

**FOR CHAIR AND MEMBERS  
OF THE LICENSING ACT 2003 SUB COMMITTEE  
11 SEPTEMBER 2025**

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

<b>Licence holder</b>	Punch Taverns Plc, Jubilee House, Second Avenue, Burton upon Trent DE14 2WF	<b>Ref No:</b> LAPREM00249
<b>Premises:</b>	Oak Tree Inn, Middleton St George, Darlington, DL2 1HN	
<b>Licensable Activities:</b>	<b>Sale by Retail of Alcohol - On premises (on and off premises)</b> Monday to Saturday 11:00 - 00:00 Sunday 12:00 – 00:00  <b>Performance of Live Music (Indoors)</b> Every Day 11:00 - 00:00  <b>Playing of Recorded Music; Indoor Sporting Events; Provision of facilities for entertainment similar to making music or dancing.</b> Monday to Saturday 11:00 - 00:00 Sunday 12:00 - 00:00	
<b>Premises Opening Times</b>	Monday to Saturday 11:00 – 00:30 Sunday 12:00 – 00:30	
<b>Home Office Application</b>	Review of Premises Licence on the grounds of Crime and Disorder	

### **Notification to Responsible Authorities/Other Persons:**

On receipt of this application, Licensing served notice to the following responsible authorities and local Councillors representing Middleton St George:

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

Immigration Enforcement served the notice on the Premises Licence Holder by first-class post.

<b>Information on the Premises:</b>	<b>30 July 2025</b>
<b>Information on Council's website:</b>	<b>30 July 2025</b>

### **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**

When the Premises Licence application was made, the applicant described the premises as:

*"The Oak Tree is a one bar public house with car park, outside drinking area and dining area. The premises serves a full food menu on lunchtimes and evenings."*

### **PURPOSE OF REPORT**

To invite Members to consider an application for a review of the Premises Licence submitted by the Home Office (Immigration Compliance and Enforcement) based on the grounds that it undermines the prevention of the crime and disorder objective.

Members are requested to consider any appropriate action, which may include revocation of the licence.

## **BACKGROUND OF THE PREMISES**

On 27 July 2005, an application was made by Punch Taverns Plc to convert an existing licence under the Licensing Act 1964 to a premises licence under the Licensing Act 2003, which was duly granted.

In March 2009, an arson took place at the premises where an estimated £118,000 of damage was caused. Someone who had invested money in the property arranged the fire so that he could claim the money from insurance. Others involved in this offence had been living on the premises to provide security while the landlady was away. All those involved in this offence received custodial sentences when convicted in 2010.

In September 2010, a complaint was made that a customer had been served by a child who was working alone behind the bar. It transpired that it was the daughter of the Designated Premises Supervisor (DPS) who had authorised her to serve alcohol, but on that occasion, she was not directly supervised as she had been working in the kitchen. No further action was taken, and management guidance was given to the DPS.

On 5 November 2010, a warning letter was sent to the premises management from Darlington Council's Principal Environmental Health Officer following a complaint of noise within the premises on 30 October that year. This was in relation to entertainment that continued beyond midnight, which was in breach of a licence condition.

During 2023 and into 2024, there were several complaints from a nearby resident that customers' children in the outside area had been throwing stones over the perimeter fence, causing damage and creating anti-social behaviour. Darlington's Civic Enforcement Team, along with Licensing, attempted to resolve these issues using a problem-solving approach. It was established that loose ground material was being thrown around by the children of customers, and when the leaseholder had this removed, these complaints stopped.

During the time of this licence, there have been a number of changes to DPS, which have all been properly authorised.

A copy of this licence is in **Appendix 1**.

## **APPLICATION TO REVIEW THE PREMISES LICENCE**

On 29 July 2025, an application was properly made by the Home Office (Immigration Compliance and Enforcement) as a Responsible Authority, to review this premises licence under Section 51 Licensing 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. A copy of the displayed notice is in **Appendix 2**. Further information was also available on Darlington Borough Council's licensing webpage, where all consultations are published.

In summary, 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 DPS was present during this visit and stated that she does not check for identification documents to carry out right-to-work checks and simply believed what the workers say their status is.

Whilst the premises licence is held by Punch Taverns Plc, the DPS is Ersin Aydin, who is also the business owner and company director of Missim Ltd. This company is responsible for the Oak Tree Inn business, which was incorporated on 18 May 2024.

A civil penalty of £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.

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention was to prevent illegal working on premises licensed for the sale of alcohol or late-night refreshment. The Home Office has requested that the premises licence be revoked to reflect the serious nature of this issue.

The review application is in **Appendix 3**, and a comprehensive Premises Licence Review pack (redacted) has been provided by the Home Office, which is in **Appendix 4**.

## **REPRESENTATIONS**

During the statutory consultation period, no representations were made by responsible authorities or members of the public in relation to this application. Regular checks of the premises were made by Licensing Officers to ensure the review notice remained in place. It was also noted that during these visits, the premises were closed to business.

## **NOTIFICATION**

The Licence Holder and Home Office have been issued with a notification to attend this hearing and provided with details of the hearing procedures in accordance with Regulations 6 and 7 of the Licensing Act 2003 (Hearings) Regulations 2005. A copy of these notices is in **Appendix 5**

## **THE LICENSING POLICY**

Members are referred to the following relevant sections of the Council's Licensing Policy, which are reproduced in **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

A full copy of the policy will be available for Members to refer to.

## 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. A full copy of the relevant guidance is available to Members, and the relevant sections of the Guidance are reproduced in **Appendix 7**.

## ADDITIONAL INFORMATION

Members should note that Home Office Immigration Compliance and Enforcement Officers are protected in law from revealing their identities for the purpose of a review.

## 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. Exclude a licensable activity from the scope of the licence.
3. To remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management.
4. To suspend the entire licence for a period not exceeding 3 months.
5. To revoke the licence.
6. 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 Act Sub Committee (Premises Licence Holder or Home Office) 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

**Trevor Watson**

**Executive Director of Economy and Public Protection**

**Appendix 1 – Premises Licence**

**Appendix 2 – Notice of Review**

**Appendix 3 – Review Application**

**Appendix 4 – Review Pack (Redacted)**

**Appendix 5 – Request to attend hearing**

**Appendix 6 – Extracts from policy**

**Appendix 7 – Extracts from Section 182 Guidance**

**For admin use only:**

**Date of Sub Committee:**

**Sub Committee Decision:**

**Reasons:**



