

Minutes

Licensing Hearing

Venue:	Council Chamber
Date:	10 August 2012
Present:	Councillors K Ellis, Mrs C Mackman and R Sayner (Chair).
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, and Palbinder Mann – Democratic Services Officer

APPLICANT:

North Yorkshire Police Authority – Inspector Michelle Falkingham, Sergeant Andrew Walker, PC Mick Wilkinson and Jane Wintermire, Solicitor, North Yorkshire Police Authority.

PREMISES:

New Inn Public House, 4 Gowthorpe, Selby, YO8 4ET - Mr Stephen Dyson, Designated Premises Supervisor, Mr David Rowland, Business Development Manager, Punch Taverns and Mr John Coen, Solicitor acting for Punch Taverns and Mr Stephen Dyson.

REPRESENTORS:

Responsible Authorities

Environmental Services – Elizabeth Lloyd, Environmental Health Officer, Selby District Council.

Trading Standards – Greg Chapman, North Yorkshire Trading Standards

INTERESTED PARTIES

Mrs Beverley Byrne, representing residents of Robert Street, Selby.
Mr Martin Wiles, representing NFU Mutual on Finkle Street, Selby.

INTRODUCTIONS

Members and everyone present introduced themselves.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DISCLOSURES OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A REVIEW OF PREMISES LICENCE – New Inn Public House, Selby

The Sub-Committee considered an application from the North Yorkshire Police Authority for a review of the licence in respect of the New Inn, Selby. Representations were also received subsequently from Trading Standards and Environmental Health as responsible authorities. Five representations were received from Interest Parties.

With the agreement of the Sub Committee, the hearing was adjourned for 40 minutes to enable the police representative and the licence holder's representative to conclude discussions over the conditions.

The Police asked permission to include evidence of a letter. The introduction of this evidence was challenged by the Premise Licence Holder and the evidence was rejected as it was not received within the specified period.

The Senior Enforcement Officer presented the report. He advised that the application was for a review of a Premises Licence that sought the determination of the Licensing Sub-Committee where relevant representations had been received from Environment Health, the Police and residents.

The Sub-Committee heard representations from the Police, Environmental Health, Trading Standards, Interested Parties and the representative for the Premise Licence holder. It was noted that as well as the Police, the other Responsible Authorities had also submitted additional conditions for inclusion in the Premises Licence.

The Police explained the additional conditions they were seeking. It was explained that the additional conditions put forward by the Police were designed to deal with the areas of concern highlighted in the review application.

The Environmental Health officer confirmed that there was no suggestion the existing conditions had not been complied with, but had received infrequent complaints relating to noise. The additional conditions put forward were agreeable to the Premise Licence holder with the exception of condition two.

The Trading Standards officer confirmed that no test purchases had been carried out and their proposed conditions were made following the concerns raised by the police.

Representations were also made by Interested Parties in relation to noise from music and a generator and waste from the premises.

The Premises Licence holder's representative explained that Mr Dyson ran four licensed premises within the district and had been the Designated Premises Supervisor at the New Inn for the last seven years. The Sub Committee were informed that Mr Dyson had been incurring the expense of employing door staff at the premises when he was under no obligation to do so. The representative drew attention to schedule of incidents and that many of the incidents showed good practice and were not against the licensing principles and others were not on the premises. Attention was also drawn that there was no suggestion that existing conditions relating to noise had been breached and that there was only one complainant in relation to the generator. The representative confirmed that they had sought to work with the police to compromise on the conditions and there only remained a couple of points in dispute.

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

The Chair confirmed with all parties that they had had a fair hearing.

The members of the Sub-Committee retired together with the Democratic Services Officer and Legal Adviser to consider the application for review and the representations and proposals that had been made.

RESOLVED:

That, in view of the serious nature of the incident leading to the Review and other incidents of assault on the premises, the concerns over underage customers, and noise from the premises, the Sub-Committee agreed to impose the following conditions to overcome the concerns:

- i) A colour digital CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.**
- ii) It will be maintained, working and recording at all times when the premises are open.**
- iii) The recordings should be of good evidential quality to be produced in Court or other such hearing.**
- iv) Copies of the recording 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 24 hours of request.**
- vi) **Copies of the recordings will display the correct time and date of the recording.**
- vii) **Four SIA Door Supervisors shall be used at the venue from 2200hrs until close of business on the following occasions:-**
 - i) **on Thursday, Friday and Saturday**
 - ii) **all evenings immediately preceding a Bank Holiday.**
- viii) **Two of the above Door Supervisors shall be positioned on the main Gowthorpe entrance.**
- ix) **Two of the above Door Supervisors shall be positioned at the entrance to the rear bar (currently referred to as Main Street).**
- x) **If the rear bar (currently referred to as Main Street) is not open to the public then only two Door Supervisors need to be deployed.**
- xi) **All Door Supervisors shall display their SIA licence in a high visibility armband when working.**
- xii) **The venue shall actively partake in the Nighttime Economy radio system.**
- xiii) **Documented staff training will be given regarding staff's obligation under the Licensing Act for the retail sale of alcohol; the condition attached to the Premises Licence; and the Opening Times of the venue.**
- xiv) **Such training (condition 13) will be refreshed and the documented records shall be kept for at least one year.**
- xv) **Such documented records (condition 13) shall be made available immediately upon request from any Responsible Authority.**
- xvi) **An Incident Report Register will be kept and made available immediately upon a reasonable request from any Responsible Authority.**
- xvii) **The Incident Report Register shall be kept for one year.**
- xviii) **All OFF SALES shall be made in sealed containers save for those drinks to be consumed on the external parts of the premises.**
- xix) **Customers will not be allowed to enter or leave the premises with drinking glasses or bottles of any type except if moving between**

the main (front) bar area and the rear bar area (currently referred to as Main Street).

- xx) There shall be no static consumption of alcohol and/or congregation of customers in the passage way that runs directly along the side of the bar areas (i.e. the passage way that gives access to the rear bar).**
- xxi) The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.**
- xxii) A Challenge 21 policy shall be adopted.**
- xxiii) All refusals shall be noted in a book which shall be made available upon request from any Responsible Authority.**
- xxiv) All windows shall be kept closed during regulated entertainment.**
- xxv) A landline number for the premises shall be made available to residents living in the vicinity of the premises upon request.**

REASON 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 4.40pm.