



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

APPLICATION TO REVIEW PREMISES LICENCE

Premises Licence Holder: **EASTEYE LTD** **Ref No: DL11/01206/VARDPS**

Premises: **INSIDE OUT**
BEAUMONT STREET WEST
DARLINGTON, DL1 5SX

SUPPLEMENTARY INFORMATION

Since the production of the main report further information has been sent to the Licensing Authority by both parties as follows:

On 11 September 2013 a statement was received from the Police in respect of an incident at the premises on 06 September 2013 (see **Appendix 1AA**).

On 12 September 2013 a document (130 pages) was received by e mail in pdf format from the legal representatives of Inside Out. Because of problems with formatting such a document hard copies were requested.

On 13 September 2013 a statement was received from the Police in respect of an incident at the premises on 25 August 2013 (see **Appendix 1BB**). In addition a summary of incidents from 01 June 2013 to 07 September 2013 was submitted (see **Appendix 1CC**) and also an analysis of incidents at Inside Out between 01 April 2013 and 31 August 2013 (see **Appendix 1DD**)

On 13 September 2013 a file of evidence was received from the legal representatives of Inside Out in response to the review application (see **Appendix 1EE**).

Additionally on 13 September 2013 a file of evidence compiled by Phoenix Security was received from the legal representatives of Inside Out in response to the review application (see **Appendix 1FF**)

Members are invited to consider not only the main report but also the additional information contained within the appendices to this report.

Richard Alty
Director of Services for Place

Contact Officer: Pam Ross 388647

Inside Out application to review premises licence 23 September 2013

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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: Gavin Arthur North

Age if under 18: *(if over 18 insert 'over 18')* Occupation: T/Sergeant 2349

This statement (consisting of 01 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: 11/09/2013

I am a Police Constable within DURHAM CONSTABULARY and currently stationed at DARLINGTON POLICE STATION in the capacity of T/Sergeant.

On Friday 06th September 2013 I was on uniformed duty on night time economy within Darlington Town Centre, during the evening as the Duty Sergeant I was approached by numerous members of the public, some slightly intoxicated and some not, they all complained about the door supervisors at INSIDE OUT CLUB, BEAUMONT STREET DARLINGTON. The general complaints were that the door supervisors were aggressive and used offensive language towards them, some of the comments from the public were; " YOU'RE FUCKING TOO UGLY TO COME IN HERE COME BACK WHEN YOU LOOK LIKE SOMEONE OF FROM 1D". Majority of the complaints were related to the door staff swearing at them and refusing entry for unknown reasons and pushing them away.

At approximately 0220 hours on Saturday 07th September 2013 whilst dealing with an unrelated incident outside "INSIDE OUT" the club I witnessed the door staff being verbally aggressive and abusive towards members of the public in that I could hear one of the door supervisors shouting "FUCK OFF, I'VE HEARD ENOUGH FROM YOU FUCK OFF" I then observed a door supervisor start pushing a male away. I believed the situation was going to escalate and had to leave the incident I was dealing with. I stepped between both parties and heard the door supervisor say "GET THAT FUCKING IDIOT AWAY FROM ME". Both parties then exchange a tirade of verbal abuse. I also observed door supervisor making gesturing for a member of public to come over and heard them say "COME OVER HERE AND WE'LL SEE"

I approached one door supervisor I believe he was the area manager and informed him that his behaviour and language was out of order his comment was "I'VE BEEN GETTING ABUSE FROM THAT FUCKING IDIOT FOR OVER AN HOUR, SO YES I'M GOING TO RESPOND".

Due to the unrelated incident I had to leave the area, from my observations of the door supervisors at INSIDE OUT were aggressive and abusive towards certain member of the public and some of it without being provoked.

Signature:  Signature witnessed by:

Signature:  Signature witnessed by:

20/10/11

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1 of 2

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

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

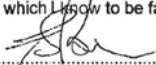
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Statement of: Timothy John Robson

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

This statement (consisting of 3 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: 12/09/2013

I am a Police Sergeant in the Durham Constabulary, presently stationed in the Alcohol Harm Reduction Unit. I have 11 years experience in all aspects of pure licensing law and practice. 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 qualified Best Bar None assessor.

Further to the statement which I made on the 15th May 2013 i wish to add the following information.

At approximately 3am on Sunday 25th August 2013 a male customer was in the smoking area at the rear of Inside Out, in Beaumont Street, Darlington. He described himself as being intoxicated but able to comprehend what was said and happening around him. He was talking to some females when he was approached initially by one doorstaff and then by a second and was told to go. He was taken in a neck hold and physically dragged to the gates accessing the side of Inside Out, where he was thrown to the ground. Face down this male tried to get to his feet but could not. The male felt three or four hard impacts to the back of his head. The male could feel that it was a foot hitting his head by the hardness of the impact.

As this attack was taking place a female door supervisor at the front of the premise approached a police van parked in Beaumont street. The female member of door staff indicated that there was a disturbance at the gates at the rear but the police were no longer now required.

PC 1940 Iley who was accompanied in this vehicle by Pc 2673 Dauber, stated that they would still attend. As the vehicle turned the corner at Beaumont Street, Darlington the officer saw approximaty 5 or seven door staff stood just outside of the gate at the rear of Inside Out. The officer saw a member of the doorstaff stamping on the head of a male who was lying on the the floor. The officer saw the door supervisor stamp on his head on at least three occasions.

The other door staff alerted the male stamping as to the approach of the police vehicle.

Signature:  Signature witnessed by:

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1 of 3

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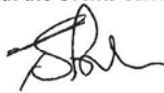
The male stopped and all door staff withdrew back inside the gates. The police officers approached the male who was getting to his feet. He had scraping and bruising to his left arm and there was swelling to his face. The male was complaining of neck pain to the officer.

A description was obtained from the male assaulted and the CCTV was viewed. The door supervisor described by the male assaulted was identified on the CCTV and the individual matched the description.

The male assaulted was taken to Darlington Memorial hospital where he received treatment and was visited and spoken to by PC Hopper, it was noted that his eyes were very bloodshot.

Following this assault a door supervisor was identified, arrested and has since been charged by PC 2380 Rogowski with an offence of battery.

This is an ongoing criminal investigation and statements have been produced from all officers connected with the events surrounding this incident.



Signature:  Signature witnessed by:

Signature: Signature witnessed by:

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2 of 3

NOT PROTECTIVELY MARKED

Additional Incidents – Inside Out – after 26th May 2013

01/06/2013 – 10:32

Report of a mobile phone having been stolen from a bag while in Inside Out the previous night.

22/06/2013 – 01:47

Intoxicated male reporting being assaulted by a 'doorman' at premise. He also made several threats of violence towards door staff. The male was persuaded to go home by police.

Follow up – Diary Appointment made. Male was informed by police that the incident was not an assault and warned about making threats towards door staff.

22/06/2013 – 02:40

Female reporting being assaulted by a 'door man' at the premise. The caller was intoxicated. No offences and the female was advised to return home.

29/06/2013 – 03:22

Caller reporting being assaulted by known male inside premise approximately 2 hours ago. Caller advised that his mouth is swollen and he has lost several teeth.

Follow Up – Injures have been photographed and further enquiries are to be made.

13/07/2013 – 01:49

Police officer requests assistance for disturbance at premises. Three males were refused entry, but tried to barge past door staff and were then removed from the premises. The males then took offence to this and started fighting. Incapacitant used. 3 males arrested.

Follow up – 2 charged with affray.

13/07/2013 – 13:42

Caller reports her daughter was assaulted in the ladies toilets at approximately 02.30 the previous night. Her daughter attended hospital and has a chipped bone in her wrist.

Follow up – Incident crime as S.47 assault.

27/07/2013 – 03:17

Two intoxicated males reported to have been assaulted whilst at or around the premise. Both punched and suffered injuries to face, and attended Darlington memorial hospital. They were later reported to have attended James Cook Hospital, where one of the males required his lip stitching.

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28/07/2013 – 01:28

CCTV monitor agitated male outside premise. The male was spoken to by the police. He was intoxicated, and took offence at the way the 'bouncers' had dealt with a female. No offences.

04/08/2013 – 03:15

Door staff request assistance. Police report male had a verbal altercation with door staff. No offences disclosed.

04/08/2013 – 03:34

Known female reported as punching injured party several times in the face, and attempting to rip a watch from his wrist. Both parties ejected from the club.

Follow up - IP declined to pursue his complaint. He said that it was a very minor argument when both parties were under the influence of alcohol.

09/08/2013 – 23:56

Male stated that he and his friend have been refused entry to premise because they are in the army.

Follow up – Male & Door Staff spoken to. No one assaulted or touched. IPs advise will be taking the issue up with the Licensing Unit in due course.

10/08/2013 – 12:40

Caller reports that her Iphone was taken from her handbag inside the premises.

10/08/2013 – 01:18

A disturbance was reported outside of the premises. 'Security' have restrained a male on the floor. Believed a fight has taken place after CCTV reviewed the footage. Male arrested for 'D&D'.

18/08/2013 – 01:59

CCTV report a male has assaulted a female, currently in the street. Officers attended Beaumont Street. One male arrested on suspicion of section 39 assault.

25/08/2013 – 04:15

At approximately 3.10am 'bouncers' to the front of the premises have shouted requesting police assistance. A female 'bouncer' was reported as stating that a male had been ejected to the side of the premises but that police were no longer required. Police reported to their appearing to be some sort of disturbance occurring and one member of door staff stamping on what appeared to be a male on the ground. The male was reported to be heavily intoxicated, had visible scratching and bruising to his left arm and was complaining of head and neck pain. The male was taken to Darlington Memorial Hospital.

Follow up – CCTV at club seized, member of door staff charged with s39 assault.

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31/08/2013 - 02:33

Report of 2 males fighting outside the location, and now believed to have gone back into the premises. CCTV contacted and confirmed that no persons fighting outside of premises, and no reports of anyone fighting from inside the premises. CCTV report a bit of pushing & shoving outside at about 2.30am, but all parties' have now left the area.

07/09/2013 - 00:43

Caller reporting that 'bouncers' at Inside Out have allowed underage girls into the club. The girls are said to be 16 years of age and their ID was not checked.

07/09/2013 - 03:51

Caller reporting that she was assaulted in premise by a female, known to her friend. After the incident a 'bouncer' tried to assist in the location of suspect, but she had already left the scene.

NOT PROTECTIVELY MARKED

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Scanning Document

Prepared By:	Hayley Rutter 12/09/2013	Request From:	SGT Tim Robson
File Location:	FIB Documents	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 01/04/2013 – 31/08/2013

Date Range:

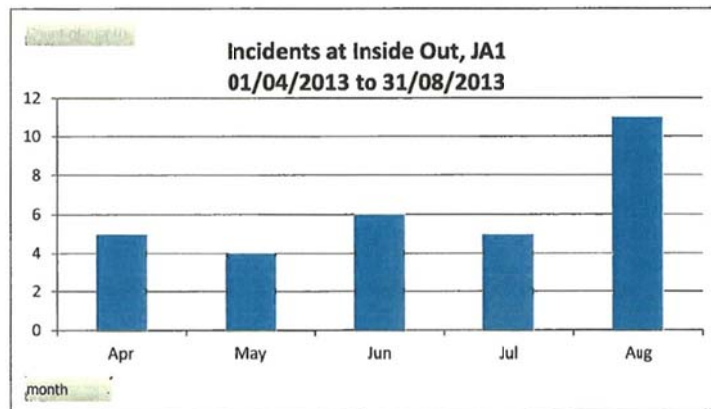
01/04/2013 – 31/08/2013

Area / Location:

Inside Out, Beaumont Street - JA1 Town Centre.

**Incidents at Inside Out, Beaumont Street – JA1 Town Centre
01/04/2013 – 31/08/2013**

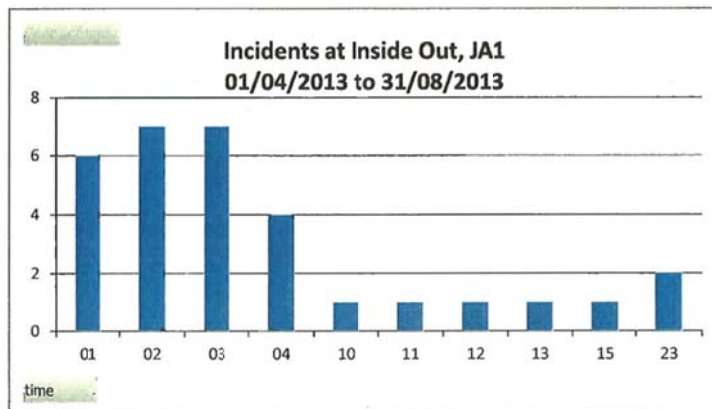
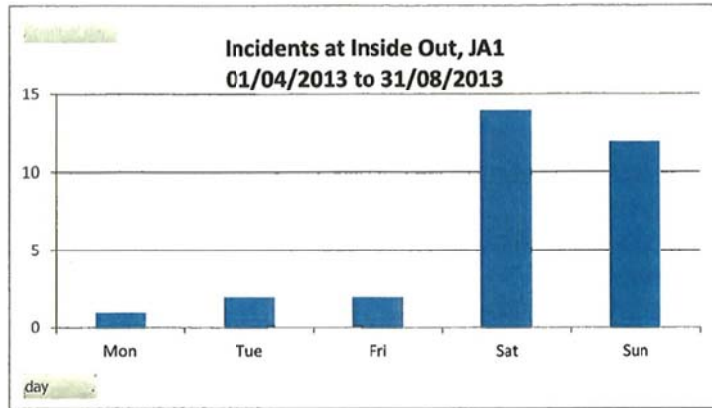
Between 01/04/2013 – 31/08/2013 there have been 31 incidents reported at Inside Out, Beaumont Street, JA1 Town Centre. During this period August 2013 saw the highest reporting at the location. 35% of the incidents (11 incidents) reported during this month. May 2013 saw the lowest reporting with 4 incidents.



Saturday was the hot day for reporting at the location, with 45% of the incidents (14 incidents) being reported on this day. The hot times for incidents to be reported were between 01:00hrs – 04:59hrs, when 77% of the incidents were reported (24 incidents).

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The breakdown of the 31 incidents by Disposal Code is as follows:

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Disposal Code	Number of Incidents
SUSPICIOUS/INSECURE	7
ASB NUISANCE	7
VIOLENCE AGAINST PERSON	4
PUBLIC ORDER	2
THEFT & HANDLING	2
DOMESTIC INCIDENT	2
LOST/FOUND-PERSON/PROPERTY	2
DUPLICATE	2
ABANDONED CALLS TO EMERGENCY SER	1
ASB PERSONAL	1
CRIME RELATED INC.	1
Grand Total	31

84% of the incidents (26 incidents) were tagged as Alcohol Related on the incident log. 3% of the incidents (1 incident) were tagged as Drugs Related. 1 incident was tagged as Youth Related.

Of the 31 incidents, 24 were attended by police (77%). 9 incidents were graded as Immediate Attendance, and 6 of the incidents were graded as Priority Attendance. The breakdown of the priority grading for all of the incidents by Comms was as follows:

Priority	No of incidents
IMMEDIATE	9
NON ATTENDANCE	7
PRIORITY	6
APPOINTMENT	4
SCHEDULED	3
6	2
Grand Total	31

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PREMISES LICENCE HOLDER'S EVIDENCE

PHOENIX SECURITY EVIDENCE (ON BEHALF OF PREMISES LICENCE HOLDER)