



# Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 2 SEPTEMBER 2013**  
Time: **10.00AM**  
Venue: **COMMITTEE ROOM**  
To: **Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow**

## 1. Apologies for absence

## 2. Minutes

To confirm as a correct record the minutes of the meetings of the Licensing Committee held on 22 July 2013 and the Licensing Hearings held on 19 July 2013 and 22 July 2013 (pages 1 to 19 attached).

## 3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

## 4. Procedure

To outline the procedure to be followed at the meeting (Pages 20 to 21)

## 5. Chair's Address to the Licensing Committee

**6. Private Session**

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.**

**7. Issue concerning the behaviour of a Licensed Hackney Carriage Driver**

To receive the report of the Senior Enforcement Officer L/13/4 (pages 22 to 27 attached)

**8. Application for an Exemption from Assisting Passengers in Wheelchairs**

To receive the report of the Senior Enforcement Officer L/13/5 (pages 28 to 34 attached)

**Martin Connor  
Chief Executive**

<b>Dates of next meetings</b>
7 October 2013
4 November 2013
2 December 2013

Enquiries relating to this agenda, please contact Palbinder Mann on:  
Tel: 01757 292207 Email: [pmann@selby.gov.uk](mailto:pmann@selby.gov.uk)

# Minutes

## Licensing Committee

Venue:	Committee Room
Date:	22 July 2013
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow
Apologies for Absence:	None
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Hannah Breheny, Democratic Services Assistant and Palbinder Mann – Democratic Services Officer

### 1. MINUTES

The followings errors were pointed out in the minutes:

- It was pointed out that under section 60 and 62 on page two as it should have stated “The Committee then discussed the matter and considered its decision on whether the application should be granted” rather than “The Committee then discussed the matter and considered their decision on whether the application should be granted”.
- Under item 63, the heading of the minute should have stated “ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER” rather than “ISSUE CONCERNING THE BEHAVIOUR OF A LICENSING HACKNEY CARRIAGE DRIVER”
- Under resolution two for item 63, the minute should have stated “To suspend the driver for 28 days due to his inappropriate conduct” rather than “To suspend the driver for 28 days due to his inappropriate conduct”.

### RESOLVED:

**To receive and approve the minutes of the Licensing Committee held on 13 May 2013 with the above amendments and that they be signed by the Chair.**

Licensing Committee  
22 July 2013

## **2. DISCLOSURES OF INTEREST**

Councillor Mrs Duckett declared a personal pecuniary interest in item 9, "Issue concerning the behaviour of a Licensed Hackney Carriage Driver" as she had supplied a witness statement and stated she would be leaving the room during the consideration of this item.

Councillor Marshall declared a personal pecuniary interest in item 9, "Issue concerning the behaviour of a Licensed Hackney Carriage Driver" as the driver's wife was his niece and stated he would be leaving the room during the consideration of this item.

Councillor Mrs Mackman declared a personal pecuniary interest in item 6 "Application for a Designated Public Places Order (DPPO) to Control Street Drinking in Monk Fryston Parish" as she had already voted on this issue and stated she would be leaving the room during the consideration of this item.

## **3. PROCEDURE**

The procedure was noted.

## **4. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair informed the Committee that there were two upcoming Licensing Hearings on 19 July and 22 July 2013.

## **5. APPLICATION FOR A DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN MONK FRYSTON PARISH**

Councillor Mrs Mackman left the meeting for the consideration of this item.

The Senior Enforcement Officer presented the **Report L/13/1** which outlined an application submitted by Monk Fryston Parish Council for a Designated Public Places Order (DPPO) to cover Monk Fryston Parish to control street drinking. It was explained that based on the evidence submitted at that time Members resolved to approve a public consultation as prescribed in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. It was explained that the consultation was launched on 8 May 2013 and had ended on 12 June 2013. The Committee were informed that a public consultation pack consisting of an overview, information sheet, consultation response form and map were sent to local businesses, ward councillors and statutory consultees. The Committee were also informed that all information and documents were also posted on the Licensing web page of the Council's website and were available for collection from the Access Selby Customer Service Centre and the Monk Fryston Post Office.

Concern was raised at the lack of responses to the consultation. The Senior Enforcement Officer explained that this item had been considered at a meeting of the Parish Council where a number of members of the public had attended and had all supported the application.

The Committee agreed to support the application for the whole of the Monk Fryston Parish area.

**RESOLVED:**

- i) **To agree to the creation of a DPPO for the whole of Monk Fryston parish and authorise Officers to take the appropriate steps to create the order to come into effect on 5<sup>th</sup> August 2013 or as soon as reasonably practicable after that.**
- ii) **To authorise officers to place a public notice in the local press as is required under the Local authorities (Alcohol Consumption in Designated Public Places) Regulations 2007**
- iii) **To authorise Officers to arrange the production and installation of the signs prior to the coming into force of the order (any order is not enforceable until after the signs have been erected).**
- iv) **A progress report be submitted to the Committee in 2 years' time to outline the effectiveness of the Order in helping reduce alcohol related anti-social behaviour and disorder.**

Councillor Mrs Mackman returned to the meeting.

**6. PRIVATE SESSION**

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.**

**7. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the **Report L/13/2** which outlined an application for a Private Hire Driver's Licence. The applicant was in attendance with a representative.

Councillors were given the opportunity to question the applicant in connection with the application. The Committee then discussed the matter and considered whether the application should be granted.

**RESOLVED:**

- i) **To APPROVE the application for a Private Hire Driver's Licence.**

**8. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER**

Councillors Mrs Duckett and Marshall left the meeting for the consideration of this item.

The Senior Enforcement Officer presented the **Report L/13/3** which outlined a complaint that had been received about a Hackney Carriage Driver and considered whether the respective driver was a fit and proper person to drive a Hackney Carriage. The driver was in attendance.

Councillors were given the opportunity to question the driver and the witnesses in connection with the incident. The Committee discussed the matter and considered all the relevant issues.

**RESOLVED:**

- i) **To SUSPEND the driver for 14 days due on the basis of the evidence.**

The meeting closed at 11.26pm

## Minutes

### Licensing Hearing

Venue:	Council Chamber
Date:	19 July 2013
Present:	Councillors R Sayner (Chair), Mrs S Duckett and Mrs S Ryder.
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan, Senior Enforcement Officer, Rachel Howden – Enforcement Officer, and Palbinder Mann – Democratic Services Officer
Public:	0

#### **INTRODUCTIONS**

Members and everyone present introduced themselves when each application was considered.

#### **6. DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **7. APPLICATION FOR A PREMISES LICENCE – Tadcaster Magnet Sports and Social Club, The Pavilion, Tadcaster**

#### **PRESENT:**

#### **PREMISES**

Tadcaster Magnet Sports and Social Club, the Pavilion, Tadcaster

- Bobby Collins – Treasurer
- Graham Collins – Secretary
- Richard Sweeting - Designated Premises Supervisor.

The Sub-Committee considered an application from Tadcaster Magnet Sports and Social Club, The Pavilion, Tadcaster for a premises licence.

The Senior Enforcement Officer presented the report and explained that the Police had made a representation on 20 June 2013 which was later withdrawn on 26 June 2013 following an agreement with the Club on conditions.

Mr Graham Collins, Secretary explained that the application was to allow the Tadcaster Carnival on 28 July and to also allow the club to become a community hub. He explained to the Committee that the management of the club took their responsibilities very seriously and worked alongside other governing bodies. Mr Collins explained that they not only agreed to the restrictions in place however also imposed restrictions on themselves.

Members of the Sub-Committee asked questions and received replies.

The Chair confirmed with all parties that they had said all that they needed to say.

The members of the Sub-Committee retired together with the Democratic Services Officer and Senior Solicitor to consider the application.

**RESOLVED:**

**That the application be APPROVED subject to the below conditions:**

- i) The granting of this premises licence shall be on the condition that the existing club certificate (CPC No. – LN/000002730) will be surrendered.**
- ii) The only building (on the plan submitted with the application) that shall be licensed on a normal day to day basis shall be the existing club house.**
- iii) The venue shall operate (managerially) as a members club with an Executive Committee in place at all times but shall have the ability to allow non-members entry under the terms of the premises licence.**
- iv) A CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol inside the main building and externally in the beer garden (see also condition 19 below).**
- v) The CCTV system will be maintained, working and recording at all times when the premises are open.**
- vi) The recordings shall be of good evidential quality to be produced in court or other such hearing.**



- vii) Copies of the recordings will be kept available for any responsible authority for 28 days.**
- viii) Copies of the recordings shall be made available to any responsible authority within 48 hours of request.**
- ix) Copies of the recordings will display the correct time and date of the recording.**
- x) All OFF sales shall be in sealed containers.**
- xi) Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence, and the opening times of the venue.**
- xii) Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.**
- xiii) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.**
- xiv) Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.**
- xv) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area.**
- xvi) The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.**
- xvii) Save for egress and entry, windows and doors shall be closed after 23:00hrs.**
- xviii) Save for egress and entry, windows and doors shall be closed when live music is being played.**

***The following conditions apply to the external beer garden only:-***

- xix) The external beer garden shall be bound by semi-permanent barriers to show a clear demarcation of the**

external area. This external area shall be covered by CCTV  
ass listed in the above conditions (conditions 4-9)

- xx) The external beer garden shall be cleared and vacated of customers by 00:00hrs daily.
- xxi) On a day to day basis the only outdoor consumption of alcohol shall be in the external beer garden. For the purpose of clarity there shall be no external consumption outside the main entrance of the venue, in the car park area or at the side of the building.
- xxii) Any consumption of alcohol beyond the demarcation of the external area shall be in non-glass vessels.

*The following conditions shall apply to pre-booked age related birthday parties (age related parties are for any celebration that marks a 21<sup>st</sup> birthday or younger and continues beyond 21:00hrs):-*

- xxiii) Such parties shall be pre-booked at least seven days in advance. For the purpose of clarity, the seven days shall not include the date of booking or the date of the event.
- xxiv) There shall be at least four members of staff working at all times for the duration of the event.
- xxv) All persons aged over 18yrs (but under 25yrs) shall be issued (and wear) a non-removable wristband once they have undertaken and passed a satisfactory age verification check.

*The following conditions shall apply to outdoor events being held beyond the demarcation of the external beer garden:-*

- xxvi) Such outdoor events shall be limited to a maximum of 12 events in any calendar year.
- xxvii) An Event Management Plan shall be submitted to the Police, Environmental Protection Unit and the local Safety Advisory Group at least 8 full weeks prior to the event.
- xxviii) The Event Management Plan shall include the following:-
  - Proposals for staff deployment/defined duties and responsibilities/numbers of staff working the event
  - Numbers and identification of Stewards/SIA Door Staff
  - Demographics of proposed attendees
  - Details of the reporting procedure for any issues
  - A plan to prevent noise nuisance for nearby residents
  - A site plan showing all features of the event layout

- A Traffic Management plan
  - Details of the Medical/First Aid procedures
  - Details of the Safety Officer and how he/she will:-
    - Assist emergency services in the event of a full scale evacuation
    - Monitor crowd control
    - Co-ordinate the initial response to any emergency
    - Liaise with emergency services
- xxix) An Incident Log shall be kept documenting all incidents/issues dealt with on the day of the event.
- xxx) A two way radio system between the Safety Officer and key personnel shall be in operation at all times the events is in operation.
- xxxi) There shall be a pre-nominated Event Management Team who shall be contactable on a staffed mobile phone number at all times the event is in operation.
- xxxii) A representative of the premises licence holder or Event Management Team shall attend a Safety Advisory Group meeting which will be held after the Event Management Plan has been submitted.

*The following conditions shall apply to events that are held under the “non standard timings” for the retail sale of alcohol.*

- xxxiii) Non standard timings shall only apply to the broadcast of live televised sport.
- xxxiv) Non standard timings shall also include when the transmission starts during normal operating hours but extends beyond standard timings.
- xxxv) Written notice must have been given to the Police at least 21 days prior to the event. For the purpose of clarity the 21 days does not include the date of notification or the date event.
- xxxvi) For events that start during normal operating hours but extend beyond standard timings at least two SIA Door Supervisor(s) will be on duty from two hours prior to the scheduled start of the event until 90 mins after the finish of the event. For the purpose of clarity the scheduled start shall be the advertised kick off, start of the first round, start of the first race or similar.
- xxxvii) For events that start outside of normal operating hours when the retail sale of alcohol is only for the one hour prior

to the event at least two SIA Door Supervisor(s) will be on duty from one hour prior to the scheduled start of the event until 90 mins after the finish of the event. For the purpose of clarity scheduled start shall be the advertised kick off, start of the first round, start of the race or similar.

- xxxviii) For events that start outside of normal operating hours (when the retail sale of alcohol is only for the one hour prior to the event) the premises will have closed and clear of customers for at least one hour to provide a clear distinction between normal operating and the event to which the "non-standard timings" apply.
- xxxix) The written notification as at condition 35 (above) shall include the following:-
- i) The exact nature of the live televised sporting event
  - ii) The estimated number of customers expected for the event
  - iii) The estimated demographics of the customers expected for the event
  - iv) The amount of SIA Door Supervisors being provided for the event
  - v) The proposed timings of the event
  - vi) Any extra steps being undertaken to ensure that the Licensing Objective *the prevention of crime and disorder* is not undermined.
- xl) The venue shall close 90 minutes after the finish of the event and shall remain closed for at least one hour to allow dispersal from the venue.

## REASON FOR DECISION

- To promote the following licensing objectives:
  - The prevention of crime and disorder.
  - The prevention of public nuisance.

## 8. APPLICATION FOR A REVIEW OF PREMISES LICENCE – J T Mellanby's, Finkle Street, Selby

### PRESENT:

### PREMISES

J T Mellanby's, Finkle Street, Selby

- Paddy Whur – Solicitor

- Ian Campey – Owner of J T Mellanby’s
- Tracey Young - Designated Premises Supervisor.

## **RESPONSIBLE AUTHORITIES**

### North Yorkshire Police

- Inspector Michelle Falkingham – North Yorkshire Police
- Jane Wintermeyer – Solicitor for North Yorkshire Police
- PC Mick Wilkinson – Police Licensing Officer, North Yorkshire Police
- Adam Harvey – Night Marshall

### Selby District Council

- Tim Grogan – Senior Enforcement Officer

The Sub-Committee considered an application from North Yorkshire Police for the review of the premises licence for J T Mellanby’s, Finkle Street, Selby.

The Senior Enforcement Officer presented the report and explained that discussions between the parties had taken place prior to the meeting and agreement had been reached on additional conditions apart from three matters. The three remaining matters in dispute were:

- The request for a reduction in hours.
- The use of SIA door staff
- Whether Tracey Young should be removed as the Designated Premises Supervisor for the premises.

The Sub-Committee heard representations from the Police, Licensing Authority, and Mr Whur for the Premise Licence Holder on the proposed conditions which had been put forward by the Police to deal with the areas of concern highlighted in the review application, in particular on the points in dispute between the parties.

Members of the Sub-Committee asked questions and received replies.

In reviewing the Premises Licence, the Sub-Committee:

- (i) Noted the serious nature of the incident which led to the Review Application together with the schedule of incidents and the representations made concerning the schedule.
- (ii) Noted the agreement reached between the Premise Licence Holder and Responsible Authorities on the majority of the proposed conditions to ensure future problems did not re-occur.
- (iii) Took into account the relevant representations submitted both in writing and at the hearing, the relevant sections of the Council’s Licensing Policy,

and the revised guidance issued under section 182 of the Licensing Act 2003 (as amended).

The Chair confirmed with all parties that they had said all that they needed to say.

The members of the Sub-Committee retired together with the Democratic Services Officer and Senior Solicitor to consider the application.

**RESOLVED:**

**That, in view of the serious nature of the incident leading to the Review and other incidents of disorder and evidence of mismanagement of the Premises by the Premise Licence Holder and Designated Premises Supervisor, the Sub-Committee resolve to:**

- (i) Reduce the opening hours for licensable activities Monday to Sunday to 10:00 to 01:30**
- (ii) Reduce the hours for other licensable activities Monday to Sunday to 10:00 to 02:00**
- (iii) To impose the following additional conditions to overcome the concerns:**
  - i. A digital colour CCTV system will be installed to cover the premises and recorded coverage which includes all areas to where public have access to consume alcohol.**
  - ii. The CCTV system will be maintained, working and recording at all times when the premises are open.**
  - iii. The recordings shall be of good evidential quality to be produced in Court or other such hearings.**
  - iv. Copies of the recordings will be kept available for any Responsible Authority for 28 days.**
  - v. Copies of the recordings shall be made available to any Responsible Authority within 48 hours on request.**
  - vi. Copies of the recordings will display the correct time and date of the recording.**

- vii. The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo.**
- viii. A Challenge 21 policy (minimum) shall be adopted.**
- ix. All staff should receive training in the policy and procedures regarding underage drinking and the sale of alcohol to minors. This training should be documented and be available for inspection at the request of the Responsible Authorities.**
- x. All refusals are to be recorded in an appropriate format, namely a refusal log, which is to be made available for inspection at the request of the Responsible Authorities.**
- xi. Standard one pint capacity, two third capacity, half pint capacity and high ball tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.**
- xii. The venue shall partake in the Selby night time economy radio system.**
- xiii. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and the opening times of the venue. This training shall be refreshed every six months.**
- xiv. All members of staff will receive training and successfully complete the award in responsible alcohol retailing within 6 weeks of incorporating this condition on the premise licence or be the holder of a personal licence.**
- xv. Any new members of staff will receive training and successfully complete the award in responsible alcohol retailing or be a personal licence holder within 6 weeks of commencing work at the premises, for that 6 week period they will not work unsupervised after 19:30 by a person who has the award or is a personal licence holder.**

- xvi. **Such records (referred to in condition 9) shall be kept for at least one year and they will be made available immediately upon a reasonable request from the Responsible Authority.**
- xvii. **There should be a personal licence holder working at the premises from 20:00 hours to close of business on a Thursday, Friday, Saturday, Sunday and the night before a bank holiday.**
- xviii. **For the purpose of clarity prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.**
- xix. **An incident register will be kept. The incident report register will contain consecutively numbered pages in a bound format and include the following:-**
- (i) Full details of the personal licence holders when deployed as per condition 14,15 and 17.**
  - (ii) Details of all instances where staff have refused service to customers at the venue for any reason.**
  - (iii) Details of any incident involving crimes, anti-social behaviour, injury and ejections at the venue and will cover the following points:-**
    - (a) Time/date**
    - (b) Location within venue.**
    - (c) Names of staff members involved in the incident**
    - (d) Details of any Police Officer who attended the incident (the main officer in the case should there be by a number of officers attending)**
    - (e) Full details of any witnesses to the incident**
    - (f) Full details/report of the incident in question**
- xx. **The above document referred to in condition 19 will be kept for at least one year.**
- xxi. **For 6 months from the date of the decision of the Sub-Committee comes into effect an A3 sized poster with a luminous yellow background with black lettering covering the entire size of the poster stating:  
“THESE PREMISES HAVE RECENTLY BEEN THE SUBJECT OF A LICENSING REVIEW. FURTHER ISSUES COULD RESULT IN THE PREMISES BEING CALLED TO REVIEW ON A SECOND OCCASION. PATRONS SHOULD BE MINDFUL OF THEIR BEHAVIOUR. TO BE DISPLAYED UNTIL DATE”  
Shall be displayed within the premises.**



- xxii. One SIA Door Supervisor from a Door Company that has “Approved Contractor” status (ACS as authorised and defined by the SIA) shall be provided at the venue from 21:00hrs on the following evenings:-
- (i) Thursday, Friday and Saturday evenings
  - (ii) Sunday and Monday on Bank Holiday weekends
  - (iii) Any evening before a Bank Holiday

xxiii. The capacity limited to 48 for crime and disorder purposes.

**REASONS FOR DECISION:**

To promote the following licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The meeting closed at 1:30pm.

## Minutes

### Licensing Hearing

Venue:	Council Chamber
Date:	22 July 2013
Present:	Councillors R Sayner (Chair), Mrs P Mackay and J Thurlow
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan, Senior Enforcement Officer, and Palbinder Mann – Democratic Services Officer
Public:	0

#### **PREMISES:**

Castle Takeaway, 10 Finkle Street, Selby

- Nahsen Demir
- Mrs Helena Demir

#### **RESPONSIBLE AUTHORITIES:**

North Yorkshire Police

- Inspector Michelle Falkingham
- Jane Wintermeyer – Solicitor for North Yorkshire Police
- PC Mick Wilkinson – Police Licensing Officer

#### **INTRODUCTIONS**

Members and everyone present introduced themselves.

#### **9. DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**10. GUIDANCE ON PROCEDURE FOR HEARING LICENSING APPLICATIONS**

The procedure was noted.

**11. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – Castle Takeaway, 10 Finkle Street, Selby, YO8 4DS**

The Sub-Committee considered an application for the variation of a premises licence for the Castle Takeaway, 10 Finkle Street, Selby.

The Senior Enforcement Officer presented the report and explained that an extension to existing licensing hours had been requested. In response to a query, it was confirmed that there was an existing licence for a street trader to trade 7 days a week until 4am at the Market Cross location.

Mrs Demir explained that originally when they had taken over the premises, they were not aware of the operating hours. She informed the Committee that the business was run efficiently and catered for the public houses in the area. The Committee were informed that police statistics showed that it was not a crime hotspot. Mrs Demir explained that alcohol absorption rate was linked with food which showed that when food was taken, the alcohol release slowed down.

Inspector Michelle Falkingham explained that Finkle Street and Market Street were the busiest parts of Selby District. Inspector Falkingham explained that dispersal often took around 30 minutes and there was not enough taxis to get people away which created a flashpoint for the Police. The Sub Committee were also informed that the Police often experienced difficulties in getting people away from the town and in around the Finkle Street area, the Police were already at a point where they were struggling to manage the situation.

Members of the Sub-Committee asked questions and received replies.

The Chair confirmed with all parties that they had said all that they needed to say.

The members of the Sub-Committee retired together with the Democratic Services Officer and Senior Solicitor to consider the application.

**RESOLVED:**

**That the application to vary the Premises Licence be APPROVED subject to the below conditions:**

- i. A CCTV system will be installed to cover the premises and recorded coverage will include**

**all areas to where public have access to consume/purchase food.**

- ii. The CCTV system will be maintained, working and recording at all times when the premises are open.**
- iii. The recordings shall be of good evidential quality to be produced in court or other such hearing.**
- iv. Copies of the recordings will be kept available for any responsible authority for 31 days.**
- v. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.**
- vi. Copies of the recordings will display the correct time and date of the recording.**
- vii. Documented staff training will be given regarding the conditions attached to the premises licence and the opening times of the venue.**
- viii. Such records (referred to in Condition 7) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.**
- ix. An Incident Report Register will be kept. The document will record incidents of any anti-social behaviour and ejections from the premises.**
- x. The Incident Report Register (referred to in Condition 9) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.**
- xi. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.**
- xii. There shall be a minimum of two members of staff working after 00:00hrs until the venue closes for business.**

The meeting closed at 1.40pm.

## **LICENSING COMMITTEE**

### **PROCEDURES TO BE FOLLOWED**

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
  - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
  - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
  - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
  - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
  
2. The procedure to be followed by the Licensing Committee:
  - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
  - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
  - iii) The Chair will introduce Members of the Committee.
  - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, press and public, will then be asked to withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Solicitor will inform in writing to the applicant the decision of the Licensing Committee.