

**APPLICATION TO REVIEW PREMISES LICENCE**

<b>Licence holder</b>	DAVID C NICHOLLS	<b>Ref No: DL 13/00506/PREVAR</b>
<b>Premises:</b>	THE GEORGE 107 BONDGATE DARLINGTON, DL3 7LB	
<b>Licensable Activities:</b>	<ol style="list-style-type: none"> <li>1. <b>Sale of Alcohol</b> for consumption <b>ON &amp; OFF</b> the Premises</li> <li>2. <b>Regulated Entertainment</b> (live &amp; recorded music)</li> <li>3. <b>Late Night Refreshment</b></li> </ol>	
<b>Current Hours:</b>	<b>Sale of Alcohol:</b> 09.30 to 00.30 <b>Live Music:</b> 19.00 to 00.30 <b>Recorded Music:</b> 09.30 to 00.30 <b>Late Night Refreshment:</b> 23.00 to 00.30	Every Day Every Day Every Day Every Day
<b>Current non-standard hours:</b>	From end of specified times on New Year's Eve until the beginning of specified times on New Year's Day Restriction on sale of alcohol on Christmas Day (12.00 to 15.00 and 19.00 to 22.30) Restriction on sale of alcohol on good Friday (12.00 to 22.30)	
<b>Premises opening Times</b>	09.30 to 01.00	Every Day
<b>Durham Constabulary Application</b>	<b>Review of Premises Licence on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm</b>	
<b>Notification to Responsible Authorities/Other Persons:</b>		
Durham Constabulary has served notice of this application to the following:		
Environmental Health Manager	Chief Fire Officer	
Trading Standards Manager	Darlington Safeguarding Children Board	
Planning Manager	The Health Authority/PCT	
The Licence Holder	The Licensing Authority	
<b>Information on the Premises</b>	16 October 2013	
<b>Information on Council's web site:</b>	16 October 2013	

## **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 has described the premises as follows:

"The premises comprises a traditional public house situated in the town centre. A bar services multiple rooms".

## **BACKGROUND**

On 09 June 2005 an application was properly made by Cobbetts Solicitors on behalf of Mr Nicholls for the **conversion** of a licence in respect of these premises. The application was made in accordance with Schedule 8 of the Licensing Act 2003. The Police, who were the only statutory consultee for a conversion application, did not make any representations and it was subsequently granted on the same terms and conditions as the earlier Justices Licence in accordance with the Licensing Act 1964. Members are aware that this licence did not take effect until 24 November 2005.

On 08 May 2007 a notification of interest was received from Cobbetts Solicitors on behalf of West Register (Public houses II) Limited in accordance with Section 178 of the 2003 Act. This was duly noted. This notification lasts for a 12 month period.

On 25 April 2008 a further notification of interest was received from Cobbetts Solicitors on behalf of West Register (Public houses II) Limited. This was duly noted.

On 04 March 2009 a further notification of interest was received from Cobbetts Solicitors on behalf of West Register (Public houses II) Limited. This was duly noted.

On 19 June 2009 a further notification of interest was received from Cobbetts Solicitors on behalf of West Register (Public houses II) Limited. This was duly noted.

On 09 March 2010 a further notification of interest was received from Cobbetts Solicitors on behalf of West Register (Public houses II) Limited. This was duly noted.

On 20 September 2010 a further notification of interest was received from Cobbetts Solicitors on behalf of West Register (Public houses II) Limited. This was duly noted.

On 02 March 2012 a further notification of interest was received from Cobbetts Solicitors on behalf of Scottish & Newcastle Pub Company (Management) Limited. This was duly noted.

On 07 February 2013 a further notification of interest was received from Flint Bishop Solicitors on behalf of Star Pubs & Bars Limited. This was duly noted.

On 28 March 2013 an application to **vary** the Premises Licence was properly made by Mr Nicholls in respect of these premises. The application was to vary the hours for sale of alcohol, provision of recorded music and late night refreshment to a terminal hour of 01.30; to permit live music from 19.00 to 00.30am and to extend the closing hour of the premises to 02.00.

The Police initially expressed concern to the licence holder about this application, however the licence holder agreed to amend his application to a terminal hour of 00.30 am for all licensable activities and also agreed to a set of conditions requested by the Police and on this basis the licence was granted from 26 April 2013.

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

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

On 15 October 2013 an application was properly made by Graham Hall, Chief Superintendent, on behalf of Durham Constabulary, to review this premises licence on the grounds of the prevention of crime and disorder and the protection of children from harm. In summary the representation reflects numerous incidents of crime and disorder, within the premises, involving young people under the age of 18 years and also a number of failed test purchases involving young people under the age of 18 years. In addition the police have expressed concern that the premise licence holder (who is also the Designated Premises Supervisor) has frequently been under the influence of alcohol when Police have made visits to the premises. The Police have requested that Members revoke the premises licence. The Police have advised that they may wish to show video evidence of some of the incidents of concern to support the application for review. Should this be the case Members may wish to go into closed session to view the evidence in the public interest, i.e. so that young people under the age of 18 years are not identified in public. The police have been advised that this evidence should be made available to the licence holder's legal representatives prior to any hearing. The application for review has been reproduced in full at **Appendix 1B**.

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

A copy of the application for review has been served on the licence holder however nothing had been heard from him by the end of the statutory consultation period (12 November 2013) and this report has therefore been prepared without the benefit of any comment from him. There has been some dialogue with Flint Bishop Solicitors who may be representing the Premises Licence Holder however they were to meet the Police after the end of the statutory consultation period and after the preparation of this report and therefore any further information will have to be provided to Members at the hearing.

## **OTHER PARTIES TO THE REVIEW**

On 08 November 2013 the Director of Public Health, in her role as Responsible Authority for Health became a party to this review in support of the Police application on the basis of the protection of children from harm. In summary she expresses concern at the failed test purchases and the fact that the licence holder appears to be frequently under the influence of alcohol. This representation is reproduced in full at **Appendix 1C**.

In addition there have been 7 letters of support for the licence holder. The first, received on 11 November 2013 is from a Mr Lambert, who states in summary that he is a regular visitor to the premises, that his wife finds it a safe environment and that staff are welcoming and helpful. This representation is reproduced in fully at **Appendix 1D(i)**

The second letter, received on 12 November 2013 is from a Mr Ingham, who states in summary that he is a regular visitor and finds it to offer a safe environment with helpful, friendly staff. This representation is reproduced in full at **Appendix 1D(ii)**

The 3<sup>rd</sup> letter, received on 12 November 2013 is from J Griffiths, who does not provide an address and who states in summary that they have been patrons of the premises for a number of years and that bad behaviour from aggressive customers is not tolerated. This representation is reproduced in full at **Appendix 1D(iii)**

The 4<sup>th</sup> letter, received on 12 November 2013 is from a Mr Jenkinson who states in summary that he has known the Premises Licence Holder for a number of years and takes his children to the premises on Saturdays as the premises are friendly and welcoming. . This representation is reproduced in full at **Appendix 1D(iv)**

The 5<sup>th</sup> letter, received on 12 November 2013, is from A Deholm, who does not provide an address and who states in summary that they have known the Premises Licence Holder for a number of years and that patrons are monitored to ensure a friendly atmosphere. This representation is reproduced in full at **Appendix 1D(v)**

The 6<sup>th</sup> letter, received on 12 November 2013 is from M Chamberlain who states in summary that he has known the Premises Licence Holder for 20 years and finds him to be professional. This representation is reproduced in full at **Appendix 1D(vi)**

The 7<sup>th</sup> letter, received on 12 November 2013 is from a Mr T McAllister who states in summary that he has known the Premises Licence Holder for 14 years and who finds the premises to be welcoming and a place where problems are dealt with efficiently. This representation is reproduced in full at **Appendix 1D(vii)**

Those representors detailed above who have provided an address have been invited to attend the hearing.

## THE LICENSING POLICY

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

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 1F**

## 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 16 September 2013

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

- what is the premises policy in respect of admissions to the premises of young persons (under the age of 18 years) and how is this policy implemented
- 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
- what training is provided to staff in respect of the operation of the CCTV system
- what arrangements are in place for staff to deputise when the Premises Licence Holder is not available/is not working
- what arrangements are in place to ensure that there is full compliance with all of the conditions on the licence, including the number of door staff present.

## 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

If Members are minded to add additional conditions they must be appropriate to promote the licensing objectives detailed above. 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, Police or Director of Public Health) 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**

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**For admin use only:**

**Date of Sub Committee: 03 December 2013**

**Sub Committee Decision:**

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

**Reasons:**



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

Licensing Act 2003      Premise Licence  
**The George**

<b>Premises Licence Number</b>	<b>DL13/00506/PREVAR</b>
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**PART 1 – PREMISES DETAILS**

<b>Premises Details:</b>	<b>THE GEORGE</b> 107 Bondgate, Darlington, DL3 7LB
<b>Telephone number:</b>	<b>01325 481686</b>

<b>Licence effective from:</b>	<b>26 April 2013</b>	<b>Duration of Licence:</b>	<b>Indefinite</b>
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<b>Authorised Licensable Activities:</b>	<b>Authorised Hours</b>	
Retail sale of alcohol (consumption ON AND OFF premises)	09:30 - 00:30	Every Day
Regulated Entertainment: Live Music	19:00 – 00:30	Every Day
Recorded Music	09:30 – 00:30	Every Day
Late Night Refreshment:	23:00 - 00:30	Monday to Saturday

<b>Premises Opening hours:</b>	<b>09:30 - 01:00</b>	<b>Every Day</b>
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<p><b>Non-standard/seasonal timings:</b></p> <p>The Sale of Alcohol will be restricted as follows:                  Christmas Day      12:00 to 15:00 and 19:00 to 22:30                  Good Friday          12:00 to 22:30.</p> <p>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).</p>
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**PART 2**

<b>Premises Licence Holder:</b>	<b>Mr David Charles Nicholls,</b> 107 Bondgate, Darlington, DL3 7LB,
<b>Telephone Number:</b>	<b>01325 481686</b>

<b>Designated Premises Supervisor:</b>	<b>Mr David Charles Nicholls, 107 Bondgate, Darlington, DL3 7LB</b>
<b>Telephone Number:</b>	<b>01325 481686</b>
<b>Personal Licence No:</b>	<b>DL05/00765/PERCON</b>
<b>Issuing Authority:</b>	<b>Darlington Borough Council</b>

**Annex 1 Mandatory Conditions:**

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

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

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
    - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - i) the outcome of a race, competition or other event or process, or
    - ii) the likelihood of anything occurring or not occurring;
  - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
  6. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
  7. The responsible person shall ensure that—
    - a) where any of the following alcoholic drinks is sold or supplied for consumption on the



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

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

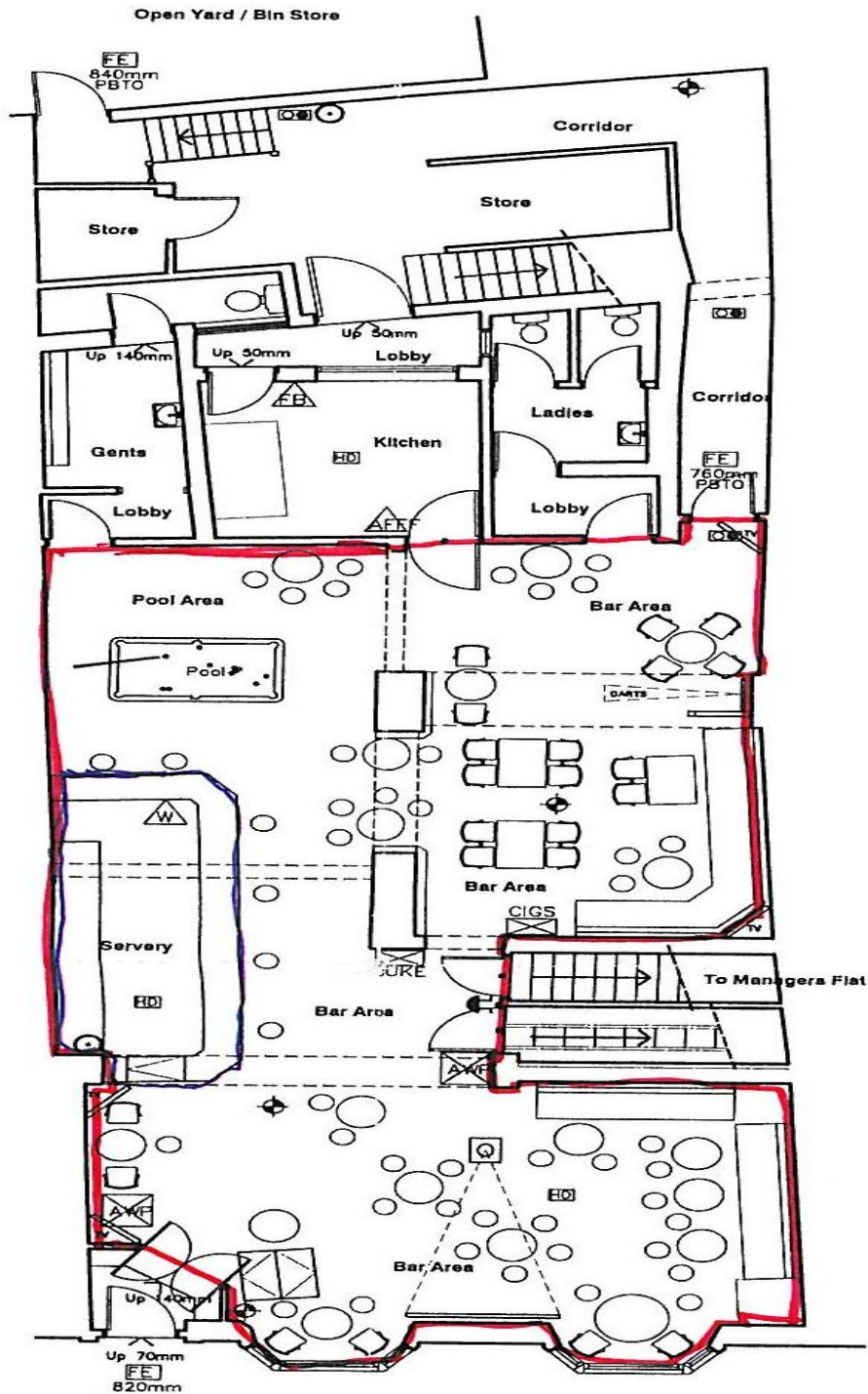
b) customers are made aware of the availability of these measures

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

1. This licence is subject to all the embedded conditions/restrictions inherent in the Licensing Act 1964.
2. A colour digital CCTV system which meets the requirements and expectations of the Police and Licensing Authority shall be installed and in operation at all times the premises are being used for licensable activities. It must be operated by properly trained staff.
3. The system shall as a minimum cover the public entrance (to facial recognition standard) in addition to any points of sale and other areas where the public have access, with particular regard to those areas which may not be visible from the bar area.
4. Recordings must be kept secure where they cannot be tampered with and retained for a period of no less than 28 days. Recordings must be available on request to the Licensing Authority or Durham Constabulary and be provided within 7 days of any such request.
5. The Premises Licence Holder and/or Designated Premises Supervisor must report any technical failures/faults of the CCTV system to Darlington Alcohol Harm Reduction Unit along with details of steps taken to remedy the faults, within 24 hours of the fault occurring.
6. The premise shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. This register shall be available for immediate inspection by the Police or authorised officers of the council.
7. Children under the age of 18 shall not be permitted on the premises after 18:00hrs.
8. On Friday's and Saturday's there shall be a minimum of 2 SIA registered door staff from 8pm to the closure of the premise.
9. The premise shall maintain an incident book which shall be made available to the Police or an authorised officer of the Local Authority upon request.
10. Staff training shall be provided to all new staff and refresher training given a minimum of quarterly, covering such issues as the Challenge 25 scheme, refusals register, incident book and general licensing issues. Such training will be recorded in a register. The register shall be made available to the Police or an authorised officer of the council upon request.
11. All members of staff shall also be provided training in respect of a premises drugs policy. Such training shall be documented and produced on request to the Police or an authorised officer of the council upon request.
12. There shall be clear and legible signage at the entrance point advising that random drug searches may be conducted and that any person refusing to be searched shall be refused entry to the premises.
13. The Premises Licence Holder and/or Designated Premises Supervisor shall monitor sound levels when regulated entertainment takes place, by carrying out external noise patrols and recording such monitoring.
14. Doors and windows shall remain closed except for access purposes when regulated entertainment takes place.

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

Annex 4 Premise Plan



GROUND FLOOR PLAN

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**Authorised Officer**  
Date of Issue: 26 April 2013

**SCHEDULE OF APPENDICES TO SUPPORT APPLICATION FOR REVIEW**

<b>Appendix 1B(i)</b>	<b>Grounds for Review</b>	
<b>Appendix 1B(ii)</b>	<b>Letter of PCSO M McAllister</b>	<b>16 July 2011</b>
<b>Appendix 1B(iii)</b>	<b>Letter of PCSO M McAllister</b>	<b>28 June 2012</b>
<b>Appendix 1B(iv)</b>	<b>Police incident log</b>	<b>30 October 2012</b>
<b>Appendix 1B(v)</b>	<b>Letter of PCSO M McAllister</b>	<b>15 January 2013</b>
<b>Appendix 1B(vi)</b>	<b>Police incident log</b>	<b>21 June 2013</b>
<b>Appendix 1B(vii)</b>	<b>Letter of PCSO Mandy McAllister</b>	<b>28 June 2013</b>
<b>Appendix 1B(viii)</b>	<b>Joint Police &amp; Licensing Section Letter</b>	<b>15 July 2 2013</b>
<b>Appendix 1B(ix)</b>	<b>Statement of PC Leon Usher</b>	<b>21 July 2013</b>
<b>Appendix 1B(x)</b>	<b>Statement of PC William Stephenson</b>	<b>21 July 2013</b>
<b>Appendix 1B(xi)</b>	<b>Statement of PC Antony J Kent</b>	<b>28 August 2013</b>
<b>Appendix 1B(xii)</b>	<b>Statement of Sergeant A T McDougall</b>	<b>09 September 2013</b>
<b>Appendix 1B(xiii)</b>	<b>Statement of PC Stacey L Wood</b>	<b>18 September 2013</b>
<b>Appendix 1B(xiv)</b>	<b>Statement of PC Hayley Thompson</b>	<b>18 September 2013</b>
<b>Appendix 1B(xv)</b>	<b>Statement of Sergeant A T McDougall</b>	<b>02 October 2013</b>
<b>Appendix 1B(xvi)</b>	<b>Statement of Sergeant M Urwin</b>	<b>09 October 2013</b>

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15 OCT 2013

GROUNDS FOR REVIEW

1. The Applicant is seeking a review of the premises licence for The George Public House which is situated at 107 Bondgate, Darlington. This review is sought as it is an appropriate 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 and Designated premise supervisor is Mr David Charles Nicholls. Sergeant Urwin outlines, in his statement of the 10<sup>th</sup> September 2013, the reports and intelligence received by the Applicant of mis-management and underage sales connected with this premise.
3. On the evening of Sunday 24<sup>th</sup> June 2012 a licensing check was carried out during the European Football Championships, on this occasion two youths ages 15yrs and 17yrs were found drinking inside the premise.
4. On Wednesday the 27<sup>th</sup> June 2012 Sergeant Kelly attended the premise together with the licensing officer PcsO McAllister. Mr Nicholls was spoken to and advised regarding his responsibility to ensure an age verification policy was in operation and he was supplied with Challenge 21 posters and refusals register. This was further communicated via a letter dated 28<sup>th</sup> June 2012.
5. On Friday 11<sup>th</sup> January 2013 a licensing visit was carried out by PcsO McAllister and response officers, a live band was playing, there were underage persons present and a customer was abusive to officers.
6. As a result, a joint licensing visit between local authority and police licensing was carried out on the 14<sup>th</sup> January 2013. There were several issues discussed at the meeting which included: Failure to apply for a Temporary Event Notice, as regulated entertainment was (then) not part of the licence. Underage drinking and abuse by patrons to attending officers. A letter dated the 15<sup>th</sup> January 2013 was subsequently sent to Mr Nicholls.
7. On the 28<sup>th</sup> March 2013 an application to vary the licence conditions was received from Mr Nicholls. Police had concerns and a meeting was held to which Mr Nicholls agreed to have 2 door staff on a Friday and Saturday night and a reduction of 60 minutes in the provision of licensable activities and the terminal hour, therefore no representation was made by police.
8. In May 2013 a rape investigation was being carried out by DC Kent from Darlington CID as part of that investigation DC Kent required CCTV footage from several licensed premises including The George. On enquiring with Mr Nicholls DC Kent was informed by him that the CCTV had just been installed to comply with his license conditions and he (Mr Nicholls) was unsure as how to work it and there was no other person in the premise who could operate it as result DC Kent was

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unable to obtain CCTV footage in a timely manner. PcsO McAllister made further enquiries on behalf of DC Kent with Mr Nicholls and was informed that the footage from the time in question he believed to have been lost owing to a power cut on the date and time in question. As the footage could not be viewed or downloaded it is unclear as to what affect it could have had on a criminal case.

9. On Friday 7<sup>th</sup> June 2013 at 23.15 police attended the premise. Sgt McDougall found Mr Nicholls was present and smelt strongly of alcohol and only one member of door staff was present.
10. On Monday 1<sup>st</sup> July 2013 a programmed inspection was undertaken by Darlington Borough Council licensing, as a result Mr Nicholls was invited to attend a meeting on the 3<sup>rd</sup> July 2013 with both the local authority and police. Several breaches of conditions were outlined. PcsO McAllister raised the issue regarding the employment of only one door staff as opposed to the required two. Concerns were raised with Mr Nicholls regarding his level of intoxication whilst carrying out the role of DPS.
11. On Friday 12<sup>th</sup> July 2013 Sgt McDougall attended the premise at 23.10 and believed Mr Nicholls to be drunk and only one member of door staff was on duty.
12. On Saturday 20<sup>th</sup> July 2013 Pc Usher and Pc Stephenson attended the premise for the purpose of a police licensing visit. They found Mr Nicholls to be drunk stood outside of the premise, when asked if he was working he stated he was helping door staff out, but wasn't exactly working. Inside the premise two youths were observed drinking pints of lager and playing pool. They appeared young and intoxicated. Officers requested their ID; subsequently one was identified as 17yrs. He was arrested at the location for being Drunk and Disorderly after becoming abusive to officers.
13. A test purchase operation named Operation Hamden 2013 was recently conducted at the premise and was visited by a child volunteer test purchaser in July and August 2013. A statement from Sgt Robson is included.
14. On the 24<sup>th</sup> July 2013, at around 6.38pm, a female child entered the premises and purchased two 275ml bottles of Blue WKD. She was served by a male bar person. She was not asked her age or for identification. Blue WKD has alcohol content by volume of 5% and is an alcoholic drink within the meaning of the act.
15. On the 25<sup>th</sup> August 2013, at around 7.10 pm, the same 15yr old female child entered the premises and purchased two bottles of blue WKD. She was served by a female bar person. She was not asked her age or for identification. Blue WKD has alcohol content by volume of 5% and is an alcoholic drink within the meaning of the act.
16. On the 16<sup>th</sup> September Sgt Urwin attended the premise in order to issue fixed penalty tickets to bar staff who had served the child volunteer. Mr Nicholls stated that the male who had sold did in fact, not work for the premise.

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NOT PROTECTIVELY MARKED

Darlington Police Office

6 St. Cuthbert's Way  
DARLINGTON  
DL1 5LB

Tel. No.: (0345) 6060365  
Fax No.: (01325) 742811  
Web Site: [www.durham.police.uk](http://www.durham.police.uk)  
E-mail: [mandy.mcallister@durham.pnn.police.uk](mailto:mandy.mcallister@durham.pnn.police.uk)  
Your Ref:  
Our Ref:



16<sup>th</sup> July 2011

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

Re: The George Public House, 107 Bondgate, Darlington, Co Durham

Dear Mr Nicholls,

I am writing to you in your capacity as the designated premise supervisor and the premise licence holder for the above venue.

You attended Darlington Council Offices on 21<sup>st</sup> June 2011 for a meeting regarding issues that arose from a joint licensing visit carried out by myself and Julie Richings from Darlington Borough council on the 10<sup>th</sup> June, at the above premise.

You will recollect our discussion included the importance of written authorisation for a person to make sales on your behalf. This emanated from information received that on two previous occasions when officers have attended your premises you appeared to be under the influence of alcohol. I also stated that on these occasions you may have been on your days off.

We also discussed further information we had obtained suggesting that smoking was allowed at the rear of the premise. At the time of our visit [REDACTED] was asked if this was the case, she informed us that it was not. However several ashtrays were clearly visible and some appeared to have the remnants of cigarette ends and ash in them.

You informed us that you intended to have bands playing within the premise on an irregular basis. Julie Richings pointed out that you did not have regulated entertainment on your premise licence, and therefore you would need to apply for temporary event notice

Please do not hesitate to contact me on the details above if you require further information, a copy of this letter will be forwarded to Darlington Council Licensing for their information.

Yours Sincerely,

Mandy McAllister,  
Licensing Unit South Area

NOT PROTECTIVELY MARKED

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Darlington Police Office

6 St. Cuthbert's Way  
DARLINGTON  
DL1 5LB

Tel. No.: (0345) 6060365  
Fax No.: (01325) 742811  
Web Site: [www.durham.police.uk](http://www.durham.police.uk)  
E-mail: [Mandy.mcallister@durham.pnn.police.uk](mailto:Mandy.mcallister@durham.pnn.police.uk)  
Your Ref:  
Our Ref:



28<sup>th</sup> June 2012

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

Re: The George, 107 Bondgate, Darlington, County Durham.

Dear Mr Nicholls,

I am writing to you in your capacity as the premises licence holder and the designated premise supervisor for the above venue.

On Wednesday 27<sup>th</sup> June 2012 Sgt Tim Kelly and I attended The George, and discussed issues surrounding two males aged 15 and 17 years old found inside your premises and drinking alcohol on the evening of Sunday 24<sup>th</sup> June 2012. The visit was part of a routine licensing check related to Euro 2012.

You will recollect our discussion in relation to Annex 1 of your premise licence stating 'the premise licence 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 the age of 18 yrs ( 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 holographic mark.'

There was dialogue on the evening concerned, as to which member of staff had seen the two male's identification. The two young men stated to officers, that they in fact had never been asked to produce any ID and had been frequenting the premise for a period of time.

Sgt Kelly and I pointed out to you, that it is the responsibility of the individual making the sale to request ID, as an underage sale could incur an £80 penalty notice. We agreed to provide you with Challenge 21 posters and a refusals register. We further informed you that further licensing visits would be carried out at the premise.

Please do not hesitate to contact me on the details above if you require further information, a copy of this letter will be forwarded to Darlington Licensing for their information.

Yours Sincerely,

Mandy McAllister,  
Alcohol Harm Reduction Unit.

NOT PROTECTIVELY MARKED

ISR Report

ISR Report

ISR Report:

DURHAM CONSTABULARY RESTRICTED  
DHM-30102012-0011 (Closed)

30/10/2012 01:34:16	103, VIOLENCE AGAINST THE PERSON	DHM-30102012-0011 / DHM	TEL	DURHAM
Priority:(7) Appointment	VIOLENCE AGAINST THE PERSON	JA	Officer Dealing:02589	
Operator:07473	Dispatcher:07010	JA1 (428836,514654)	Creator Wkstn:CH_P_36	

**Address Information**

THE GEORGE, THE GEORGE  
107 BONDGATE, , DARLINGTON, DL37LB

Proximity:  [X] Gazeteer Validation

**Disposition Codes**

CONTACT RECORD

EVENT CODE - MOPI 4

**Complainant Information**

VICTIM  [N] Media Consent  [Y] Visit Reqd.  [N] VUL  [?] NPT  [?] ETA

Notes:

**Date / Time Information**

Call Received	30/10/2012	01:25:36
Call Answered	30/10/2012	01:25:39
Incident Created	30/10/2012	01:34:16
Address Validated	30/10/2012	01:34:31
Initial Input complete	30/10/2012	01:35:13
Transfer Sent	30/10/2012	01:40:17
Transfer Accepted	30/10/2012	08:07:58
Dispatched	30/10/2012	12:52:52
At Scene	30/10/2012	12:54:18
Units Cleared	30/10/2012	13:44:11
Disposed	30/10/2012	13:44:38

**Qualifiers**

DISPOSAL QUALIFIERS Alcohol Related

THEME GENERAL

**Unit Activity**

J53V	30/10/2012	12:52:52	02589	En-Route
THE GEORGE, THE GEORGE, 107 BONDGATE, , DARLINGTO				
J53V	30/10/2012	12:52:54	02589	En-Route
MESSAGE SENT 02589 KNIGHT(#1313508) DHM-30102012-0011; VIOLE				
J53V	30/10/2012	12:52:54	02589	En-Route
MESSAGE SENT (#1313509) DHM-30102012-0011; VIOLENCE AGAINST				
J53V	30/10/2012	12:54:18	02589	At Scene
2100835				
J53V	30/10/2012	13:44:11	02589	Available

**ISR Relations**

29/08/2013



SYSTEM GENERATED CRIME NO -	OVERDUE			
ISR RELATION				
PERSONS - CONNECTED TO INCIDENT				
PERSONS - VICTIM				
<b>ISR Comments</b>				
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION	30/10/2012	01:35:37	CH_P_36	07473
Caller reporting he has been in the George ph this evening with his son [REDACTED] 19yrs	30/10/2012	01:35:55	CH_P_36	07473
they have purchased drinks not long before midnight and have been told after buying them they had 7 minutes to consume	30/10/2012	01:36:12	CH_P_36	07473
caller states they were annoyed about this and the landlord was very abrupt with them constantly telling them to hurry up and they had to leave	30/10/2012	01:36:35	CH_P_36	07473
caller states at approx 0000 they have been told it was time to go and had to leave	30/10/2012	01:36:47	CH_P_36	07473
caller and son have began to head towards the door	30/10/2012	01:36:53	CH_P_36	07473
callers son has made a comment about the landlords attitude which caller states was 'i don't understand the problem'	30/10/2012	01:37:10	CH_P_36	07473
caller has then been punched in the side of the head by unknown persons	30/10/2012	01:37:24	CH_P_36	07473
caller does not know if this was the landlord or another customer	30/10/2012	01:37:32	CH_P_36	07473
caller states he does not know if his son was also assaulted in the commotion	30/10/2012	01:37:43	CH_P_36	07473
they have both returned home safe and with no injuries	30/10/2012	01:38:00	CH_P_36	07473
caller however wishes to make a complaint and have the situation looked into	30/10/2012	01:38:11	CH_P_36	07473
he is happy with a diary appointment for tomorrow afternoon as he is intoxicated at time of call	30/10/2012	01:38:24	CH_P_36	07473
No further details	30/10/2012	01:38:28	CH_P_36	07473
One hour only reserved	30/10/2012	08:10:47	SUP_I_02	04990
DSJ01: ISR SUCCESSFULLY DEFERRED ON DIARY SAVE Workstation Group ISC_SOUTH 30/10/2012 12:30:00	30/10/2012	08:14:47	SJ_I_07	06256
MOBILISATION MESSAGE SENT TO J53V(02589 KNIGHT #1313508), J53V( #1313509): DHM-30102012-0011; VIOLENCE AGAINST THE PERSON; Appointment; 107 BONDGATE, DARLINGTON; HAUXWELL;	30/10/2012	12:52:54	AWSERVER	AWSERVER
07531581262; COUNTY DURHAM	30/10/2012	12:52:54	AWSERVER	AWSERVER
J53V At Scene	30/10/2012	12:54:18	AWSERVER	AWSERVER
From 2589 - I have spoken to the informant over the telephone. He does not wish to involve police and could not remember what pub he had been in due to alcohol consumption. His	30/10/2012	13:42:43	SJ_I_07	07010
account is that himself and his son were drinking and playing pool. The landlord asked them to leave to which they replied that they would once they had finished their drinks and	30/10/2012	13:42:43	SJ_I_07	07010
game of pool. It would appear that the landlord has had to assist them in leaving the pub but caller again unsure. Caller is not a victim of crime and this incident will not be	30/10/2012	13:42:43	SJ_I_07	07010
crimed. PC 2589 to have incident removed from staging database.	30/10/2012	13:42:43	SJ_I_07	07010
Relation Type:VICTIM Last Name: [REDACTED] First Name (s): [REDACTED] Date of Birth: [REDACTED]	30/10/2012	13:42:49	SJ_I_07	07010
Comments (Logged): [REDACTED]	30/10/2012	13:42:49	SJ_I_07	07010
Relation Type:CONNECTED TO INCIDENT Last Name: [REDACTED] First Name (s): [REDACTED] Date of Birth: [REDACTED] 1.H/A-Street,Town / 2 Alt.Add: [REDACTED]	30/10/2012	13:43:09	SJ_I_07	07010

NOT PROTECTIVELY MARKED

Darlington Police Office

6 St. Cuthbert's Way  
DARLINGTON  
DL1 5LB

Tel. No.: (0345) 6060365  
Fax No.: (01325) 742811  
Web Site: [www.durham.police.uk](http://www.durham.police.uk)  
E-mail: [mandy.mcallister@durham.pnn.police.uk](mailto:mandy.mcallister@durham.pnn.police.uk)  
Your Ref:  
Our Ref:



15<sup>th</sup> January 2013

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

Re: The George Public House, 107 Bondgate, Darlington, Co Durham

Dear Mr Nicholls,

I am writing to you in your capacity as the designated premise supervisor and the premise licence holder for the above venue.

A joint licensing visit carried out by me and Julie Richings from Darlington Borough council on the 14th January 2012, at the above premise.

You will recollect our discussion arose from a licensing visit that was undertaken by myself and officers on Friday 11th January 2012. On this particular evening, live bands had been entertaining customers, several of which were spoken to who appeared to be young in age. One of which had stated that he was seventeen years, and had consumed two pints of Strongbow, which he had been bought by another individual. One other male stated he was born in April 1996, and was at the premise to watch the one of the bands that had been performing.

Mrs Ritchings and I discussed issues with you, and several points were raised:

- You stated that you were aware that a TEN was required in order for you to carry out the licensable activity of the evening of Friday 11<sup>th</sup> January. However you had forgotten to apply within the time constraints, which you understood to be 10 days. You had also taken the decision to go ahead with the event, believing that you would be in breach of your current licence. You were also unaware of the existence of new legislation regarding the Live Music Act, which coincidentally covered you for the event.
- A letter had been sent to you in July 2011 reminding you that you did not have regulated entertainment on your premise licence, and therefore you would need to apply for the same, if you were to have bands playing within your premise.
- Underage persons drinking within your premise: Again a letter had previously been sent to you pointing out that two underage males had been found consuming alcohol within the premise on the 24<sup>th</sup> June 2011, and we requesting that you and your staff took a more robust stance in regards to age verification.
- Noise checks. We suggested that if live bands were playing at the premise, there was a necessity to check the noise emanating from the venue, and this be logged on a regular basis.

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

- Temporary Event application: If your current premise licence did not cover you for an event which you intended to stage, a Temporary event would need to be applied for. Do to changes in legislation; you would be able to also apply for a limited number of late TEN, s. You would submit these in the same manner, but not before 9 and not later than 5 working days before the event.
- Abuse: I stated that whilst I was carrying out my duty as Police Licensing Officer I did not expect patrons of your premise to be verbally abusive to me, especially whilst I was in conversation with you.

We concluded our meeting by informing you that the police and Council are more than happy to support any event you hold, providing that it was within the constraints of your licence and the necessary risk assessments had been carried out. We also stated that we would be more than happy to consult with you regarding the possible change you were considering in varying your current licence.

Finally, it was pointed out that any further breaches may result in action being taken, which possibly could be a review of your premise licence

Yours Sincerely,

Mandy McAllister,  
Licensing Unit South Area

**NOT PROTECTIVELY MARKED**

ISR Report

ISR Report

DURHAM CONSTABULARY RESTRICTED  
DHM-21062013-0325 (Closed)

ISR Report:

21/06/2013 15:50:44	598, INTELLIGENCE ONLY	DHM-21062013-0325 / DHM	TEL	DURHAM
Priority:(4) Non-attendance	INTELLIGENCE ONLY	JA	Officer Dealing:01017	
Operator:06085	Dispatcher:	JA1 (428836,514654)	Creator Wkstr:CH_P_36	

**Address Information**

THE GEORGE, THE GEORGE	
107 BONDGATE, , DARLINGTON, DL37LB	
Proximity:	<input checked="" type="checkbox"/> Gazeteer Validation

**Disposition Codes**

INTELLIGENCE ONLY
EVENT CODE - MOPI 3

**Complainant Information**

[REDACTED]	
[REDACTED]	
OTHER SOURCE <input type="checkbox"/> Media Consent <input type="checkbox"/> Visit Reqd. <input type="checkbox"/> VUL <input type="checkbox"/> NPT <input type="checkbox"/> ETA	
Sex: F	
Notes:	

**Date / Time Information**

Call Received	21/06/2013	15:50:15
Call Answered	21/06/2013	15:50:17
Incident Created	21/06/2013	15:50:44
Address Validated	21/06/2013	15:50:47
Initial Input complete	21/06/2013	15:54:07
Transfer Sent	21/06/2013	15:54:07
Transfer Accepted	21/06/2013	15:54:28
Disposed	21/06/2013	16:00:21

**Qualifiers**

DISPOSAL QUALIFIERS	Alcohol Related
THEME	GENERAL

**ISR Comments**

Anon caller said that the licensee of the above pub should not be doing it	21/06/2013	15:52:49	CH_P_36	06085
she said that it was out of control and the bar staff are left to pick up the pieces	21/06/2013	15:53:02	CH_P_36	06085
caller does not know his name but is always drunk and has not control over things and does not care	21/06/2013	15:53:27	CH_P_36	06085
caller was not specific about incidents and then cleared the line	21/06/2013	15:53:42	CH_P_36	06085
caller said her and her husband drink in this pub	21/06/2013	15:53:50	CH_P_36	06085
No actionable intel.	21/06/2013	15:59:47	CH_I_05	01017
Tagged for NPT and Licencing to progress.	21/06/2013	16:00:03	CH_I_05	01017
Disposition code: '598','03'	21/06/2013	16:00:21	CH_I_05	01017
# Arrests 0 # Cautions 0 # Reports 0	21/06/2013	16:00:21	CH_I_05	01017
OIC / Handling Officer 01017	21/06/2013	16:00:21	CH_I_05	01017
Qualifiers,Alcohol Related	21/06/2013	16:00:21	CH_I_05	01017
DHM-21062013-0325 HAS BEEN DISPOSED	21/06/2013	16:00:21	CH_I_05	01017

.../Net/terReport.aspx?SessionId=ox2n3vn1fjxkl3zjkjd... 23/06/2013

NOT PROTECTIVELY MARKED

**Darlington Police Office**

**6 St. Cuthbert's Way  
DARLINGTON  
DL1 5LB**

Tel. No.: **(0345) 6060365**  
Fax No.: **(01325) 742811**  
Web Site: **www.durham.police.uk**  
E-mail: **mandy.mcallister @durham.pnn.police.uk**  
Your Ref:  
Our Ref:



**28<sup>th</sup> June 2013**

**This matter is being dealt with by 5429 Mandy McAllister tel: 01325 742780**

**Re: The George Public House, 107 Bondgate, Darlington, Co Durham**

Dear Mr Nicholls,

I am writing to you in your capacity as the designated premise supervisor and the premise licence holder for the above venue.

You are invited to attend a meeting to be held on Wednesday 3rd July 2013 at 2.15 in the Council Licensing Office, situated adjacent to the town hall. Please bring with you your incident book. This meeting is for us to discuss issues and concerns surrounding the above premise.

Please do not hesitate to contact me on the details above if you require further information, a copy of this letter will be forwarded to Darlington Council Licensing for their information.

Yours Sincerely,

Mandy McAllister,  
Alcohol Harm Reduction Unit

NOT PROTECTIVELY MARKED



Darlington Police Office  
6 St.Cuthbert's Way  
Darlington, DL1 5LB  
Tel: 0345 6060365



Licensing  
Town Hall, Feethams  
Darlington, DL1 5QT  
Tel: 01325 388561

David Charles Nicholls  
107 Bondgate  
Darlington  
DL3 7LB

Date : 15 July 2013  
Please ask for : Mick Rookes  
Direct Line : 01325 388646  
Email address : Mick.rookes@darlington.gov.uk  
Your Reference :  
Our Reference :  
Document Name:

Dear Mr Nicholls,

**Licensing Act 2003  
George Public House, Bondgate, Darlington**

As you are aware the Licensing Team accompanied by Police Community Support Officer Mandy McAllister undertook an inspection of the above premises on 1<sup>st</sup> July 2013 at approximately 2.15p.m.

During the course of the inspection it was found that Condition 2 of Annex 2 of the premises licence was not being complied with. Condition 2 states **A colour digital CCTV system which meets the requirements and expectations of the Police and Licensing Authority shall be installed and in operation at all times the premises are being used for licensable activities. It must be operated by properly trained staff.** You demonstrated to me on 22<sup>nd</sup> May 2013 that you knew how to use the system but you now state you need further training.

It was also found that Condition 4 was not being complied with. Condition 4 states **Recordings must be kept secure where they cannot be tampered with and retained for a period of no less than 28 days. Recordings must be available on request to the Licensing Authority or Durham Constabulary and be provided within 7 days of any such request.** You assured me that you knew how to do this but when you were requested by the Police to provide a recording you were unable to do so.

It was further found that Condition 8 of the licence was not being complied with, Condition 8 states **On Friday's and Saturday's there shall be a minimum of 2 SIA registered door staff from 8pm to the closure of the premise.** You will recall that when I visited your premises on 22<sup>nd</sup> May 2013 you informed me that you always had 2 door staff on duty and I advised you to record their names and their SIA badge numbers.

It was also found that Condition 10 of the premises licence was not being complied with. Condition 10 states that **'Staff training shall be provided to all new staff and refresher training given a minimum of quarterly, covering such issues as the Challenge 25 scheme, refusals register, incident book and general licensing issues. Such training will be recorded in a register. The register shall be made available to the Police or an authorised officer of the council upon request.** You will recall that I have previously raised this issue in my letter of 28<sup>th</sup> May 2013.

On this occasion, it has been decided to give a written warning for failure to comply with these requirements. These matters should receive your attention.

You attended a meeting on 3<sup>rd</sup> July 2013 held at Darlington Borough Council, also present were Sgt ██████ Urwin, PCSO ██████ McAllister and myself. We discussed several issues regarding the day to day running of your premise, including recently applying for a variation of your licence which allowed you later opening hours. However several additional conditions had also been added to your licence in turn.

PCSO McAllister voiced her concerns regarding Annex 2 (points 2 and 4.) CCTV had been requested from yourself by police with regards to an incident. You stated to the officer that you were not aware of how to use your system, however you would get someone in to produce the evidence, and this was on the 7<sup>th</sup> June 2013. DC Kent contacted you again on the 18<sup>th</sup> June 2013, and you informed him that the CCTV was still not available and you again stated that you would have to get someone to download the footage.

We discussed the CCTV conditions on your license at length and agreed that you and two members of your staff would be fully trained on how to operate the system by the 24<sup>th</sup> July 2013.

PCSO McAllister also raised concerns that on at least three weekend occasions police had attended the premise only to find one member of door staff on duty and not two as required by your license. You informed us that if you had no entertainment on you only had one doorman. PCSO McAllister informed you that this practise was to cease as you were not complying with your license.

We agreed that a minor variation would be applied for using suitable wording that included one doorman would be employed from 8pm to the closure of the premise, the other risk assessed by the management.

We further discussed that it had been brought to our attention that during police visits you had introduced yourself as the DPS whilst intoxicated. However, you stated on some occasions you were not working. We conversed regarding the need to explain to officers that you were indeed off duty and also discussed the merits of having one of your staff with a personnel licence become your DPS.

Sgt Urwin explained that the Alcohol Harm Reduction Unit were now taking a more robust stance, and therefore any further breaches of your license may result in action being taken, which may be a review of your licence.

Officers will revisit the premises again on or about the 26<sup>th</sup> July 2013 to assess compliance with the Act.

Any further non-compliance may lead to prosecution under the Act. A person guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

If you would like to discuss this matter, please do not hesitate to contact me.

Yours faithfully

Yours faithfully

**Mick Rookes**  
Licensing Enforcement Officer

**Mandy McAllister**  
Alcohol Harm Reduction Unit



RESTRICTED (when complete)

MG11

<b>WITNESS STATEMENT</b>	
<b>Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B</b>	
URN	<input type="text"/>
Statement of: Leon USHER	
Age if under 18: O18 <i>(if over 18 insert 'over 18')</i>	
Occupation: Police Constable 2730	
This statement (consisting of <input type="text"/> 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:	

I am Police Constable 2730 Leon USHER currently based at Darlington Police Office.

At around 2335 on Saturday 20th July 2013 I was on duty in full police uniform in company with other officers when we attended THE GEORGE PUBLIC HOUSE, DARLINGTON to carry out licencing checks at the premises.

Upon arriving at the premises I spoke with the DPS outside the premises who identified himself to me as David NICHOLLS. As I was speaking to him I could see that he was intoxicated as his speech was slurred and he smelled of intoxicating liquor.

I asked NICHOLLS if he was working at the time to which he replied that he was helping the doorstaff out, but he wasn't exactly working. Once I explained that he either was or wasn't working he stated that he wasn't working at this time.

I then asked NICHOLLS if he had been drinking that night. In response to this he admitted to having consumed 2 pints of cider that night, but he did not think he was drunk.

I would definitely say that NICHOLLS was drunk at the time of speaking with him.

As I was speaking to him I became aware that PC 2254 STEPHENSON, who had been inside the premises, had arrested a 17 year old male from inside for being drunk and disorderly.

I asked NICHOLLS and the two door staff who were present outside about the checks which they had been carrying out that night to ensure that no under age persons are admitted to the premises. They stated that they had been checking ID all night since they started at 2000 that night, but the male in question may have entered before they started their duty.

Signature :

Signature Witnessed by:

RESTRICTED (when complete)

MG11

**WITNESS STATEMENT**

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

URN

Statement of: William STEPHENSON

Age if under 18: O18 *(if over 18 insert 'over 18')*

Occupation: Police 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: 21/07/2013

I am police constable 2254 with Durham Constabulary currently stationed at DARLINGTON.

On Saturday 20th July 2013 I was on duty in uniform in a marked IRT unit in DARLINGTON TOWN CENTRE. About 23.30 hours, the same day, we attended THE GEORGE PUBLIC HOUSE, BONDGATE, DARLINGTON to conduct a licenced premises check. We were instructed by Sgt 1656 YOUNG that we were to check the premises for any disorder, underage drinkers or any breaches of their licence conditions. We were also tasked to speak with the owner of the premises and to check the door staff present.

Upon entering the premises I was tasked to check for and disorder or underage drinkers. As I moved through the pub there was groups of people sat around the bar and karaoke who were all in order. As I moved to the rear of the premises I noticed two young males drinking lager from pint glasses and using the pool table. They were clearly intoxicated as their eyes were glazed and they were a little unsteady on their feet. I got a strong smell of alcohol as I engaged with them. They looked very young and appeared to be under the age of 18. As a result of this observation I went over to speak with the two males to make enquiries.

I asked them both if they had any identification to prove their age however they both stated they didn't. I then asked the first male for his details. He told me that his name was [REDACTED] from [REDACTED]. I then turned to the second male and asked him for his name. This male was a little agitated by this and asked 'WHY THE FUCK SHOULD I GIVE YOU THAT' and when it was explained why we were checking them he replied 'FUCK OFF IM NOT TELLING YOU'. At this point he tried to push past me and he walked straight into PC 2574 SPELLMAN. He was then asked if he was refusing details as he was wanted for an offence and at this point he agreed to give his name under some protest. He gave his details as [REDACTED]. As he was giving these details he was becoming more agitated with ourselves and accused officers of being 'NAZIS'. Due to [REDACTED] increasingly agitated behaviour I told him that he should leave the premises due to his demeanour. At this time [REDACTED] also came over and tried to pull [REDACTED] away telling him that they should leave. At this [REDACTED] became more aggressive in his tone and shouted 'WILL YOU FUCK OFF YOU BLACK CUNTS.' As he was shouting this he was now clenching his fists and pulling away from [REDACTED].

Signature :

Signature Witnessed by:

RESTRICTED (when complete)

MG11

towards ourselves. It was clear that he wasn't going to calm down and he was just getting more aggressive and abusive.

Therefore at 23.35 hours, the same day, I cautioned and arrested [REDACTED] for being drunk and disorderly. He replied 'YOU FUCKING CUNT'. He was arrested to prevent any further offences, ensure a prompt and effective investigation and to establish his name and details. He was handcuffed to the front and taken out of the premises. Once outside he was searched and a wallet was found in his pocket. Within the wallet I found a photographic driving licence for [REDACTED] and it contained the details for him as [REDACTED] making him 17 years old. He was taken to Darlington custody where his detention was authorised. Whilst being booked into custody he continued with his aggressive and abusive behaviour.

Signature :

Signature Witnessed by:

15 OCT 2013

RESTRICTED (when complete)

MG11

**WITNESS STATEMENT**

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

URN


Statement of: Antony John Kent

Age if under 18: 018 (if over 18 insert 'over 18')

Occupation: Constable 2427

---

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: 28/08/2013

I am a constable serving with Durham Constabulary within the Serious Crime Team based at Crook. During the month of May 2013, I became officer in charge for a rape investigation for which several lines of enquiry were identified. One of these lines of enquiry was to trace CCTV from public houses within Darlington including The George Public House.

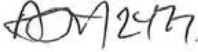
I made contact with David Nicholls, licensee of The George in relation to the review and seizure of CCTV footage to which Nicholls stated that he had just had the CCTV system installed and that he was unsure of how to work it as it was installed whilst he had been on holiday. Mr Nicholls stated he would contact the CCTV installer in order to have them review and download the footage required. I provided contact details for myself to be contacted once the CCTV was downloaded. Mr Nicholls stated he had had the CCTV installed in order to meet with the terms of his licence conditions and confirmed that there was no person within the premises who could operate the equipment. I recontacted Mr Nicholls within a few days and he confirmed that he had not had the CCTV engineer to the premises so was no further forward in terms of providing the CCTV.

I again made contact with Mr Nicholls a few days later to which Mr Nicholls stated that he could not get the equipment working and provide the CCTV.

It was explained that I was investigating a serious offence and required the CCTV for evidential purposes and Mr Nicholls stated that he would make attempts to provide the footage.

I received information from PCSO McAllister that Mr Nicholls believed that the footage had been lost owing to a power cut on the incident date in question.

I believe that Mr Nicholls has not complied with the terms of his licence agreement in relation to CCTV and deliberately failed to provide evidence of CCTV on at least three separate occasions when requested. This could have implications in relation to the criminal offence being investigated.



15 OCT 2013	<b>RESTRICTED (when complete)</b>	Form MG11(T) <small>(amended June 07)</small>
<b>DURHAM CONSTABULARY</b>		
<b>Witness Statement</b>		
<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 style="width: 100px;" type="text"/>
<b>Statement of Anthony Thornton Mcdougall</b>		
Age if under 18	<small>(if over 18 insert 'over 18').</small>	Occupation: <b>Police Officer</b>
<p>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.</p> <p>Signature: <i>A.T. Mcdougall Sgt 670</i> Date: 09/09/2013</p> <p>Tick if witness evidence is visually recorded <input type="checkbox"/> (supply details on rear)</p> <p>I am Sergeant 0670 Mcdougall of Durham Constabulary currently stationed at Darlington Police Office.</p> <p>On Friday 7<sup>th</sup> June 2013 I was on duty in full uniform in company with a number of other Darlington officers on IRT duties.</p> <p>On the same day at 2315hrs we attended The George Public House, Bondgate to conduct a licencing check at the premises.</p> <p>On arrival I spoke with the Designated Premises Supervisor (DPS) Mr David Charles Nicholls. While speaking with him I noticed that his breath smelt strongly of intoxicating liquor. I asked how much alcohol he had consumed and he stated three pints of lager.</p> <p>At this time there was one male door staff on duty. His licence was checked and found to be in order.</p> <p>I then conducted a walk through and on entering the premises I found there to be about 15-20 persons inside.</p> <p>Other officers then checked the toilets for signs of drug issues and these were found to be in order.</p> <p>Following this the visit was concluded.</p>		
<b>CONFIDENTIAL</b>		
Signature: <i>A.T. Mcdougall Sgt 670</i>	Signature witnessed by:	
<b>RESTRICTED (when complete)</b>		

RESTRICTED (when complete)

MG11

15 OCT 2013

WITNESS STATEMENT

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



URN 11 SJ 2733 13


Statement of: Stacey Leanne WOOD





Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Constable


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: 18/09/2013

I am Police Constable 2698  WOOD of Durham Constabulary, currently posted as a response officer at Darlington Police Station. I was asked by PCSO  HAIGH to take part in a test purchasing operation, OPERATION HAMDEN on Wednesday 24<sup>th</sup> July 2013 around the Durham Constabulary area.

At 18:38 hours on Wednesday 24<sup>th</sup> July 2013 I was on duty, in plain clothes when I attended THE GEORGE, 107 BONDGATE, DARLINGTON as part of the operation. At this time I was in company with a 15 year old female named . I had a covert camera on my person at this time, concealed within my handbag.

I approached the bar with  and observed as she ordered two bottles of BLUE WKD alcopops. The male bar tender gave  two bottles of BLUE WKD and asked for £5.00 for them. He did not ask for  age, nor any proof of her age.  paid for the bottles and carried them away from the bar.

I followed  into the female toilets where i observed her pour the contents of the bottles down the sink, before we left the premises.

I would describe the male bar tender as being white, with a shaved head, he had tattoos on his arms and was wearing glasses..

Signature:  Signature witnessed by: .....

Signature:  Signature witnessed by: .....

2010/11

RESTRICTED (when complete)

1 of 2



15 OCT 2013

RESTRICTED (when complete)

MG11

**WITNESS STATEMENT**

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

URN


Statement of: Hayley THOMPSON

Age if under 18: O 18 (if over 18 insert 'over 18')

Occupation: Police Officer

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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: 18/09/2013

I am the above named officer of Durham Constabulary, stationed at Durham City Police Station on the Response team.

On Sunday 25th August 2013 I was on duty in plain clothes as part of Operation Hamden. I was tasked with accompanying a 15yr old Test Purchaser into Licenced Premises whilst she attempted to purchase alcohol. I was carrying a handbag which contained audio recording equipment and a surveillance camera and was instructed to point this towards the bar whilst the Test Purchaser was being served. I was also carrying a digital camera which I was asked to use to take a photograph of the Test Purchaser with any alcoholic beverages she had successfully been able to purchase.

At 1652hrs that day I accompanied the Test Purchaser into a public house named THE GEORGE which is located at 107 BONDGATE, DARLINGTON, DL3 7LB.

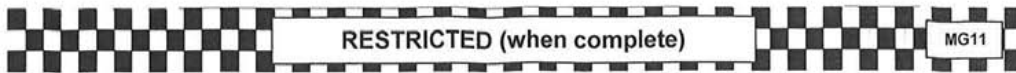
On entering the premises we approached the bar and the Test Purchaser requested 2 bottles of Blue WKD Alcopop at a cost of £5.20. The staff member took cash from the Test Purchaser and handed her the 2 drinks. At no point did the staff member ask the Test Purchaser her age, or to see any I.D.

The Test Purchaser handed me one of the bottles of WKD whilst she held the other one. We carried both drinks into the ladies toilets. Whilst in the ladies toilets I took a photograph of the Test Purchaser holding both of the drinks with a digital camera and then witnessed the Test Purchaser pouring both of the drinks down the sink. We then walked out of the toilets and left the bar.

I would describe the staff member who served the Test Purchaser as a white female, aged in her 50s with short grey/blonde hair. She wore glasses and was wearing a floral top. She was not wearing a name badge.

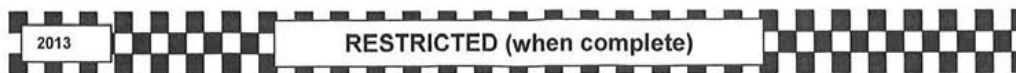
Signature :  Signature Witnessed by:





<b><u>Witness contact details</u></b>	URN					
Name of witness:						
Home Address:				Postcode:		
E-mail address:				Mobile:		
Home Telephone Number:				Work Telephone Number:		
Preferred means of contact <i>(specify details for vulnerable/intimidated victims and witnesses only)</i> :						
Gender:				Date and place of birth:		
Former name:				Ethnicity Code (16 + 1):		
<b><u>DATES OF WITNESS NON-AVAILABILITY:</u></b>						
<b><u>Witness care</u></b>						
a) Is the witness willing to attend court?	If 'No', include reason(s) on form <b>MG6</b> .					
b) What can be done to ensure attendance?						
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? <i>(youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)</i> If 'Yes' submit <b>MG2</b> with file in anticipated not guilty, contested or indictable only cases.						
d) Does the witness have any particular needs? If 'Yes' what are they? <i>(Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)</i> .						
<b><u>Witness Consent (for witness completion)</u></b>						
a) The Victim Personal Statement scheme (victims only) has been explained to me	Yes <input type="checkbox"/>	No <input type="checkbox"/>				
b) I have been given the Victim Personal Statement leaflet	Yes <input type="checkbox"/>	No <input type="checkbox"/>				
c) I have been given the leaflet "Giving a witness statement to the police..."	Yes <input type="checkbox"/>	No <input type="checkbox"/>				
d) I consent to police having access to my medical record(s) in relation to this matter <i>(obtained in accordance with local practice)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>			
e) I consent to my medical record in relation to this matter being disclosed to the defence	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>			
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>			
g) <b>Child witness cases only.</b> I have had the provision regarding reporting restrictions explained to me.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>			
I would like CPS to apply for reporting restrictions on my behalf.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>			
<i>'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'</i>						
Signature of witness:				PRINT NAME:		
Signature of parent/guardian/appropriate adult:				PRINT NAME:		
Address and telephone number (of parent etc.), if different from above:						

Statement taken by: \_\_\_\_\_ Station: \_\_\_\_\_  
 Time and place statement taken: \_\_\_\_\_



15 OCT 2013	<b>RESTRICTED (when complete)</b>	Form MG11(T) <small>(amdt. June 07)</small>
<b>DURHAM CONSTABULARY</b> <b>Witness Statement</b> <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 style="width: 100px;" type="text"/>		
<b>Statement of Anthony Thornton Mcdougall</b> Age if under 18 <span style="margin-left: 100px;"><small>(if over 18 insert 'over 18')</small></span> Occupation: <b>Police Officer</b>		
<small>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.</small>		
Signature: <i>A.T. Mcdougall Sgr 670</i> Date: 02/10/2013		
<small>Tick if witness evidence is visually recorded <input type="checkbox"/> (supply details on rear)</small>		
<p>I am Sergeant 0670 Mcdougall of Durham Constabulary currently stationed at Darlington Police Office.</p> <p>On Friday 12<sup>th</sup> July 2013 I was on duty in full uniform in company with a number of other Darlington officers on IRT duties.</p> <p>On the same day at 2310hrs we attended The George Public House, Bondgate to conduct a licencing check at the premises.</p> <p>On arrival I spoke with the Designated Premises Supervisor ( DPS) Mr David Charles Nicholls. While speaking with him I noticed that he was clearly drunk.</p> <p>At this time there was one male door staff on duty. His licence was checked and found to be in order.</p> <p>I then conducted a walk through and on entering the premises I found there to be about 20 persons inside. No persons appeared under age and there was no disorder noted.</p> <p style="text-align: right; margin-right: 100px;"><i>A.T. Mcdougall Sgr 670</i></p>		
<b>CONFIDENTIAL</b>		
Signature: <i>A.T. Mcdougall Sgr 670</i>	Signature witnessed by:	
<b>RESTRICTED (when complete)</b>		

15 OCT 2013

RESTRICTED (when complete)

MG11

**WITNESS STATEMENT**


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

URN

Statement of: Michael Urwin  
 Age if under 18: over18 (if over 18 insert 'over 18')  
 Occupation: Police Officer

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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: 9<sup>TH</sup> October 2013

I am currently a Sergeant with Durham Constabulary based in the Alcohol Harm Reduction Unit at Darlington. I have worked in the alcohol harm reduction field for 3 years dealing with the wider harms caused by alcohol to communities and to reduce the demand on police and local authority resources and I have responsibility for licensing issues within Darlington.

The police decision to seek a review of the premises licence of The George Public House, 107 Bondgate, Darlington, DL3 7JB, is based on the grounds of the Protection of Children from Harm and Prevention of Crime licensing objectives of the Licensing Act and Police concerns centre around issues of the availability of alcohol to persons under the age of 18 years and poor management associated with the Premises Licence Holder and Designated Premises Supervisor, David NICHOLLS, issues have also been raised as to Mr NICHOLLS suitability as Designated Premises Supervisor due to Officers finding Mr NICHOLLS intoxicated when visiting the premise on a number of occasions.

Mr NICHOLLS is the Premises Licence Holder and also Designated Premises Supervisor.

The following incidents serve to evidence the concerns of police -

On the evening of Sunday 24<sup>th</sup> June 2012 a licensing check was carried out during the European Football Championships on this occasion two youths ages 15yrs and 17yrs were found drinking inside the premise.

On Wednesday the 27<sup>th</sup> June 2012 Sergeant Kelly attended the premise together with the licensing officer PcsO McAllister. Mr Nicholls was spoken to and advised regarding his responsibility to ensure an age verification policy was in operation and he was supplied with Challenge 21 posters and a refusals register. This was further communicated to Mr Nicholls via letter dated 28<sup>th</sup> June 2012.

On Friday 11<sup>th</sup> January 2013 a licensing visit was carried out by PcsO McAllister and Neighbourhood Officers, a live band was playing, there were underage persons present and customers were abusive to officers.

As a result a joint licensing visit between local authority and police licensing was carried out and as a result a letter dated the 15<sup>th</sup> January 2013 was sent to Mr Nicholls.

On the 28<sup>th</sup> March 2013 an application to vary the licence conditions was received from Mr Nicholls. Police had concerns and a meeting was held to which Mr Nicholls agreed to have 2 door staff on a

Signature :  Signature Witnessed by:

RESTRICTED (when complete)

MG11

Friday and Saturday night and a reduction of 60 minutes in the provision of licensable activities and the terminal hour, therefore no representation was made by police.

On Friday 3<sup>rd</sup> May 2013 a licensing check was carried out by police and only one member of door staff was on duty at 11.05pm.

In May 2013 a rape investigation was being carried out by DC Kent from Darlington CID as a part of that investigation DC Kent required CCTV footage from several licensed premises including The George. On enquiring with Mr Nicholls DC Kent was informed by him that the CCTV had just been installed to comply with his license conditions and he (Mr Nicholls) was unsure as to how to work it and there was no other person in the premise who could operate it. As a result DC Kent was unable to obtain CCTV footage in a timely manner. PcsO McAllister made further enquiries on behalf of DC Kent with Mr Nicholls and was informed that the footage from the time in question he believed to have been lost owing to a power cut on the date and time in question. As the footage could not be viewed or downloaded it is unclear as to what affect it could have had on the criminal case.

On Friday 7<sup>th</sup> June 2013 police attended the premise Sgt McDougall found Mr Nicholls was present and smelt strongly of alcohol and only one member of door staff was present.

On Monday 1<sup>st</sup> July 2013 a check was carried by Darlington Borough Council licensing as a result Mr Nicholls was invited to attend a meeting with both local authority and police. Myself and PcsO McAllister together with Licensing enforcement officer, Mick Rookes spoke to Mr Nicholls, Several breached of conditions were outlined PcsO McAllister raised with Mr Nicholls the issue regarding the employment of only one door staff as opposed to the required two. We also discussed the issue of Mr Nicholls operating as DPS whilst intoxicated.

On Friday 12<sup>th</sup> July 2013 Sgt McDougall attended and believed Mr Nicholls to be drunk and only one member of door staff was on duty.

On Saturday 20<sup>th</sup> July 2103 Pc [redacted] Usher and Pc [redacted] Stephenson attended the premise to carry out a licensing check they found Mr Nicholls outside the premise drunk, when asked if he was working he stated he was helping the door staff out, but wasn't exactly working. Inside the premise two underage youths were found playing pool and were drunk, both were 17 years old, one was arrested for being Drunk & Disorderly after becoming abusive to officers.

As a result of the underage drinking found on the 20<sup>th</sup> July 2013 two test purchase operations were carried out at the premise, two sales were made to the test purchase operative on the evenings of Wednesday 24<sup>th</sup> July 2013 and Sunday 25<sup>th</sup> August 2013. On each occasion a 15 year old test purchase operative was able to purchase two bottles of Blue WKD. On the 24<sup>th</sup> July the sale was made by an individual who was not an employee. Penalty notices were issued to the relevant persons as a result.

The police have no confidence in the management of the premise by Mr Nicholls. Despite police advice Mr Nicholls appears to have not acted on warnings given. The sale of alcohol to persons under the age of 18 years shows a disregard for the licensing objective of Protection of Children from Harm and displays a lack of supervision on the part of Mr Nicholls and lack of effective training provided to staff. In addition the inability of Mr Nicholls in being able to assist police in providing CCTV footage in the investigation of a serious sexual offence undermines the Crime and Disorder objective.

Signature :



Signature Witnessed by:

**REPRESENTATION SUPPORTING POLICE APPLICATION TO REVIEW THE GEORGE  
PUBLIC HOUSE**

**Representor:** The Director of Public Health  
**Licensing Objective:** Protection of Children from Harm

Alcohol-related harm is a key public health concern for both children and adults in Darlington.

I note from the Police information that underage children are frequently present at these premises and have been able to purchase and consume alcohol. In addition, the premises have failed test purchases and have sold alcohol to a 15 year old.

It is of further concern to me that the premises licence holder himself appears to be frequently under the influence of alcohol and therefore not in control to ensure that children do not purchase and consume alcohol. This behaviour clearly impacts on the licensing objective of “the protection of children from harm” by exposing children to alcohol consumption contrary to the 2003 Act.

I support the request by Durham Constabulary to revoke the licence.

I raise the above concerns with Licensing in my role as Director of Public Health, as a responsible authority under the Health and Social Care Act 2012.

Yours faithfully

**Miriam Davidson**  
**Director of Public Health**

**REPRESENTATIONS IN SUPPORT OF THE GEORGE PUBLIC HOUSE**

**Appendix 1D(i)**

**Representor:** Mr R W Lambert

“I have been using the George Public House, for many years now, and I have always found it the most welcoming and friendly place to visit. It’s the only Public House that my wife will visit on her own, she feels safe and secure, in the knowledge that she can sit and buy a drink and be in safe hands.

As I have said I have been using the George for many a year, and have yet to witness any trouble at all, you always get a friendly and warm welcome, the food that is served is of the highest class, and it is a very well run family friendly public house. I have no misgiving in taking my grandchildren in for a spot of lunch or dinner, the children are always very well looked after, and the staff are very helpful, in always to serve the customer needs.

So, all in all, Mr Nicholls is a lovely, welcoming landlord and along with his staff I feel they do a fantastic job in keeping the pub. Well run and a safe place to be, considering the location of the George in the busy town centre. Mr Nicholls and his staff will vent any person or persons to whom they think will not be suitable to use the premises. Well done to all and keep up the good work.”

**Appendix 1D(ii)**

**Representor:** Mr Michael Ingham,

“I would like to send in defence of The George Hotel, Bondgate, Darlington. I frequent the George hotel on Saturday, Sunday and Wednesday nights I can honestly say in the many years I have been going into the George Hotel with my family I have witnessed very, very, very little disturbance in the public house. I feel more than safe to go in and take my family with me in the George. I have all ways found the landlord and bar staff very friendly and more than help full. In the George you will find a large mixture of customers of all ages from younger people to middle age and older people and many family’s go in and I know that if there was any problem these people would not frequent the George Hotel. And I don’t think you could get BETTER and more caring and honest person.”

**Appendix 1D(iii)**

**Representor:** J Griffiths

“Since coming in the George Hotel Darlington for the past few years I’ve always I’ve always had a warm welcome from the friendly landlord and bar staff they all do a great job and do not tolerate and bad behaviour from aggressive customers not that I can say I have seen any and have never had a bad night after visiting the George hotel Darlington after been welcomed every time from Dave his wife Tracey and not forgetting the polite bar staff.”

**Representor:** Lee Jenkinson 256 Haughton Road Darlington

“I have known Dave for 7 years and he is a very nice person I bring my children in on a Saturday and they are made very welcome all the time the staff are very helpful and the public house is very friendly and welcoming”

..

**Appendix 1D(v)**

**Representor:** A Deholm

“I have known Dave for a number of years and to my knowledge he runs the George pub well above the law as himself and staff monitor who comes through the door to obtain a friendly atmosphere within the pub.”

**Appendix 1D(vi)**

**Representor:** M Chamberlin 44 Bowes Court

“I have been a personal friend of Dave Nicholls for 20 years and he is professional in all his dealings with the public, he runs a good pub in these hard times.”

**Appendix 1D(vii)**

**Representor:** Mr T McAllister 32 Banklands Road

“ feel I must put pen to paper in support of Mr David Nicholls, after seeing the notice that has been posted in The George Public House in Darlington. I have known Mr Nicholls for 14 years after going into The George one evening for a drink, David and his bar staff made us most welcome since we had just moved into the area from the South of England and it made such an impression on us that we have continued to use the George ever since. When any new faces arrive in the pub Mr Nicholls will go out of his way to make them most welcome something that he has also instilled in the bar staff.

The George is a typical old fashion friendly pub which is very hard to find in any town these days and this is all down to David and the bar staff. Any problems that do occur within the pub are quickly and efficiently dealt with by the staff and again this is all down to the respect that the users of the Pub have for them.

Mr Nicholls is also a very good business man who has turned the fortunes of The George around in a time when so many public houses are closing down. I feel that if anything happens to Mr Nicholls it will be a very sad day for the clientele of this public house.”

## 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.

1.2.1 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.

**APPENDIX 1E (cont)**

- 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.

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

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**PURPOSE**

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

**LEGAL STATUS**

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

**LICENCE CONDITIONS – GENERAL PRINCIPLES**

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

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

## **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

**APPENDIX 1F (cont)**

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

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

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **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: 15 November 2013

Type of Hearing: Review of Premises licence

Premises: THE GEORGE PUBLIC HOUSE  
107 Bondgate  
Darlington, DL3 7LB

Hearing Details: 09.00 am Tuesday 03 December 2013

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

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Copy of notice sent to: Mr D Nicholls (Licence holder)  
Durham Constabulary (Applicant for Review)  
Director of Public Health (Party to Review)  
Mr Lambert (Party to Review)  
Mr Ingham (Party to Review)  
Mr Jenkinson (Party to Review)  
M Chamberlain (Party to Review)  
Mr T McAllister (Party to Review)

**Attendance:** All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you. Please complete the attached form at **Appendix 2A** and return to the Licensing Section **no later than 12 noon on Monday 25 November 2013**

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

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

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

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

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

- details of any further interventions by the Police or any further incidents of concern since 16 September 2013

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

- what is the premises policy in respect of admissions to the premises of young persons (under the age of 18 years) and how is this policy implemented
- 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
- what training is provided to staff in respect of the operation of the CCTV system
- what arrangements are in place for staff to deputise when the Premises Licence Holder is not available/is not working
- what arrangements are in place to ensure that there is full compliance with all of the conditions on the licence, including the number of door staff present.



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

**NOTICE OF ATTENDANCE**

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

**DATE OF HEARING:** 09.00 am, Tuesday 03 December 2013

**NAME OF PREMISES:** THE GEORGE PUBLIC HOUSE  
107 BONDGATE  
Darlington, DL3 7LB

**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.