

FOR CHAIR AND MEMBERS
OF THE LICENSING ACT 2003 SUB COMMITTEE
FOR 17 MARCH 2022

**APPLICATION TO REVIEW PREMISES LICENCE ON THE GROUNDS OF THE PREVENTATION OF CRIME AND
DISORDER**

Licence holder Mr George Maxwell **Ref No:** DL16/00927/VARDPS
Sowerby

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

Licensable Activities: 1. **Sale of Alcohol** for consumption **ON & OFF** the Premises
2. **Regulated Entertainment** (recorded music)
3. **Late Night Refreshment**

Current Hours: **Sale of Alcohol:** 09:30 to 00.30 Every Day
All Regulated Entertainment: 09:30 to 00.30 Every Day
Late Night Refreshment 23.00 to 00.30 Every Day

Premises opening Times 18.00 to 01.00 Every Day

Police Application Summary Review of Premises Licence on the grounds of Crime and
Disorder

Notification to Responsible Authorities/Other Persons:

Notice of this application to the following:

Environmental Health	Chief Fire Officer
Durham Constabulary	Trading Standards
Planning	Public Health
The Licence Holder	The Licensing Authority
Darlington Safeguarding Partnership	

Information on the Premises 22nd February 2022

Information on Council's web site: 22nd February 2022

LEGISLATION:

1. 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

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- The Protection of Children from Harm
- 2. 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

- 3. When the Premises Licence application was originally made the applicant described the premises as follows:

"The premises operates as a public house in Darlington".

PURPOSE OF REPORT

- 4. To invite Members to consider an application for a summary review of the Premises Licence submitted by Durham Constabulary brought under Section 53A of the Licensing Act 2003, based on the grounds that it undermines the prevention of crime and disorder objective relating to serious crime and disorder associated with the premises.
- 5. Members are requested to consider any appropriate action, which may include the revocation of the licence.

BACKGROUND OF THE PREMISES

- 6. On the 13 December 2013 the premises licence of The George (Public House), 107 Bondgate, Darlington, DL3 7LB was revoked by the Darlington Licensing Sub-committee following a number of issues involving a previous licence holder.
- 7. On the 3 March 2014 an application was made for the grant of a new premises licence under Section 17 of the Licensing Act 2003, by Flint Bishop Solicitors on behalf of Star Pubs & Bars Ltd.
- 8. On 1 April 2014 a licence was granted to Star Pubs & Bars Ltd, subject to mandatory conditions and a number of additional conditions at Annex 2 to the licence.
- 9. On 15 April 2015 an application was properly made to transfer the premises licence from Star Pubs & Bars Ltd, to George Maxwell Sowerby in accordance with Section 42 of the Licensing Act 2003. There were no objections to this transfer so Mr Sowerby became the new Premises Licence Holder effective from the date of application. The Designated Premises Supervisor at this time was Michael David Parks.
- 10. On 21 July 2015 a Licensing Enforcement Officer carried out an inspection and during the course of this inspection the Officer found that a condition to keep the CCTV recordings was not being complied with (Annex 2 condition 4). In addition, a condition that a register of training for staff covering issues such as Challenge 25, refusals register, incident book and general licensing issues was not being complied with (Annex 2 condition 10). A written warning was given to Mr Sowerby at that time requiring compliance by the next scheduled inspection.

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11. When the premises were re-inspected on 11 November 2015 the Officer found that condition 10 was still not being complied with. Also a condition to carry out and record regular assessments of noise generated from regulated entertainment was not being complied with (Annex 2 condition 13). Mr Sowerby was issued with a written warning, which explained that further non-compliance was likely to result in legal proceedings.
12. On 18 January 2016 the premises were re-inspected where it was found to be complaint and no further action was taken.
13. On 7 June 2016 Mr Sowerby made an application to vary the premises licence to specify himself as Designated Premises Supervisor. No representations were received and a new licence was issued effective from the day the application was made.
14. On 14 December 2016, a Licensing Enforcement Officer carried out an inspection of the premises and found that it was not complying with a number of conditions to Annex 2 of the Premises Licence:
 - No incident book available
 - No register of staff training made available
 - No training of staff in relation to its drugs policy made available
 - No clear and legible signage regarding random drug searches being a condition of entry displayed at the entrance
 - No record of regular assessments of noise generated by regulated entertainment
15. A written warning was given to Mr Sowerby at that time and was compliant at the the next scheduled inspection.
16. On 18 May 2017 a Licensing Enforcement Officer carried out an inspection of the premises and found that it was not complying with the condition to carry out regular noise assessments. On the 14 July 2017, the premises were compliant with this condition.
17. On 17 July 2018, during a routine visit by an Authorised Officer it was noted that Part A of the licence was not available. The original or certified copy must be kept on the premises at all times and produced at the request of an authorised person or constable. Failing to comply is an offence under Section 57 of the Licensing Act 2003.
18. It was also found that there was no record of staff training in relation to its drugs policy and that there was no signage advising of random drug searches being a condition of entry.
19. These matters had been rectified when on the 7th September 2018, a follow up visit took place.
20. A copy of the current licence and plan is appended for Members' attention at **Appendix 1**.

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APPLICATION TO REVIEW THE PREMISES LICENCE

21. On 21 February 2022 an application was properly made by Durham Constabulary to review this premises licence under Section 53A of the Licensing Act 2003 (**Appendix 2**). An application can be made under this section where a senior police officer issues a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both) (**Appendix 3**). This review is often referred to as a summary review or an expedited review and provides a fast track process for serious incidents.
22. On receipt of this application and certificate signed by a Chief Superintendent, the licensing authority are required to consider whether it is necessary to take interim steps within 48 hours of the time of its receipt, pending determination of the review, which must take place within 28 days after the day of receipt of the application.
23. In summary, this application relates to an incident of serious large scale violent disorder that occurred during the early afternoon of Saturday 12th February, directly linked to this premises. This was football related violence where a group of Darlington football supporters gathered in The George and prepared for what was believed to be an organised fight that took place in Skinnergate involving supporters from a rival football team, where members of the public were going about their normal business.
24. On Wednesday 23 February 2022 and within the required time-scale a Licensing Sub-committee was convened to determine if it was necessary to take any interim steps pending the full review. This hearing was held remotely via Microsoft Teams and the following people were present:
 - Insp Phil Carter – Police
 - Sgt Caroline Dickenson – Police
 - Colin Dobson – Licensing Manager
 - Brian Murray – Assistant Licensing Manager
 - Lewis Metcalf – Manager of The George
 - Stephen Birkett – Representative of Admiral Taverns
 - Allison Hill – Democratic Officer
 - Bethany Symonds - Solicitor
25. Attempts were made to contact Mr Sowerby with no success, however the application was properly served on the premises and Mr Metcalf attended to speak on behalf of Mr Sowerby as the premises manager in his absence.
26. The premises are owned by Admiral Taverns and leased to Mr Sowerby, so Mr Birkett was in attendance on behalf of Admiral Taverns as an interested party.
27. Sgt Dickenson presented the application to Members, which included video footage and Mr Metcalf was invited to respond.
28. Mr Metcalf informed Members that the premises do not allow 'risk' football supporters in any more and challenged Sgt Dickenson by stating the police do not visit the premises when there were football matches. Sgt Dickenson informed Mr Metcalf that a record is kept of all visits and she personally last visited the premises on New Year's Day where 'risk' supporters were present.

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29. Members were requested to determine this application and the options open at this stage included:

- 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.

30. After considering the information provided by those present, the committee decided with immediate effect that:

- A) The premises licence is suspended; and
- B) Mr Sowerby is removed as the designated premises supervisor

31. Mr Sowerby was sent a letter explaining this decision and as he was not present at the hearing it was explained how he could make representations to review the interim steps (**Appendix 4**). No representations have been made by Mr Sowerby

32. This decision was pursuant to Section 53B of the Licensing Act 2003, and the reason for the decision was that with the information presented to the Sub-committee by police, Members felt it was necessary for these steps in order to promote the licensing objectives of ensuring public safety and preventing crime and disorder. The Members were particularly concerned about the safety of people visiting the town centre.

THE LICENCE HOLDER'S RESPONSE

33. The Licence Holder has been invited to attend this hearing and a notice of the application made by police has been served on him. Mr Sowerby has indicated that he is in the process of surrendering the licence and will not be attending the full review hearing.

FULL HEARING

34. 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 section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act in that a review must take place within 28 days. It should however be emphasised that the truncated version of the hearings only applies to interim measures.

35. 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 for this hearing in relation to any of the licensing objectives, not just crime and disorder. Notice of this review was submitted to all responsible authorities within the required timescales and no representations were received.

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36. A full hearing review procedure for Licensing Sub-committees is at **Appendix 5**.

THE LICENSING POLICY

37. Members are referred to the following relevant sections of the Council's Licensing Policy which are reproduced at **Appendix 6**.

Section 1.2 – 1.3	Purpose
Section 6 – 7.3	Premises licence and impact of licensable activities
Section 11.3 to 11.5	Steps to address Crime and Disorder

THE GUIDANCE

38. Members are referred to the Secretary of State's Guidance (Section 182 of the Licensing Act 2003) in relation to the prevention of crime and disorder and the review process. This was last amended in April 2018 and the relevant sections of the Guidance are provided in this review pack at **Appendix 7**.

MEMBERS' OPTIONS

39. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

40. The steps the licensing authority can take are:

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

41. 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.

42. If Members are minded to add additional conditions, they must be appropriate to promote the licensing objectives outlined earlier. Members are reminded that any such conditions should not duplicate existing legislation.

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

Contact Officer: Colin Dobson x 5988

Dave Winstanley

Director of Group Services

**For admin use only:
Sub Committee Decision:**

Date of Sub Committee:

Reasons: