happened previous night and did not wish to make a complaint. IP to re-contact if he wishes to speak with police.

04/11/2012 – 01.54

Report that female has been assaulted inside premise, believed to have head injuries. She is being treated by AMB and is intoxicated so is unable to clarify what has gone on. The injuries are not believed to be serious. IP later confirmed she did not wish to make a complaint and she is not a victim of a crime.

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04/11/2012 – 03.29

999 call taken from male who states he is being targeted by bouncers for being a soldier, male would not calm down and was shouting and swearing. 1 male arrested for D&D.

04/11/2012 – 11.35

Reported theft of a mobile phone while inside premise.

10/11/2012 – 03.01

Caller reporting he was assaulted inside premise by a member of the door staff as he was being led out. Officers spoke to IP regarding alleged assault and witness statement taken. Incident happened inside premise and may be caught on CCTV.

12/11/2012 – 16.17

Male reporting he was assaulted on the dance floor of premise in the early hours. He was taken to DMH by AMB with his injuries where he stayed in overnight. The caller is in the army. Injuries reported sustained: Broken nose, broken cheek bones, broken eye socket, and bone behind his nose also broken.

13/11/2012 – 02.09

Report of numerous intoxicated persons arguing outside of premises. All parties given suitable words of advice. CCTV footage in premise shows persons making their way from club, then starting to brawl outside.

13/11/2012 – 03.50

Caller calling to complain about a comment made to her by a bouncer, after being ejected after a fight in toilets of premise. IP wishes to get back in to premise and is not being allowed by bouncers. IP is extremely intoxicated and hysterical.

13/11/2012 – 13.15

Report that while leaving premise he has been hit in the side of the head by a bouncer for no reason. IP states that his face is swollen and he has a cut lip. IP wishes to make a complaint about the bouncer.

13/11/2012 – 05.08

Caller reports that while in toilets in premise at about 2am he was jumped upon and assaulted by 8/10 whites males. Staff have thrown males out. Caller is black but said there were no comments made by the suspects about his race or colour.

17/11/2012 – 01.19

Reported that her daughter has been assaulted while in premise last night at approximately 00.30. IP does not wish to make any complaint.

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18/11/2012 - 02.20

Caller reporting her friend has had too much to drink. She does not want to return her home in this condition. Female on the footpath in the recovery position. The female was reported as being very drunk and taken home in a taxi by a friend.

27/11/2012 - 02.32

Caller reports her handbag has been stolen whilst in the club. Police spoke to caller who stated that she left her bag unattended for an amount of time and when she went back to the table her bag was missing. At this stage no evidence of any crime believed lost.

01/12/2012 - 16.57

Caller reports that she was in Inside Out at at 02.00. She put her bag on one of the benches in the smoking area, turned her back on the bag for a few minutes, and when she went to get her bag it was gone. The caller was intoxicated at the time. Caller states that she has not lost her bag it has been stolen. whilst inside premise intoxicated, her handbag was stolen. Confirmed theft of mobile telephone. Nothing has been handed into the premises when caller has checked with staff.

16/12/2012 - 03.05

Male was drunk in Beaumont Street, shouting and swearing. Male was warned by police but continued being abusive to officers and public alike and was arrested on suspicion of being drunk and disorderly.

18/12/2012 - 02:33

Door staff request police as there are two males arguing over who owns a jacket. One male arrested for d & d and resist arrest, and one male arrested for theft of jacket.

20/12/2012 - 01:32

Report of a fight on-going. Police report that there appears to have been an argument between two groups but no complaints and no persons would disclose to police what has gone on.

20/12/2012 - 02:00

CCTV reported a male on camera has allegedly assaulted a member of door staff at Inside Out. Police spoke to door staff who confirmed there is no allegation of assault.

21/12/2012 - 03:37

Caller reported that door staff had taken money and his phone from him and he can't get home. Police spoke with caller who appeared to have become involved in some sort of incident whereby he was ejected and was unable to retrieve his coat prior to the club closing. Police transported the male to a friend's address.

22/12/2012 - 04:20

Police request assistance to Inside Out. Officer with one male on the floor. Confirms no offences at location, pushing and shoving only. Male assisted in leaving the area.

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22/12/2012 – 14.26

Reports his daughter's phone was stolen whilst inside premise on previous evening. However, later stated that not convinced that the phone has been stolen, and believes that daughter has lost it.

23/12/2012 – 05.31

Reports his girlfriend has had her phone stolen from secure handbag. Caller later indicated they had decided not to involve the police.

28/12/2012 –03.30

Male has altercation with another and the bouncers stepped in to stop this. Male stated the bouncers have gone a bit too far, and his shirt been ripped. There were no visible injuries.

30/12/2012 – 00.59

Door staff detain male for criminal damage. Prisoner Handling team to deal with when suspect sober.

01/01/2013- 02.42

Male ejected from premise by door staff for fighting with a friend, punches a small window to exterior of club in temper.

Follow up - suspect identified and cautioned

02/01/2013- 16.57

IP reports on 31/12/2012 her passport was taken from her zipped inside pocket of her purse. Nothing to substantiate the reported theft of the passport.

08/01/2013 – 03.11

CCTV monitor assault, one male laid out on floor, suspect makes off. IP refuses to make complaint.

12/01/2013 – 02.50

Known person is in process of being ejected from premise due to his agitated and aggressive behaviour. As suspect is escorted to the exit he attempts to break free and head-butts member of door staff in the face causing her nose to bleed.

Follow up - suspect charged with Assault.

13/01/2013 – 16.16

IP reports she was talking to a male outside premise where he informed her that he did not attend a gym. She asked jokingly, if the male was on steroids. He responded by throwing

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her handbag onto the road, and punching her in the face, causing her to fall on the floor. IP's boyfriend was then attacked by the same male after he ran over reportedly leaving injuries on his neck and back.

26/01/2013- 01.50

Female 18yrs, due to her intoxication has fallen asleep in the nightclub, subsequently ejected and reports that she has lost her handbag and contents. The phone was subsequently returned as was the handbag. Due to her intoxication, the female who returned the handbag had no idea how she had come to be in possession of it.

05/02/2013 – 12.07

IP reports he was assaulted on 2/2 by being punched from behind, knocked to the ground and knocked out.

Follow up - IP wanted no further action taken and refused to make complaint.

11/02/2013 – 10:08

Caller reports on 10/02/13 at approximately 0200hrs he was in club and struck on head by glass thrown by unknown person causing cut to forehead, eyebrow and nose. IP's face required hospital treatment and 4 stitches administered

Follow up - CCTV poor quality unable to identify a suspect

16/02/2013 – 11.36

Reported that her daughter was stood at the bar and as she put her hand out to collect a drink her handbag was taken. The bag belonged to another female.

16/02/2013 – 02.03

Police request an ambulance for female who is highly intoxicated, has fallen and is going in and out of consciousness. The female was taken by paramedics to DMH.

17/02/2013 – 02.07

IP reports he has been assaulted by doorman, by punching him on the chin.

Follow up - CCTV viewed and shows no evidence of a punch, only shows doorman pushing IP away. IP spoken to and is happy no further action is to be taken.

23/02/2013 – 04.23

Caller reports fight outside premise. No complaints made. Suspect stated that the other male started swinging punches at him so he struck out.

02/03/2013-02.41

1 male appears to have facial injuries. Male had been urinating on dance floor, IP had attempted to stop him, male had repeatedly punched him. It is suspected that the male stamped on the doorman's head. Suspect was ejected with 3 others. Suspect subsequently ran off.

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Follow up - Suspect arrested and interviewed, suspect bailed pending further CCTV evidence of incident.

03/03/2013 – 02:08

On-going disturbance inside the location. One male arrested Drunk and Disorderly.

05/03/2013 – 02.37

Staff at premise request police for a disturbance outside, a male has been trying to assault the door staff. No complaints made.

05/03/2013 – 00.08

2 males arrested on suspicion of burglary at the location.

Follow up - 1 male cautioned, 1 male charged with burglary.

10/03/2013 – 12.57

IP was stood at the bar purchasing drinks, unknown male comes over and punches IP to the side of the head. IP's friend has pushed the male away and was smacked aside in the process. The male has then continued to assault IP, but was pulled away by door staff and ejected.

Follow up - CCTV poor quality, enquiries complete, IP happy with Police assistance.

10/03/2013 – 07.05 & 06.54

17 year old female sustains injury to foot whilst in premise Friday/Sat morning. She felt a pain to her heel and found it bleeding. Doctor stated that he thought a blunt instrument had been rammed into her heel. She is awaiting surgery due to a severed tendon. Believed not an assault. IP's mother advises that daughter believed that other people in the club had also been injured and reported to club at the time.

16/03/2013 – 01.58

Male reporting he has been assaulted by a bouncer at premise. He requires no medical treatment and is to go home now. Male has been drinking.

Follow up - Male spoken to next day, he admits to being drunk and having been thrown out of premise on three occasions due to his behaviour. No Complaint made.

17/03/2013 – 17.27

Caller reports he left premise at 02.30 to make a telephone call, whilst outside male has run up to him and knocked the phone from his hand, picked it up and ran off. Caller was heavily intoxicated at the time. At this time further enquiries limited.

17/03/2013 – 19.07

Caller reporting that he daughter sustained an injury to the bottom of her foot whilst in premise on 08/03/2013. She cannot recall how she has sustained the injury but was walking around bare foot. She has had to have stitches in her foot. Caller has spoken to her friend and her daughter was also at the premises on this night and has sustained a deep wound to

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her foot. She has had to have surgery and the surgeon has indicated it looks like a stab wound. Since incident caller has been informed 3 other persons sustained foot injuries on that night.

16/03/2013 – 01.58

Male reports assault by doorman of premise. On investigation male admits that he had been thrown out on three occasions due to his behaviour. Male was also intoxicated. No complaint.

19/03/2013 – 03.11

Caller reporting on 999 system that he has been assaulted whilst in the club with friends. Initially reported that a known female had assaulted him and female friend. Door staff have given first aid. All parties have been drinking, IP being intoxicated. Later confirmed that IP was assaulted by an unknown male who was in the company of the known female. Caller wished for no further police intervention.

24/03/2013 – 03.21

Caller reports that he has been assaulted inside the above premises. Police officer confirms IP too intoxicated to provide a statement. IP advised to go back to garrison and contact police if he wishes to make a complaint.

Follow up – Male contacted the following day confirming that he rang police after he was assaulted then ejected from premises. He doesn't wish to make any complaint and would not divulge any injuries.

26/03/2013 – 03.06

Report of a disturbance between male and door staff. Officer on scene prior to incident being created, one male arrested for drunk and disorderly and issued with FPN.

29/03/2013 – 03.04

Caller is at DMH with injury to nose, after being punched to face in premise in what seems like an unprovoked attack by unknown male. Nose has been bleeding and clothing is covered in blood. Door staff at premises put the victim into a taxi to DMH after the assault occurred.

Follow Up – Confirmed crime assault and statement taken.

30/03/2013 – 01.12

Caller reports that he has been assaulted by one of the doormen at the premise. Officers currently at the same location dealing with an unconscious male. Male spoken and confirmed he had not been assaulted, but having left the premises has been refused entry when trying to get in. The male had a verbal altercation only with the door man and been moved away after male getting too close to door man.

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30/03/2013 – 01.16

CCTV monitoring a male in the recovery position on the floor. The police reported that the male had been taking ketamine and drinking, and is in and out of consciousness. The male was taken to hospital by ambulance. Onlookers and door staff confirmed that no assault seen, the male passed out due to intoxication.

13/04/2013 – 03.47

CCTV report being contacted by staff at premise, they have a female detained who has glassed someone. Police attend, female has had fall out with partner, no complaint of assault and no complaint made by either party.

14/04/2013 – 02.47 & 2.48

Staff report fight on going outside premise, approx. 30 people involved. Further call from CCTV reporting disturbance outside premise. IRT attend no disturbance, no one making themselves known to police, no complaint.

14/04/2013 – 04.01

Call from male stating that while in premise his friend has been punched by two male who have 'ripped' his necklace from his neck. Police spoke to the friend, who was highly intoxicated, and provided several different versions of what happened. He had been fighting in the toilets of premise, and appeared more upset at losing his expensive chain. It is unclear whether a crime has taken place or a loss, incident to be classed as suspicious only.

06/05/2013 – 02.10

Call from female stating she has been dragged down the stairs and thrown out of premise by a female bouncer. She states that she is only 17yrs old. Female cleared the line. No. re contacted and a male, who would not give his full name, stated that the female had a bit too much to drink and is en-route home. She is not injured and is fit and well.

12/05/13 – 15.53

Report that she was in premise between 1am and 4.30am and that her phone was stolen. Caller left her bag on the bar and when she was got home she realised her phone was missing from her bag. Further call from female, her phone has been recovered.

21/05/2013 – 02.50

Royal Military Police Catterick have information that a number of CS Pellets have been dropped inside premise. RMP searched inside the club and checked the premises and there was no sign of any pellets. Staff were also alerted and searched people going in and out of the club which was also negative.

26/05/2013 – 11:55

Caller reported that her partner was quite intoxicated and had fallen asleep on a sofa in the club. He was woken by door staff and asked to leave, and began to stand up. It was alleged that the male was dragged off the sofa and when he staggered, due to alcohol, down the steps outside the club, door staff began pushing him. The female caller reported that

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she was also dragged away and a doorman got her partner in a headlock and dragged him down the stairs.

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MG11

WITNESS STATEMENT

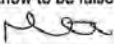
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Mandy McAllister

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Police Licensing Officer

This statement (consisting of 1 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:  (witness) Date: 4/7/13

I am the above named person, employed by Durham Constabulary as a Police Licensing Officer stationed at Darlington.

On Thursday 4th July 2013 at 13.05 i attended Vane Terrace Darlington in company with Brian Murray council enforcement officer, after receiving a complaint from The Queen Elizabeth Sixth Form College regarding ticket touts for a local bar / nightclub advertising directly in front of the premise.

On arriving there were three males stood next to a large advertising board tied to a lampost. Two of them identified themselves as [redacted] and [redacted]. The third stated he was an 18 year old studying at the sixth form for the week. I requested Mr Murray to take photographs of the advertising board.

I explained that it was innapropriate to be advertising licensed premise outside the local college especially as it was bridging week and all students were under 18. [redacted] informed us that they were not advertising alcohol, nor was it a crime to advertise. He also stated that he was only handing out flyers to persons who looked over 18.

I questioned [redacted] and [redacted] who had requested them to promote the venues at the location. They informed me that [redacted] P [redacted] had authorised them to do so.

At my request the three males left the area with their placard. We then attended the Sixth Form College and spoke with the vice principal, who informed us that all students at bridging week were under the age of 18. *me*

Signature:  Signature witnessed by:

2010/11

RESTRICTED (when complete)

1 of 3

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

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Statement of: Mandy McAllister

Age if under 18: Over 1 *(if over 18 insert over 18)*

Occupation: Licensing Officer

This statement (consisting of 1 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: (witness)

Date: 14/7/2013

I am the above named person, employed by Durham Constabulary as a Licensing officer.

Further to my statement dated 20th June 2013, a further incident occurred at Inside Out, Beaumont Street, Darlington on 29th June 2013 at approximately 03.22.

A known male was out with the injured party and other colleagues from work in Inside Out, both parties were intoxicated. The injured party walked into the smoking area where the male and his friends have been stood. The injured party has approached the male and asked where he had been hiding, at which point the male has grabbed the injured party's shirt and pushed him against the wall. He has then punched him in the face once causing him to lose his tooth. Male has been pulled away from the injured party and told to leave by door staff.

A male was subsequently arrested and received a conditional caution.

On Saturday 13th July at 13.42 a report was taken from a caller, stating that her daughter had been assaulted whilst within the night club at approximately 02.30 the same day. The caller commented that the assault had taken place within the ladies toilet and her daughter subsequently attended Darlington memorial hospital and had a chipped bone in her left arm. To date enquiries are on-going.

Signature : 

Signature Witnessed by:

WITNESS STATEMENT

(Criminal Procedure Rules 2005 r 27.1(1), Criminal Justice Act 1967, s 9; Magistrates Court Act 1980, s 5B)

Statement of: Brian Stuart Murray

Age: Over 18

Occupation: Licensing Enforcement Officer

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.

Dated the 22 day of July 2013

Signature:



I am Brian Stuart Murray and I am employed by Darlington Borough Council in the post of Licensing Enforcement Officer within the Licensing Section of the Regulatory Services Division. I have held this position since June 2007.

Part of my duties include the enforcement of licensed premises in accordance with the Licensing Act 2003 (the 2003 Act) and I am an authorised officer in accordance with Section 13(2) of the 2003 Act to carry out duties on behalf of the Council in respect of the above legislation in the district of Darlington.

On 4 July 2013 at 13.05 I attended Vane Terrace, Darlington alongside PCSO Mandy McAllister regarding a complaint from the local college. On arriving I saw a large placard taped to the lamp post opposite the Queen Elizabeth Sixth Form College. PCSO McAllister requested that I took photographs and I exhibit these as Appendix BSM/1. I have redacted one of the photographs to protect the identity of the individuals shown in the photograph.

We spoke to three males; two identified themselves as XXXXX and XXXXX working on behalf of INSIDE OUT and SEEN as promoters for the premises. The third stated he was a student at the college at bridging week and was 18 years of age.

We informed the three males that a complaint had been received from the college and it was inappropriate to be advertising the premises to under 18's. Mandy McAllister advised the three males, that as it was bridging week at the college, all students were under 18.

XXXXX commented that it was not a crime to advertise and he was only handing out flyers to persons who 'looked 18'. A comment was also made that they were not advertising alcohol.

Signature



E4.6

Statement of Brian Stuart Murray

Page 2 of 2

At the request of PCSO McAllister they moved away from the frontage of the college. We then attended the college and spoke with the vice principal who confirmed all students attending the college this week were under the age of 18.

On leaving the premises I saw a notice board situated within the park, opposite the college advertising SEEN and KONG. I exhibit these as Appendix BSM/2.

Signature

A handwritten signature in black ink, appearing to be 'B. Murray', written over a horizontal line. The signature is stylized and somewhat cursive.

BSM 1





DSM 2





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.

6.3 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.

- 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.

11.0 PROTECTION OF CHILDREN FROM HARM

11.1 **Policy: Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from physical, moral or psychological harm, relevant to the individual style and characteristics of their premises and events.**

Reason: To allow flexibility for the licensee, to ensure that where appropriate licensed premises are "user friendly" for children but to ensure they are adequately protected. The Licensing Authority has taken account of the view of DCMS that the use of licensed premises by children should be encouraged. However it will, where necessary, impose conditions designed to protect children.

11.2 ADDITIONAL INFORMATION

The Protection of Children from Harm is a key licensing objective. Nevertheless, the Licensing Authority will not normally impose conditions requiring or prohibiting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The Licensing Authority has taken account of the view of DCMS that the use of licensed premises by children should be encouraged. However it will, where necessary, impose conditions designed to protect children.

11.2.1 Examples of premises where the introduction of additional controls are likely to be necessary are:

- a. Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking.
- b. Where there is a known association with drug taking or dealing.
- c. Where there is a strong element of gambling on the premises.
- d. Where entertainment of an adult or sexual nature is provided.

- e. Where the supply of alcohol for consumption on the premises is the exclusive and primary purpose of the premises.

11.2.2 In such circumstances it may be necessary to impose a complete prohibition but this would be only rarely imposed. The Licensing Authority would normally be more likely to impose requirements such as:

- a. Limitations on the hours when children may be present.
- b. Proof of age arrangements for alcohol sales.
- c. Age limitations below 18 (eg considering requiring all persons under 14 years to leave premises before 9pm and persons between 14 years and under 18 years to leave before 11 pm).
- d. Limitations or exclusions when certain activities are taking place.
- e. Requirements for accompanying adults.
- f. Full exclusion of people under 18 from the premises when certain licensable activities are taking place (eg entertainment of a sexual nature, performances of hypnotism etc).
- g. Limitation on the permits of premises to which children might be given access.

11.2.3 Where there is provision of entertainment specifically for children (e.g. a children's disco) the Licensing Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety. Applicants who wish to offer such activities will be required to submit an appropriate Child Protection Policy which details, among other things, criminal record checks for relevant staff etc.

**GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003
(REVISED JUNE 2013)**

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;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;

APPENDIX 1D (cont)

- 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.

OTHER RELEVANT LEGISLATION

1.19 Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety (First-Aid) Regulations 1981
- The Equality Act 2010

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.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

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.

PROTECTION OF CHILDREN FROM HARM

- 2.25 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

- 2.26 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

- 2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.28 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises
- 2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.32 Licensing authorities should give considerable weight to representations about child protection matters.**
- 2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.35 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers** (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a

matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

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 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.

LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE “VERTICAL” CONSUMPTION OF ALCOHOL (HVVDs)

10.22 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.

10.23 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

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. 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 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 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.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or another 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). 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.

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

- 11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances

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

Date of Notification: 07 September 2013

Type of Hearing: Review of Premises Licence

Premises: INSIDE OUT
Beaumont Street West
Darlington, DL1 5SX

Hearing Details: 09.30 am Monday 23 September 2013 &
09.30 am Tuesday 24 September 2013
(also 09.30 am Wednesday 25 September 2013 if necessary)

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

Copy of notice sent to: Easteye Ltd (Licence holder)
Sintons (Licence holder's legal representative)
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 Friday 13 September 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

- to provide details of any further interventions by the Police or any further incidents of concern since 13 July 2013

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

- how the premises are managed to reduce incidents of crime and disorder
- how are the premises managed to actually deal with incidents of crime and disorder and in particular incidents of violence
- what is the premises policy in respect of admissions to the premises of young persons (under the age of 18 years) and patrons who are under the influence of alcohol and how is this policy implemented
- what training is provided for staff in dealing with incidents of crime and disorder
- what training is provided to ensure that children and young persons (under the age of 18) are restricted from access and/or are restricted from purchasing alcohol



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:

DATES OF HEARING: 09.30 am Monday 23 September 2013 &
09.30 am Tuesday 24 September 2013
(also 9.30 am Wednesday 25 September 2013 if necessary)

NAME OF PREMISES: **INSIDE OUT**
Beaumont Street West
Darlington, DL1 5SX

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, Trading Standards & 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.