



DARLINGTON

Borough Council

Licensing Act 2003 Sub Committee Agenda

9.30 am

Wednesday, 24 September 2025

Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. Application for Summary Review of a Premises Licence –
Report of the Executive Director, Economy and Public Protection (Pages 3 - 28)

REASON FOR URGENCY

To consider an application from the Police for a Premises Licence summary review within appropriate timescales.

4. EXCLUSION OF THE PUBLIC AND PRESS –
To consider the exclusion of the Public and Press :-

RECOMMENDED – That pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act.

A handwritten signature in black ink, reading 'A. C. Wennington'. The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Amy Wennington
Assistant Director Law and Governance

Tuesday, 23 September 2025

Town Hall
Darlington.

Membership

Councillors Mrs Culley, Donoghue and Kane

If you need this information in a different language or format or you have any other queries on this agenda please contact James McAllister, Democratic Officer, Resources and Governance Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: james.mcallister@darlington.gov.uk or telephone 01325 403122

LICENSING ACT 2003 SUB COMMITTEE

24 SEPTEMBER 2025

APPLICATION FOR SUMMARY REVIEW OF A PREMISES LICENCE

Purpose of Report

1. To invite Members to consider an application from Durham Constabulary for a summary review of the 'Highland Laddie' Premises Licence, 88 The Green, Haughton, Darlington, DL1 2DR, on the grounds of serious crime and disorder, which undermines the crime and disorder licensing objective. A summary review is a quick process for attaching interim conditions to a licence and a fast-track licence review when the police consider that the premises concerned are associated with serious crime or serious disorder (or both).

Background Information

2. Under section 53A to 53C of the Licensing Act 2003, the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
3. On receipt of the application and the certificate, the licensing authority must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending determination of the review of the premises licence; the authority must, in any event, undertake a review within 28 days after the day of receipt of the application.
4. The licensing authority may respond to this application by taking interim steps, where it considers it is necessary, pending a full review.
5. At 3.37 pm on Monday, 22 September 2025, Darlington Borough Council Licensing Department received a certificate signed by Supt Bickford (**Appendix 1**) and a statutory application form for a summary licence review, which outlines the grounds for this review (**Appendix 2**).
6. In summary, this application relates to an incident of violent disorder within the premises involving several people, where a number of assaults took place, with chairs, glass, and other objects being used as weapons. There appears to be little management control, and the police investigation has been frustrated by a lack of

cooperation from staff. This remains a live investigation where suspects are actively being sought.

7. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Steven Heseltine. A copy of the Premises Licence for the Highland Laddie is in **Appendix 3**.
8. Members are requested to determine this application, and the options open at this stage include:
 - modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and
 - suspension of the licence.
9. Relevant Section 182 Guidance on summary reviews, last revised in February 2025, is in **Appendix 4**

Legal Implications

10. There are no issues that the Borough Solicitor considers need to be brought to the specific attention of Members

Section 17 of the Crime and Disorder Act 1998

11. One of the four licensing objectives of The Licensing Act 2003 is the prevention of crime and disorder. The attached appendices to this report directly relate to this objective.

Recommendation

12. Members are requested to determine this application made by the police

Trevor Watson
Executive Director for Economy and Public Protection

Background Papers

The Licensing Act 2003

Section 182 of the Licensing Act 2003 (Revised August 2023)

The Licensing Act 2003 (Hearings) Regulations 2005

Home Office Summary Review Guidance 2012

Appendices

1. Signed certificate by Supt Bickford
2. Application for summary review
3. Premises Licence for the Highland Laddie
4. Extracts from Section 182 Guidance

Colin Dobson

Extension: 405988

Appendix 1

Durham Constabulary
Force HQ
Aykley Heads
DH1 5TT

CERTIFICATE UNDER SECTION 53(a)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion of the premise described below are associated with serious both serious crime and serous disorder.

Premises:
Highland Laddie
88 The Green
Darlington
DL1 2DR

Premise licence no: DL15/01056/PRETRA

Name of Premises licence holder: Steven Heseltine

I am a superintendent in Durham Constabulary

I am giving this certificate because I believe the other procedures under the licencing Act 2003 are inappropriate in this case, and that it is proportionate in the circumstance for the following reasons:

There has been an incident involving serious crime and disorder at the premises namely violent disorder at 19:30hrs on Tuesday 16th September 2025. Police officers have attended as an immediate response to THE HIGHLAND LADDIE public house following reports of a fight at the venue.

I am informed the CCTV, it shows an altercation at the venue which quickly escalates, and numerous patrons of the bar become involved. I note as part of this incident, various items including a parasol holder, bar stools and chairs are used as weapons by the people involved in the incident.

The circumstances around this incident bring into serious question the management and running of this premise. It is clear from the cctv footage the only member of bar staff does witness some of the incident but is clearly panicked and does not contact police, instead she leaves the bar unattended to get help from the DPS's wife who is in the living quarters of the pub.

It is a concern that the member of bar staff, caller and DPS will not provide witness statements which could assist the police with identifying those responsible and the refusal to do so has frustrated the ongoing investigation.

There is a clear failure to promote the licensing objectives, in particular the prevention of crime and disorder and public safety.

I have considered a standard review of the premises licence; however, I do not feel this step to be appropriate due to the length of time it takes to come before a licensing subcommittee.

I feel a summary review is appropriate at this stage due to the seriousness of the offence and it is felt that immediate steps are necessary to prevent licensable activity being conducted at the premises.

The summary review process would enable the police to seek the removal of the designated premises supervisor and the suspension of the premises licence whilst the criminal investigations are ongoing and to fully determine the suitability of persons involved in the ongoing running of this premise.

Due to seriousness of the incident the case must be put before a licensing committee as soon as possible for measures to be put in place to address the risk this premises poses, and I feel this is the only proportionate action available at the time to prevent any further crime and disorder at the premises.

Signed

A handwritten signature in black ink, appearing to be 'NB', with the date '24/31' written below it.

Dated 22nd September 2025

Print Name Neal Bickford

Title Superintendent

Appendix 2

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Darlington Borough Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Sgt 484 Caroline Dickenson [on behalf of] the chief officer of police for the Durham Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**HIGHLAND LADDIE
88 The Green**

Post town: Darlington

Post code (if known): **DL1 2DR**

2. Premises licence details:

Name of premises licence holder (if known): Steven Heseltine

Number of premises licence holder (if known): DL15/01056/PRETRA

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Police officers have been requested to an immediate response to THE HIGHLAND LADDIE public house in DARLINGTON at 19:44 hrs on Tuesday 16th September 2025 following reports of a fight at the public house which has now spilled outside.

Having viewed the CCTV, it shows than an altercation takes place between a male and a female where punches are then thrown. At this point numerous persons become involved and items including a parasol holder, bar stools and chairs are used as weapons by the people involved in the incident.

The start of the incident is witnessed by bar staff however there is no call to the police. The member of bar staff has told police officers that she does not know what happened regarding this incident starting as the music was so loud that she did not even know that people were arguing.

She has stated that she was behind the bar when it started and panicked so ran upstairs to get the landlords wife, who in turn has rang the police.

The member of bar staff has said she does not wish to provide a statement as did not witness anything due to running away.

CCTV does show the member of bar staff witnessing some of the disorder, she also has her phone in her hand but at no point has contacted the police.

It has been several minutes into the violent disorder that the call to police was made by the wife of the designated premise supervisor.

Police officers have attended the HIGHLAND LADDIE at 1955hrs whereby there was nothing ongoing and all the suspects had left the location.

CCTV footage of the incident has been viewed when officers attended the premises, and the caller (wife of DPS) has provided a list of names of those she is aware were involved in the incident.

During the altercation, the group have caused damage to the furniture and some of the window panes, however it is recorded on the investigation that the caller is not supportive of police action and does not want to provide a statement.

On 20th September 2025 police officers have attended the pub and spoke with the

premise license holder and designated premise supervisor Steven HESELTINE who stated that he was not at the pub at the time of the incident and was only made aware by his wife when she rang him.

He has stated that he has managed to repair the damaged bar stools/chairs and has them back in use. He stated that there has been slight damage caused to one of the windows (a little crack) which he said that he has temporary repaired as the pub is due for a refurb very soon by the brewery and they have informed him that all the windows and doors will be a part of that.

When asked if he was willing to provide a statement he said no and that he was happy that all persons involved are now barred from the pub.

Due to the serious nature of the incident and the crime of violent disorder being committed, CID are leading the investigation.

The investigation is in the early stages and has been frustrated by the delay in reporting the incident and that all the suspects had left prior to police attending the venue.

Also, despite being given names of potential suspects, due to staff refusing to give witness statement whereby they could have identified people involved it has been necessary for the investigating team to carry out further enquires and police tactics so formal identification can be made of the suspects prior to any arrests.

CCTV shows the incident in its entirety and shows that several people involved appear to have injuries. Durham Constabulary have had an incident reported from the NHS of a male suffering facial injuries (still to be confirmed level of injury) due to being hit in the face with a bar stool. Pub furniture and a glass are used as weapons throughout this incident, and it is sheer good luck that everyone was able to walk away from this and no one was knocked unconscious or even killed.

From the CCTV, the female who appears to be the instigator of the incident is seen wandering behind the bar and it is apparent that she seems familiar with the venue. After the incident she is in conversation with the caller and at no point challenged around why she is behind the bar

When the only member of bar staff goes upstairs to get the wife of the DPS, the people involved in the violence are just left to get on with it and albeit it is only a short period of time they effectively have free reign of the bar and access to further weapons which could have been used.

Due to the seriousness of the incident reported and the contributory factors around the management at the premises there is significant risk to Public Safety and the application for the review of a premises licence under section 53A of the licensing Act 2003 is justified as we will be asking for an immediate suspension of the premises licence

Signature of applicant: Caroline Dickenson
Date: 22nd September 2025
Capacity: Licensing Sgt

Contact details for matters concerning this application:
Address: **Durham County Council, Licensing Services**
St Johns Road North, Meadowfield,
DH7 8RS

Telephone number(s): 0191 3752351

Email: caroline.dickenson@durham.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Appendix 3



Licensing Act 2003 – Part A

PREMISES LICENCE – LAPREM00161

Premise Details:

Highland Laddie

88 The Green Haughton DARLINGTON DL1 2DR

Date Granted: 7 February 2020

Duration of Licence:

Not Time Limited

Licensable Activities

Activity	Days of Week	Open	Close
Sale of Alcohol for consumption both on and off the Premises	Monday to Saturday	11:00	00:00
	Sunday	12:00	23:00
Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of facilities for making Music, Provision of facilities for Dancing	Monday to Saturday	11:00	00:00
	Sunday	12:00	23:00
Late Night Refreshment	Monday to Saturday	23:00	00:00
Opening Hours	Monday to Thursday	11:00	00:30
	Friday and Saturday	11:00	01:30
	Sunday	12:00	23:30

Non-standard/seasonal timings:

The licensable activities specified in this licence may be provided from 10:00 on any day, which is New Year's Eve to the terminal hour on the following day (New Year's Day).

The Sale of Alcohol and Regulated Entertainment specified in this licence shall be extended to 01:00 on the following days:

Friday to Monday on Bank Holiday Weekends, Christmas Eve and Boxing day and on 10 other event days per annum with 10 working days notice given to Police and Licensing Authority and only with prior agreement from the Police.

The premises will close 30 minutes after the end of the non-standard timings.

Premises Licence Holder:

Mr Steven Heseltine

Highland Laddie 88 Haughton Green DARLINGTON DL1 2DF

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name and Address:	Mr Steven Heseltine
Licence Number:	DL12/00926/PERSON
Licensing Authority:	Darlington Borough Council

nnex 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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) 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—**
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (d) 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;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

6. The responsible person must 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;**

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8. For the purposes of the condition set out at 7 —

- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);**
- b) “permitted price” is the price found by applying the formula—**

$$P = D + (D \times V) \text{ where—}$$

- i) P is the permitted price,**
 - ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
 - iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—**

- i) the holder of the premises licence, ii) the designated premises supervisor (if any) in respect of such a licence, or
 - iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
10. The admission of children to film exhibitions must be limited to those films classified as suitable for children by the film classification body. Where no classification has been made the licence holder must approach the Licensing Authority who will then classify the film. The same restriction will then apply

Annex 2 – Conditions consistent with the operating schedule

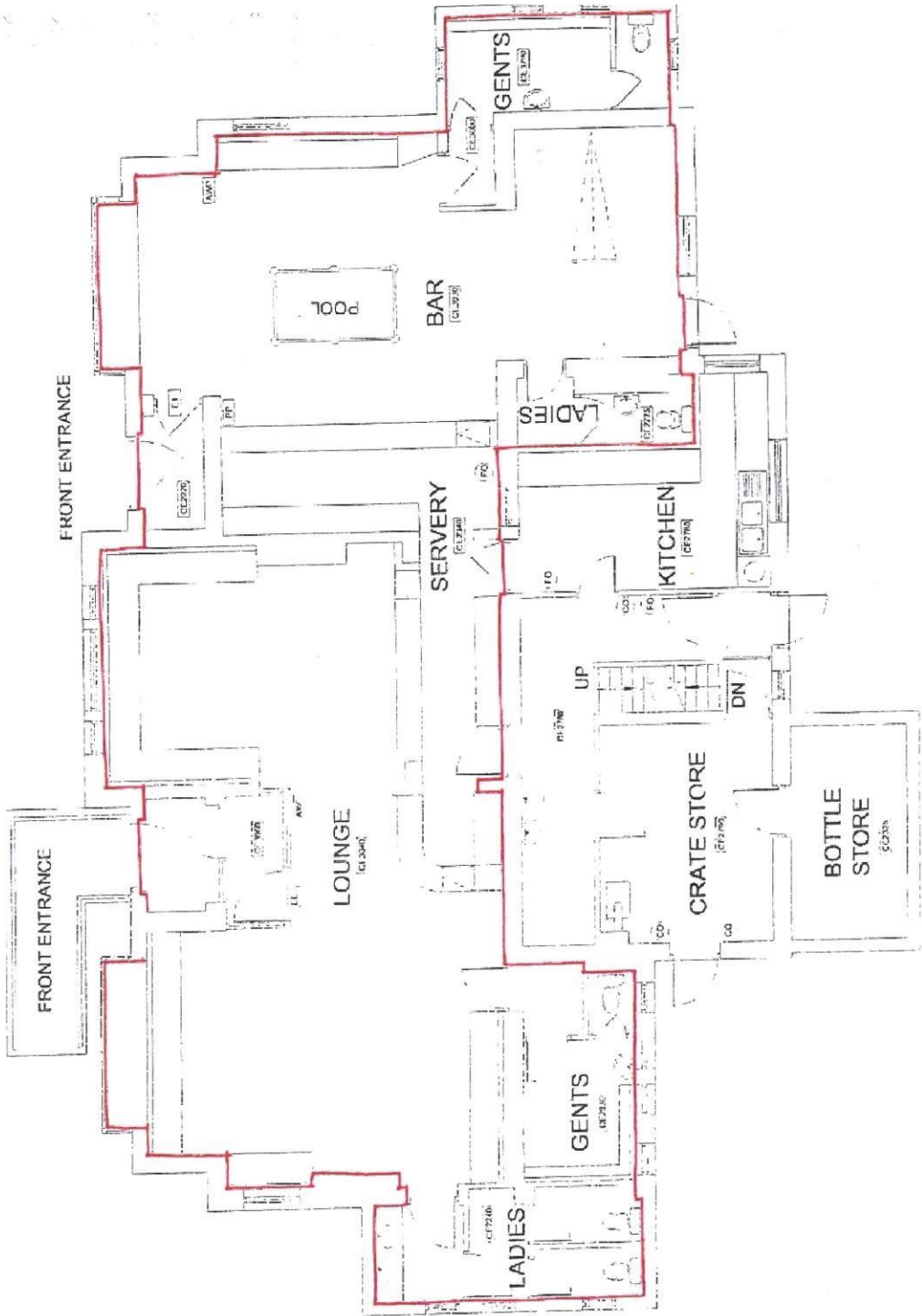
1. The current CCTV system will be in operation at all times the premises is open to the public. The tapes shall be properly stored and kept for a minimum of 30 days and made available on request to the Police and Authorised Officers of this Council.
2. No person carrying an open bottle will be given entry to the premises at any time it is open to the public.

3. No person will be allowed to exit the premises carrying any drinks in an open container other than for consumption in a designated area.
4. Conspicuous and legible signage will be prominently displayed in the premises, at each exit, requesting patrons leave the establishment in a quiet and orderly manner.
5. The Licence Holder shall ensure that noise or vibration generated by the use of the premises shall be inaudible at the nearest noise sensitive properties.
6. Children under the age of 16 years will not be admitted to the premises after 21:00 hrs

Annex 3 – Conditions attached after a hearing by the licensing authority

NONE

Annex 4 – Plans



Issued in accordance with the application for the transfer of a premise licence and the application to vary the premise licence to specify a Designated Premises Supervisor

Authorised Officer

Date of Issue 9 April 2020

PREMISES LICENCE GUIDANCE

1. Your Premises Licence has been granted and is enclosed.
2. The annual fee is due on the anniversary of its grant, unless you are exempt (e.g. community premises). Please ensure that the annual fee is paid on time.
3. Your Premises Licence has been granted for an unlimited period of time and is subject to the conditions mentioned in the licence.
4. You must ensure that the Premises Licence, or a certified copy of it, is kept at the premises in the custody or under the control of yourself or a person (“the nominated person”) who works at the premises and whom you have nominated in writing for these purposes. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
5. You must ensure that a Summary of the Premises Licence, or a certified copy of that Summary, is prominently displayed at the premises. If you have nominated a person (“the nominated person”), under 4 above, you must prominently display at the premises a notice specifying the position held at the premises by that person. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
6. A Police Constable or an Authorised Person may require the holder of the Premises Licence or the nominated person to produce the Premises Licence, or a certified copy of it, for examination. A person commits an offence if he or she fails, without reasonable excuse to comply with these requirements. The maximum fine is £500 on conviction.

7. Where a Premises Licence or Summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the Council for a copy of the licence or Summary. A fee of £10.50 is payable.
8. Subject to reinstatement in certain circumstances, a Premises Licence lapses if the holder the licence dies, becomes mentally incapable, becomes insolvent, or is dissolved.
9. Where the holder of a Premises Licence wishes to surrender their licence they may give the Council notice to that effect. The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council.
10. The holder of a Premises Licence must, as soon as reasonably practicable, notify the Council of any changes in:
 - Name and address
 - Name and address of the Designated Premises Supervisor (unless that Supervisor has already notified the Council)

The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council. A fee of £10.50 is payable. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.

11. The holder of a Premises Licence may apply to the Council at any time for variation of the licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and the application will need to be advertised and served on the Responsible Authorities. Please contact the Council for an application form and a guidance leaflet on how to apply for a variation. Please note that a Licence may not be varied to extend the period for which a licence has effect, or to vary substantially the premises to which it relates – in those cases an application for a new Premises Licence will need to be made; please contact the Council for further details.

12. The holder of a Premises Licence may, if the licence authorises the supply of alcohol (or if it is intended to vary a licence so that it authorises the supply of alcohol), apply to vary the licence so as to specify the individual named in the application as the Designated Premises Supervisor. Amongst other things, an application form will need to be completed, a fee will need to be paid and the notice of the application must be given to the Police. It is possible for the applicant to ask for such a variation to have immediate effect on an interim basis. Please contact the Council for an application form and guidance leaflet on how to apply for a variation.
13. The Premises Licence may be transferred following an application made to the Council for a transfer of the Licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and notice of the application must be given to the Police. It is possible for the applicant to ask for a transfer to have immediate effect on an interim basis. Please contact the Council for an application form and a guidance leaflet on how to apply for a transfer.
14. Where a Premises Licence has effect, and Interested Party or a Responsible Authority may apply to the Council for a review of the licence. You will be notified if an application is made to review your Premises Licence and you will have the opportunity to make representations about a review and to attend before the Council's Licensing Committee.
15. Your attention is drawn in particular to Part 7 of the Licensing Act 2003 which concerns offences under the Licensing Act 2003.

Appendix 4

Section 182 Guidance for Summary Reviews

Application for summary review

12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).

12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on GOV.UK.

12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:

- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
- (b) Involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose.

12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and

Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?

- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day time frame or for an appropriate period determined by the licensing authority.

12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately. The licensing authority and interim steps pending the review

12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded.

12.11 The licensing authority may want to consult the police about the steps that it thinks are necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority cannot afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a

licensing subcommittee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant subcommittee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licenceholder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes,

installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

Making representations against the interim steps

12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

12.19 At the hearing to consider representations against interim steps the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

12.20 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

12.21 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The review of the premises licence under section 53C

12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer or other responsible authority and/or other person asks to withdraw their application or representation (as the case may be). At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account the application and any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).

12.23 In making its final determination the steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.25 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.

- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.

12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

12.28 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

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