

LICENSING ACT 2003 SUB COMMITTEE

Thursday, 11 September 2025

PRESENT – Councillors Haszeldine, Kane and K Nicholson

APOLOGIES – Councillors Curry

OFFICERS IN ATTENDANCE – Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Marc Atkins (Lawyer (Litigation)) and James McAllister (Democratic Officer)

LS1 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LS2 APPLICATION TO REVIEW A PREMISES LICENCE - OAK TREE INN.

The Executive Director of Economy and Public Protection submitted a report (previously circulated) which invited Members to consider an application from the Home Office (Immigration Compliance and Enforcement) to review a premises licence on the grounds that the prevention of crime and disorder licensing objective had been undermined.

The Assistant Licensing Manager spoke to this report, and informed Members that neither the Home Office nor Punch Taverns were to attend the meeting as conditions for the premises licence had already been agreed. Therefore, Members were requested to determine this application with such conditions included and provide reasons for their decision. The Assistant Licensing Manager went on to outline the necessity of this meeting as per the Council's Constitution.

The Assistant Licensing Manager provided contextual information relating to the Licence Holder (Punch Taverns PLC) – namely their base location, opening hours, and provided a description of the premises in question: Oak Tree Inn, Middleton St George. The Assistant Licensing Manager detailed the establishments Licensable activities and opening hours, before informing Members of the dates in which Licensing served notice to the responsible authorities and local Councillors representing Middleton St George.

The Assistant Licensing Manager then provided Members with the background of the premises, notably an arson which took place in 2009, underage serving of alcohol in 2010, a noise complaint in the same year, and the anti-social behaviour of children attending the establishment in 2023/24.

With regards to the report in hand, The Assistant Licensing Manager explained that the Home Office submitted an official application to review this licence under Section 51 of the Licence Act 2003 on the grounds that the crime and disorder objective had been undermined. Responsible Authorities were notified, and a review notice was prominently displayed on the premises. The Assistant Licensing Manager summarised the events leading to this, informing Members that on 18 December 2024, the North-East, Yorkshire, and Humberside Immigration Compliance Enforcement (ICE) visited the Oak Tree Inn, Middleton

St George, Darlington. Four illegal workers were found during the enforcement visit, three of whom did not hold the right to work, and one was working in breach of conditions. The business owner and DPS were present during this visit, and informed officers that they did not carry out right-to-work checks and believed what the workers had told them regarding their status.

In terms of the repercussions as a result of this, a £90,000 was issued to Missim Ltd on 10 February 2025 for employing two individuals without the right to work. The company objected to this penalty, and after the objection was fully considered, the civil penalty remained at £90,000. Payment was due by 24 March 2025; however, it remains unpaid and has now been referred to a third-party debt collection agency.

The Committee were then informed of the new conditions imposed upon the establishment should their licence be renewed, and The Assistant Licencing Manager welcomed questions from Members on the renewal.

Members first posed questions on the actions taken by Licencing for the previous discretions in 2009, 2010, and 2023/24. The Assistant Licencing Manager answered stating that the police had taken action in relation to the reported arson, but that Licencing Enforcement Officers had acted in relation to the report of underage serving of alcohol. With regards to both the noise complaints and reports of stone throwing, The Assistant Licencing Manager detailed the actions undertaken by Licencing, whereby they collaborated with several departments in the Council to combat this, which was successful, and no further reports have been made in relation to this since.

Members also explored the feasibility of implementing a clause which required the licensee to maintain a temporary dialogue with the Licencing team to ensure that the new conditions are being abided by. The Assistant Licencing Manager conversed with Members regarding this, stating that the preferred option would be for regular enforcement checks to be carried out, which Members accepted and thus the proposal was withdrawn.

No further questions were raised, and as a result the licence was unanimously agreed and thus granted.

RESOLVED – The Licence review was approved in accordance with Section 52 of the Licensing Act 2003.