

FOR CHAIR AND MEMBERS  
OF THE LICENSING ACT 2003 SUB COMMITTEE  
15 NOVEMBER 2023

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

<b>Licence holder</b>	Lyall Events and Entertainment Ltd	<b>Ref No:</b> LAPREM00208
<b>Premises:</b>	Majestic 80 Bondgate, Darlington, DL3 7JT	
<b>Licensable Activities:</b>	<b>1. Sale of Alcohol</b> for consumption <b>ON &amp; OFF</b> the Premises <b>2. Regulated Entertainment</b> <b>3. Late Night Refreshment</b>	
<b>Current Hours:</b>	<b>Sale of Alcohol:</b>	09:00 to 03.00 Every Day
	<b>All Regulated Entertainment:</b>	09:00 to 00.00 Every Day
	<b>Late Night Refreshment:</b>	23.00 to 03.00 Every Day
<b>Premises opening Times</b>	09.00 to 03.00	Every Day
<b>Police Application</b>	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 subject to a 10 day consultation period:

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** 24 October 2023

**Information on Council's web site:** 24 October 2023

**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

## The Majestic Review

---

- 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, which was last revised in August 2023. 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 When the premises licence application was originally made the applicant described the premises as follows:

*"Theatre, Bar and Lounge"*

### 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. This premises was a former art deco Odeon Cinema that became a snooker club in 1986. Since then it has had various names such as Rileys, Bentleys Snooker Club and Power Play Snooker.
7. In 2014 the premises closed its snooker facilities, concentrating as a restaurant and bar with children's play facilities called Bing Bong. This later became known as Magic and Mayhem before the last change of name in 2015 to the Majestic.
8. On 28 April 2018 the licence was transferred to Lyall Events and Entertainment Ltd who remain the licence holders. This company was incorporated on 17 April 2018 and has three directors.
9. A copy of the current licence and plan is at **Appendix 1**.

### APPLICATION TO REVIEW THE PREMISES LICENCE

10. On 23 October 2023 an application was made by Durham Constabulary to review this premises licence under Section 53A of the Licensing Act 2003, which is at **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). This review is often referred to as a summary review or an expedited review and provides a fast track process for serious incidents.

## The Majestic Review

---

11. On receipt of this application and certificate signed by Superintendent Martin (**Appendix 3**), the licensing authority were required to consider whether it was 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.
12. In summary, this application relates to an incident of violent disorder that took place on Saturday 21 October 2023 involving a number of people connected to an unlicensed boxing event at the premises, where a serious assault took place resulting in life changing injuries for the victim. During this disorder the victim had three quarters of his ear bitten off by a male assailant who was later arrested. The investigation into this assault and the associated disorder is still on-going by Durham Constabulary.
13. The application is deemed relevant by the Licensing Authority and has been advertised in accordance with the regulations.
14. On Wednesday 25 October 2023 and within the required 48 hour time-scale a Licensing Sub-committee was convened to determine if it was necessary to take any interim steps pending the full review. This was an in-person meeting and the following people were present:
  - Insp Matt Plumb – Police
  - Sgt Charlotte Martin – Police
  - PC Alan Newcombe - Police
  - PCSO Mandy McAllister – Police
  - Kayley Scaife – Police Solicitor
  - Colin Dobson – Licensing Manager
  - Brian Murray – Assistant Licensing Manager
  - Hayley Warters – Premises Licence Holder (Director)
  - Paul Dalton – Democratic Officer
  - Bethany Symonds – DBC Solicitor
15. Members were given an account of this incident from police and also heard from Hayley Warters, a company director for the premises licence holder. During the meeting Members were also shown CCTV footage of the incident.
16. After deliberation, Members put in place the following interim measures with immediate effect pending a full review before 20 November 2023.
  - Premises licence suspended
  - Mr John Lyall Thompson to be removed as Designated Premises Supervisor (DPS)
17. 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 following the incident that took place at the venue on the 21 October 2023. This was confirmed in writing to the premises licence holder, the DPS and police.

## The Majestic Review

---

18. Following the implementation of interim measures, police have been working closely with the premises licence holder and will present a number of potential conditions that if agreed are necessary, will be proportionate to promote the licensing objectives.

### FULL HEARING

19. 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.
20. 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 further representations were made.
21. On 3 November 2023 a full hearing review notice was sent to the premises licence holder and police, which included the procedure for Licensing Sub-committees reviews. This is at **Appendix 4**.

### THE LICENSING POLICY

22. Members are referred to the following relevant sections of the Council's Licensing Policy which are reproduced at **Appendix 5**.

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

23. 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 August 2023 and the relevant sections of the Guidance are provided in this review pack at **Appendix 6**.

### MEMBERS' OPTIONS

24. 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.

## The Majestic Review

---

25. 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.

26. 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.

27. 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.

28. 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.

### **RECCOMENDATION**

29. The Sub-Committee is asked to determine the review application with a view to promoting the licensing objectives, giving appropriate weight to:

- a) The representations (including supporting information) presented by all parties;
- b) DBC's Statement of Licensing Policy;
- c) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003.

Contact Officer: Colin Dobson x 5988

**Dave Winstanley**

**Director of Group Services**

## The Majestic Review

---

**For admin use only:**

**Date of Sub Committee:**

**Sub Committee Decision:**

**Reasons:**