



Agenda

Meeting: **LICENSING HEARING**
Date: **10 AUGUST 2012**
Time: **10.00AM**
Venue: **COUNCIL CHAMBER**
To: **Councillors K Ellis, Mrs C Mackman and Miss R Sayner.**

1. Apologies for absence

2. Disclosures of Interest

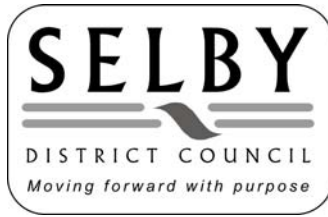
Members should disclose personal or prejudicial interest(s) in any item on this agenda.

3. Application for a Review of Premises Licence

To receive the report of the Senior Enforcement Officer (pages 2 to 67 attached)

Martin Connor
Chief Executive

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



Agenda Item No: 3

Title: Section 51 Application for a Review of Premises Licence for New Inn Public House, 4, Gowthorpe, Selby YO8 4ET

To: Licensing Sub-Committee

Date: 10 August 2012

Service Area: Customers and Business Support

Author: Tim Grogan

Presented by: Tim Grogan

1. Summary

- 1.1 To seek the determination by the Licensing Sub Committee of an application for the review of a Premises Licence made by North Yorkshire Police in respect of the New Inn, 4, Gowthorpe, Selby YO8 4ET under Section 51 of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of the New Inn.

2. Purpose of this Report

- 2.1 This report provides councillors with the background and history to the making of the review. The report sets out the relevant law when reviewing licences under the Licensing Act 2003 ("the Act ") and informs councillors of the options available to them when reviewing a premises licence.

3. Background Information

- 3.1 On 24 November 2005 the New Inn, 4 Gowthorpe, Selby, was granted a Premises Licence under the terms of the Licensing Act 2003. Essentially this was a conversion of the existing Justices Licence.

- 3.2 The premises is currently authorised for the provision of the following licensable activities to take place during the stated hours:

Sale by retail of alcohol

Monday to Wednesday 11:00 – 00:00
Thursday to Saturday 11:00 – 02:00
Sunday 11:00 – 23:30

Performance of recorded music

Monday to Wednesday 11:00 – 00:00
Thursday to Saturday 11:00 – 02:00
Sunday 11:00 – 23:30

Performance of live music

Monday to Wednesday 11:00 – 00:00
Thursday to Saturday 11:00 – 02:00
Sunday 11:00 – 23:30

Provision of facilities for dancing

Monday to Wednesday 11:00 – 00:00
Thursday to Saturday 11:00 – 02:00
Sunday 11:00 – 23:30

- 3.3 The premises licence allows the premises to be open to the public during the following times:

Monday to Wednesday 11:00 – 00:30
Thursday to Saturday 11:00 – 02:30
Sunday 11:00 – 00:00

- 3.4 The Premises Licence Holder is Punch Taverns

- 3.5 The Designated Premises Supervisor is Steve Dyson

- 3.6 A copy of the current Premises Licence is attached at **Appendix A**

- 3.7 A map detailing the location of the premises is attached at **Appendix B**

4. Main issues

- 4.1 The review is being sought by North Yorkshire on the grounds of crime and disorder, public nuisance, public safety and protection of children from harm. A copy of the review application is located at **Appendix C**

- 4.2 Documentary evidence to support the review on the grounds described above can be found at **Appendix D**

- 4.3 As part of the review procedure details of the review and an outline of the grounds on which the review is requested was displayed at the premises for a period of 28 days commencing the day after the application was received, this being on 19 June until 17 July 2012.

- 4.4 Notices providing details of the review were duly placed on prominent display at the premises on 19 June 2012, which were checked on a regular basis. The notices were removed at the end of the 28 day consultation period.
- 4.5 Section 51 of the Licensing Act 2003 places upon the Licensing Authority a duty to review the Premises Licence in respect of the New Inn Public House, 4, Gowthorpe, Selby. The Licensing Authority must then follow a procedure set out in the Licensing Act 2003. A summary of this procedure is attached to this report by way of a flow chart at **Appendix E**

5. Relevant Representations

- 5.1 Under the Licensing Act 2003 representations can be received from responsible authorities or interested parties. Representations must be relevant and, in the case of an interested party must not be frivolous or vexatious.
- 5.2 Representations have been received from Responsible Authorities. Councillors are invited to consider the representations from Environmental Health Services and North Yorkshire Trading Standards at **Appendix F**
- 5.3 Representations have been received from 5 interested parties and are attached at **Appendix G** for consideration.

6. Matters relevant to the Application

- 6.1 Members of the Licensing Sub-Committee must make decisions with a view to promoting the licensing objectives which are:
- **the prevention of crime and disorder**
 - **public safety**
 - **the prevention of public nuisance**
 - **the protection of children from harm**
- 6.2 In making their decision councillors are obliged to have regard to guidance issued under Section 182 of the Licensing Act 2003, a copy of the relevant section is attached at **Appendix H** and the council's licensing policy. Councillors must also have regard to the relevant representations made and evidence that they hear.

7. Implications for Council Policy and Government

- 7.1 It is the stated licensing policy of the Council that when considering a review the authority can take such steps, if any, as it considers necessary for the promotion of the licensing objectives. The steps could be: a modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence for three months or the revocation of the licence.

8. Legal and Resource implication

- 8.1 There are no resource implications in determining the review.
- 8.2 The Licensing Act 2003 provides the right to appeal on any decision reached on review. The right of appeal is to the Magistrates Court.

9. Recommendations

- 9.1 The Sub-Committee are requested to determine this review. The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- to modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition)
 - exclude any licensable activities to which the application relates
 - to remove the Designated Premises Supervisor
 - to suspend the licence for a period not exceeding 3 months
 - to revoke the licence
- 9.2 The Sub-Committee may alternatively decide that no action is necessary and that the circumstances of the review do not require the Sub-Committee to take any steps to promote the licensing objectives.
- 9.3 The Sub-Committee should note the Guidance also suggests it is open to them to issue an informal warning to the license holder or to recommend improvement within a particular time. However, the Guidance further provides that where responsible authorities have already issued such warnings, the issuing of another warning should not be repeated.
- 9.4 The Sub-Committee are asked to note that they may not take any of the steps outlined above merely because they consider it desirable to do so. It must actually be **appropriate** in order to promote the licensing objectives.

Background Papers

- Guidance issued under section 182 of the Licensing Act 2003
- Selby District Council Statement of Licensing Policy

ANNEX A

Copy of the Premises Licence for the New Inn, 4, Gowthorpe, Selby.

SELBY DISTRICT COUNCIL

LICENSING ACT 2003

Premises Licence

Premises licence number: LN/000003741

Part 1 - Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description

The New Inn, 4 Gowthorpe, Selby, North Yorkshire, YO8 4ET

Telephone number **01757 703429**

Licensed activities authorised by this licence
Supply of alcohol
Live music
Recorded music
Dancing
Anything similar to above

The times the licence authorises the sale or supply of alcohol

Sunday	12:00 - 23:30
Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 02:00
Friday	11:00 - 02:00
Saturday	11:00 - 02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and off supplies

Non Standard Timings

A further additional hour into the morning following every Fri/Sat/Sun and Mon for each May, Spring/Whitsun and August Bank Holiday weekend.
A further additional hour into the morning following every Thurs/Fri/Sat/Sun and Mon for the Easter Bank Holiday weekend.
A further additional hour every Christmas Eve and Boxing Day.
To reflect existing New Year's Eve/Day hours.

The times the licence authorises the carrying out of other qualifying activities

Sunday	12:00 - 23:30
Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 02:00
Friday	11:00 - 02:00
Saturday	11:00 - 02:00

Non Standard Timings
As previous

Occupancy - 200

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Punch Taverns Plc
Jubilee House, Second Avenue, Burton on Trent, DE14 2WF
01283 501600

Registered number of holder, for example company number, charity number (where applicable)
03752645

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Stephen Dyson
Kings Arms, Main Street, North Duffield, Selby, YO8 5RG
01757 709006

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence no: LN/00002901
Licensed by: Selby District Council

Selby District Council
Licence Section
Portholme Road
Selby
YO8 4SB

Phone: 01757 292027
Fax: 01757 292229
Email: licensing@selby.gov.uk

NOTE: A fee is payable to Selby District Council each year on the anniversary of the grant of this licence.

Annex 1 – Mandatory conditions where licence authorises supply of alcohol.

- (1) In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence –
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Standard conditions applicable to ‘ON LICENCE’ premises.

Permitted Hours

The permitted alcohol hour restrictions do not prohibit:

- a) the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered
- c) the sale of alcohol to a trader for the purpose of his trade, or to a registered club for the purposes of the club
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State, or an authorised mess of the members of Her Majesty’s naval, military or air forces
- e) the taking of alcohol from the premises by a person residing there
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied
- g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Children

No person under fourteen shall be allowed in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence
- b) He resides in the premises, but is not employed there.

- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is merely ancillary.
- e) He is in the premises solely for the consumption of meals and/or non-alcoholic beverages.

In this condition 'bar' includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor, but does not include a bar at any time when it is usual in the premises in question for it to be, and it is –

- i) set apart for the service of table meals, and
- ii) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as an ancillary to his meal.

Credit Sales

Intoxicating liquor shall not be sold or supplied for consumption on the premises unless it is paid for before or at the time when it is sold or supplied. This condition, however, shall not apply:

- a) If the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal, or
- b) If the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation, or
- c) If the sale or supply of intoxicating liquor is to any canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or to an authorised mess of members of Her Majesty's naval, military or air forces.

Annex 2 – Conditions consistent with operating schedule

Licensing Objectives

General

Effective and responsible management of the premises.

There shall be a 30 minute 'drinking up' time after the last permitted sale of alcohol.

The licence holder reserves the right to move the fire appliance, AWP machines, cigarette machines and/or other similar objects temporarily in a fixed location which may impact

On the ability of individuals on the premises to use exits or escapes routes without impediment.

Prevention of Crime & Disorder

Effective and responsible management of the premises.

Acceptance of accredited proof of age scheme.

Provision of outside lighting.

Most of customers are local.

Outside areas regularly cleared of glasses etc.

Availability of taxi service.

Member of Pubwatch Scheme.

Public Safety

Effective and responsible management of the premises.
Regular testing (and certification) of procedures, appliances etc.
Adequate and maintained emergency lighting system.
Adequate and maintained fire alarm and fire fighting equipment.
Adequate and maintained illuminated fire exit signs.
Provision of outside lighting.
Provision of first aid box.
Smoking policy.

Public nuisance

Effective and responsible management of the premises.
Collection and disposal of litter.

Protection of Children from Harm

Effective and responsible management of the premises.
No unaccompanied children in the premises.
Limitations on the hours when children may be present on the premises.
Acceptance of accredited proof of age scheme.
No entertainment of an adult or sexual nature provided.
AWP machines in a highly visible area for monitoring play.
Designated no smoking area.

Annex 3 – Conditions attached after Representations by Responsible Authorities.

Environmental Health Officer

1. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises (between the hours of 23:00 and 07:00) shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.
2. No external doors (including fire-exit doors and patio doors) to the premises shall be propped open during the course of regulated entertainment.
3. All external areas of the premises (beer gardens, patios, etc) must not be used by customers between the hours of 23:20 and 07:00.

Annex 4 – Conditions attached after a hearing by the Licensing Authority.

None



Head of Legal & Democratic Services

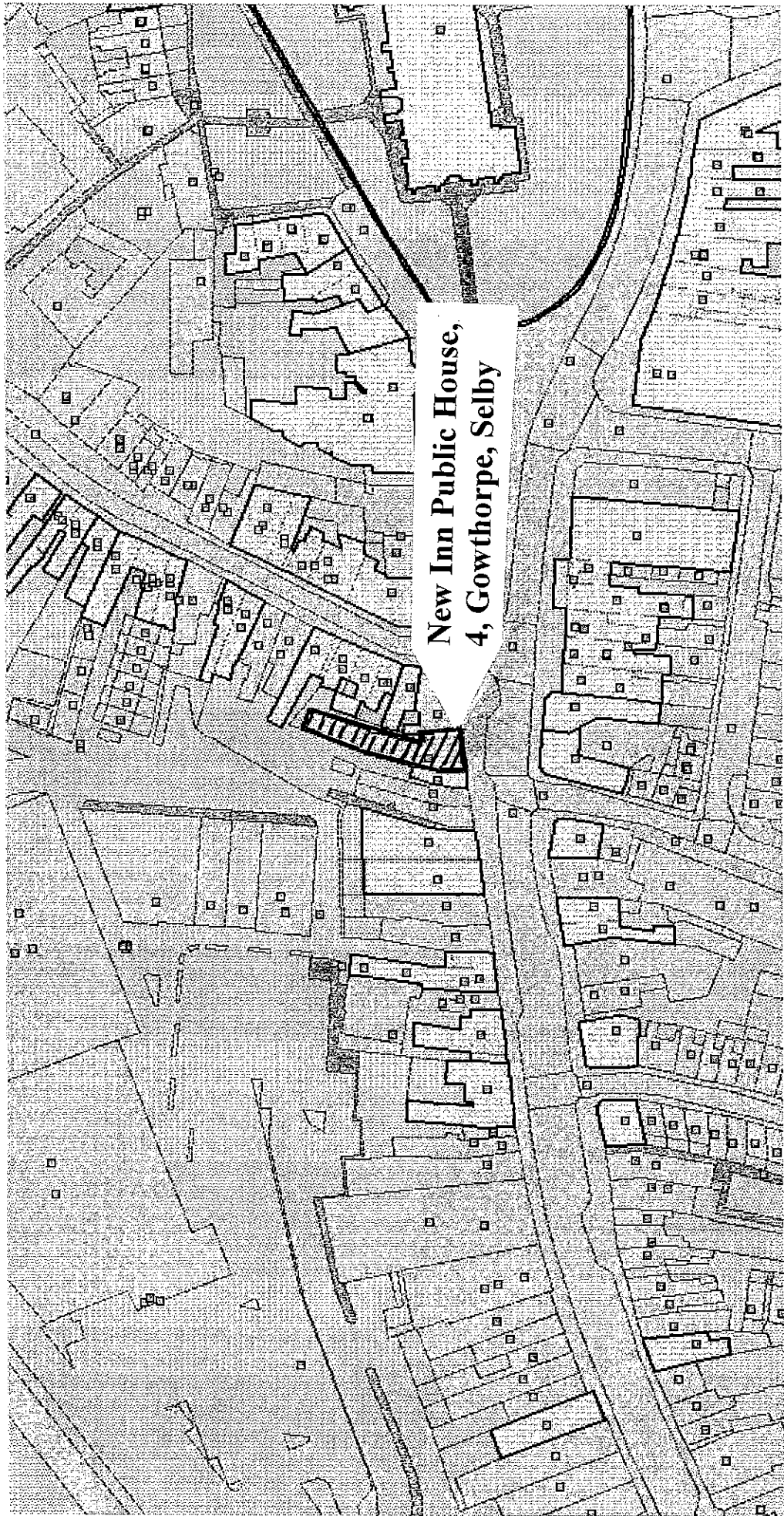
Date licence granted 10th August 2006

**Selby District Council
Licence Section
Civic Centre
Portholme Road
Selby
YO8 4SB**

**Phone: 01757 292027
Fax: 01757 292229
Email: licensing@selby.gov.uk**

ANNEX B

Map detailing the location of the New Inn, 4, Gowthorpe, Selby.



**New Inn Public House,
4, Gowthorpe, Selby**

ANNEX C

North Yorkshire Police application to review the Premises Licence of the New Inn, 4, Gowthorpe, Selby.

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I PC952 Mick Wilkinson

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The New Inn 4 Gowthorpe

Post town Selby	Post code (if known) YO8 4ET
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Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns PLC
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Number of premises licence or club premises certificate (if known) LN/000003741

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC952 Mick Wilkinson Police Licensing Officer Fulford Road Police Station Fulford Road York YO10 4BY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The Police wish to seek a review of the above premises as the above Licensing Objectives have been undermined.

Over recent months there has been an increase in alcohol related incidents directly associated with the venue along with a substantial rise in the level of violence associated with assaults at the venue. The most recent assault being the stabbing of a customer inside the venue. This assault is still being investigated at the time of this submission.

The Designated Premises Supervisor (Mr Steve DYSON) has also been served a warning letter by the Security Industry Authority after it was discovered that he was illegally employing Door Staff without the correct licence in place.

The history of incidents shows the nature of issues that the Police and local Night Marshalls have had to deal with and include:-

- allegations of blocked fire exits
- assaults in which customers have received injuries such as a broken nose, broken cheek bone and serious head injuries (due to the afore mentioned stabbing)
- numerous reports of underage customers.

Please provide as much information as possible to support the application
(please read guidance note 2)

The attached statement from PC Wilkinson outlines the interview of DYSON in company with a representative of the Security Industry Authority. The same statement also makes reference to the attached "Schedule of Incidents" that was prepared by PC Wilkinson.

The attached email from PS Walker outlines the issues surrounding the alleged stabbing at the venue on 25th May 2012.

The schedule shows that the four Licensing Objectives have been undermined in the following instances:-

The prevention of crime and disorder -

Inc No's 1, 2, 4, 5, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41 & 43

Public safety -

Inc No's 3, 5, 6 & 33

The prevention of public nuisance -

8, 9, 18, 23, 30, 35 & 39

The protection of children from harm -

7, 16, 19, 25, 27, 37, 38, 42 & 44

The venue's Premises Licence has no enforceable conditions and the Police believe that this is a significant factor in how the venue is managed. It is for this reason that, as a result of the evidence submitted, the Police would seek to have the following conditions attached to the Premises Licence to ensure that the relevant Licensing Objective is not undermined in future:-

The prevention of crime and disorder

1. 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.

2. It will be maintained, working and recording at all times when the premises are open.

3. The recordings should be of good evidential quality to be produced in Court or other such hearing.

4. Copies of the recordings will be kept available for any Responsible Authority for 30 days.

5. Copies of the recordings shall be made available to any Responsible Authority within 24hrs of request.

6. Copies of the recordings will display the correct time and date of the recording.

7. Four SIA Door Supervisors from a Door Company that has "Approved Contractor" status (ACS as authorised by the SIA) shall be used at the venue from 2100hrs until the close of business on the following occasions:-

- i) on Thursday, Friday, Saturday and Sunday evenings
- ii) all evenings before a Bank Holiday.

8. Two of the above Door Supervisors shall be positioned on the main Gowthorpe entrance.
9. Two of the above Door Supervisors shall be positioned at the entrance to the rear bar (currently referred to as Main Street).
10. 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.
11. All Door Supervisors shall display their SIA licence in a high visibility armband when working.

Public Safety

12. The venue shall partake in the Nighttime Economy radio system.
13. The radio shall be turned on and carried by the Duty Manager from 2000hrs (or the Door Supervisor situated at the front entrance when deployed) at all times the venue is open for business.
14. Documented staff training will be given regarding staff's obligation under the Licensing Act for the retail sale of alcohol; the conditions attached to the Premises Licence; and the Opening Times of the venue.
15. Such training (Condition 9) will be refreshed (and documented) every three months and the documented records shall be kept for at least one year.
16. Such documented records (Condition 9) shall be made available immediately upon request from any Responsible Authority.
17. The Duty Manager and all Door Supervisors shall be in contact with each other by way of internal radio system at all times when deployed.
18. An Incident Report Register will be kept and made available immediately upon a reasonable request from any Responsible Authority.
19. The Incident Report Register shall be kept for three years.
20. The Incident Report Register will contain consecutively numbered pages in a bound format and include the following:-
 - Full details of the SIA Door Staff when deployed (as above). This will include names and licence numbers of the Door Staff.
 - Full details of the Duty Manager.
 - Details of all instances where staff have refused service to customers at the venue for any reason.
 - Details of all searches undertaken by the Door Staff whether the search results in any substance being found or is a negative search.
 - Details of any incident involving anti-social behaviour, injury and ejections at the venue and will cover the following points:-
 - time/date
 - location within the venue
 - names of staff members or Door Staff involved in the incident
 - details of any Police Officer who attended the incident (the main Officer in the case will suffice should there be a number of Officers attending)
 - full details of any witnesses to the incident
 - full details/report of the incident in question.

The prevention of public nuisance

21. All OFF SALES shall be made in sealed containers.

22. 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).

23. There shall be no consumption of alcohol 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).

24. There shall be no more than six customers allowed to congregate to smoke directly outside the venue (on Gowthorpe).

The protection of children from harm

25. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

15/06/12

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

ANNEX D

North Yorkshire Police documentary evidence to support the review of the Premises Licence of the New Inn, 4, Gowthorpe, Selby.

[Redacted] (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Michael Leslie Wilkinson

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Redacted] (witness) Date: 15th June 2012

I am Police Constable 952 Mick Wilkinson of the North Yorkshire Police presently stationed at York. I am currently the Police Licensing Officer covering the Selby District and my role includes ensuring that Licensed Premises do not undermine the four Licensing Objectives listed in the Licensing Act 2003.

Those Licensing Objectives being:-

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of crime and disorder
- d) the protection of children from harm.

Around October 2011 I became aware of issues concerning the provision of Door Staff at The New Inn, Main Street, Selby which has a Premises Licence issued by Selby District Council (Premises Licence - LN/000003741). As a result I formally made Officers from the Security Industry Authority (SIA) aware of my concerns; those concerns being the fact the Door Staff deployed at the venue were directly employed by the Designated Premises Supervisor, Steve DYSON, when he did not have the correct authority in place to deploy Door Staff.

At 1100hrs on Tuesday 29th November 2011 I was present at The New Inn, Main Street, Selby when DYSON was cautioned and interviewed by an Officer from the SIA. At the conclusion of the interview DYSON was reported for summons for offences under the Private Security Industry Act. DYSON later received a Warning Letter for an offence contrary to Section 3 of the Private Security Industry Act 2011.

On Friday 25th May 2012 I was made aware of a serious incident that had happened at the New Inn and, as a result, I carried out research into all issues directly associated with the venue. I subsequently produced a schedule titled "Incident Reports (Crime & ASB) - The New Inn, Selby" which shows ALL incidents linked to The New Inn. I believe that that the nature of these incidents show that it would be appropriate to impose conditions on the Premises Licence to promote the licensing objectives. Full details of the proposed conditions are included in the Licensing Review application.

Signature: [Redacted] Signature witnessed by: [Redacted]

2010/11

[Redacted] (when complete)

Wilkinson, Mick**From:** Walker1780, Andrew**Sent:** 15 June 2012 09:52**To:** Wilkinson, Mick**Subject:** Amended Main Street statement [REDACTED]**Classification:** [REDACTED]

At 0005 hrs on Friday 25th May 2012 I was on duty at Selby police station working as the night cover duty response Sgt. At this time I was made aware that there had been a stabbing incident at Main Street bar, Gowthorpe and two officers were immediately dispatched. A short time later officers reported that the incident was genuine and requested assistance due to large numbers of persons being present at the scene and also due to localised disorder. I attended outside Main Street to be met with a large number of persons in the street, some on lookers and some being aggressive towards door staff, Night Marshalls and Police Officers who were trying to prevent violence and further escalation of the disorder. There were customers still entering and leaving the alleyway that leads to Main Street and I could still hear loud DJ music emitting from the alleyway. The scene outside Main street was chaotic and no-one appeared to have any control. I liaised with an officer that had initially attended who showed me the victim. He had a very large clean cut to the side of his face that led from the side of his ear down towards his mouth, he said he had been slashed with a knife. This was a very serious injury and later needed 15 stitches at York District hospital. Due to the injury I approached a male who I believed to be the licensee, Steve Dyson, and requested that the premises be shut to prevent further disorder and because it was a crime scene that could provide evidence of the offence including the weapon. Mr Dyson said that he wouldn't shut the bar, the male had been hit with a bottle and the incident was over. Mr Dyson tried to play down the incident even though the disorder was continuing and at this time the manageress of the bar was having an argument in the street with a member of door staff. I informed Mr Dyson that, due to the seriousness of the incident, I would be requesting an Inspectors authority to shut the bar for the reasons I had already outlined and this is what I did. Once authority had been granted I again requested that Mr Dyson close the bar which he agreed to do. The manageress quickly stopped staff serving, closed the bar, stopped the music and cleared all customers. I again spoke with Mr Dyson who stated that although he had not initially wanted to close the bar he would now continue to comply voluntarily with all police requests. He stated that he hadn't wanted to close the bar as he didn't want all those customers to be suddenly on the street as he thought it may cause further disorder. Pockets of sporadic disorder had now spread further along Gowthorpe and onto Finkle Street and this was brought under control as additional police resources arrived. Due to heightened tensions an extra presence was maintained in the town whilst other licensed premises remained open, there were no further incidents of note.

Police Sergeant 1780 Andy Walker
Band 2 Response
Selby Police Station
Portholme Road
Selby
YO84QQ
Tel: 101

[REDACTED]

Incident Reports (Crime & ASB) – The New Inn, Selby

October 2011 to Present Day

Premises Licence – LN/000003741

No	Incident Time	Incident Date	Day	NYP Ref No	Occurrence Details	Outcome/Result	Document
1	1344hrs	24/10/11	Mon	12110180658	Customer reports being assaulted (knocked unconscious) upon leaving the venue at 2400hrs 21/10/11. Police investigate but no evidence of assault taking place.	No further Police action.	Webstorm
2	1222hrs	27/10/11	Thurs	12110182194	Report of theft of handbag from inside venue at 1700hrs 26/10/11. Police investigate.	Finalised as undetected crime.	Webstorm NICHE OEL
3	2336hrs	03/11/11	Thurs	n/a	Night Marshalls report blocked fire exit.	Passed to Fire Service via Night Marshall Duty Report.	NM Report

4	2200hrs	11/11/11	Fri	12110191628	Customer assaulted (headbutted) inside venue. Police attend. CCTV not working. Offender subsequently reported for summons as part of Police investigation.	Case discontinued by CPS for insufficient evidence.	Webstorm NICHE OEL NM Report
5		29/11/11	Tues	n/a	Steve Dyson (Premises Licence Holder & Designated Premises Supervisor) interviewed under caution by Officers from the Security Industry Authority and Police following allegations of directly employing Door Staff whilst not being licensed to do so. Dyson subsequently reported for summons.	Dyson receives official SIA Warning for an offence under the Private Security Industry Act 2001.	Officer PNB SIA Disclosure
6	2339hrs	16/12/11	Fri	n/a	Night Marshalls report blocked fire exit.	Passed to Fire Service via Night Marshall Duty Report.	NM Report
7	0040hrs	18/12/11	Sun	12110212432	Drunken customer falls to ground after entering venue to complain of underage drinking at venue.	No further Police action.	Webstorm
8	1022hrs	18/12/11	Sun	12110213372	Report of assault at the venue in early hours of 18/12/11. Police investigate to find that drunken customers were legally ejected from premises.	No further Police action.	Webstorm NICHE OEL

9	1828hrs	19/12/11	Mon	12110213794	2 nd report of assault as per above incident (Inc No 8 of this schedule). Police investigate to find that drunken customers were legally ejected from premises.	No further Police action.	Webstorm
10	0115hrs	30/12/11	Fri	n/a	Night Marshalls report large disturbance at the venue. Offenders ejected by Door Staff. Police attend.	Offender given a Sct 27 Direction to Leave Notice.	NM Report
11	2330hrs	30/12/11	Fri	n/a	Night Marshalls report attending disturbance at venue. Two groups dispersed by Night Marshalls.	No further Night Marshall action.	NM Report
12	2304hrs	31/12/11	Sat	12110219837	Police report disturbance at venue. Two offenders arrested and charged with public order offences.	1 st offender found guilty of Sct 4 POA offence at Selby Magistrates Court. Sentenced to 19 day "Thinking Skills" course with probation, 80 hours Community Service and £85 costs.	Webstorm NICHE OEL
13	2315hrs	31/12/11	Sat	12110219839	2 nd crime report relating to the above incident (Inc No 12 of this schedule).	2 nd offender receives a Fixed Penalty Ticket for Sct 5 POA offence.	Webstorm NICHE OEL
Jan							
14	0112hrs	22/01/12	Sun	12120011220	Police report assault (broken nose, pulled hair and bruising to side of face) inside venue. Two offenders arrested. CCTV not working.	Alleged offenders NFA'd due to lack of evidence.	Webstorm NICHE OEL

Feb							
15	2310hrs	02/02/12	Thurs	n/a	Night Marshalls report a male ejected by Door Staff. Male seen to have white powder around his nose. Night Marshalls circulate same to all venues.	No further Night Marshall action.	NM Report
16	2320hrs	23/02/12	Thurs	n/a	Night Marshall report underage female being ejected from the venue. Night Marshalls monitor her leave the area.	No further Night Marshall action.	NM Report
Mar							
17	2239hrs	22/03/12	Thurs	12120045683	Report of assault (reddening to eye) inside venue. Police attend. Offender arrested.	Offender dealt with for assault by way of Community Resolution Disposal.	Webstorn NICHE OEL
18	0010hrs	24/03/12	Sat	n/a	Night Marshalls report aggressive male ejected from the premises for allegedly touching female customers. Night Marshall assist in moving male away from venue.	No further Night Marshall action.	NM report
19	0027hrs	25/03/12	Sun	12120046993	Door Staff report disturbance at venue. Police attend and arrest 17yr old customer for drug and public order offences.	Offender NFA'd for drug offence but found guilty of Sect 4 POA offence at Selby Magistrates Court. Referred to Selby Youth Offender Panel.	Webstorn NICHE OEL

20	2309hrs	31/03/12	Sat	12120051314	Door Staff report disturbance at venue. Police attend. One offender arrested for two counts of assault on staff members (one punched in stomach; one punched in eye causing swelling). Second offender arrested for public order offence.	Alleged offender NFA'd for the assault on staff member.	Webstorm NICHE OEL NM Report
Apr							
21	1102hrs	01/04/12	Sun	12120051537	2 nd crime report relating to assault on staff member in above incident (Inc No. 20 of this schedule).	Update as per above incident (Inc No 20 of this schedule).	Webstorm NICHE OEL NM Report
22	1109hrs	01/04/12	Sun	12120051540	3 rd crime report relating to the public order offence in above incident (Inc No 20 of this schedule).	Offender receives a Fixed Penalty Ticket for Sect 5 POA offence.	Webstorm NICHE OEL NM Report
23	0050hrs	06/04/12	Fri	n/a	Night Marshals report two customers ejected from the venue for fighting. Night Marshals monitored them leaving the area.	No further Night Marshall action.	NM Report
24	0310hrs	06/04/12	Fri	12120054510	Customer previously ejected by Door Staff arrested for public order offence.	Offender found guilty of Sect 5 POA offence at Selby Magistrates Court. Fined £100 and £100 costs.	Webstorm NICHE OEL

25	2242hrs	06/04/12	Fri	n/a	Night Marshalls report 16yr old customer ejected from venue. Night Marshalls monitor male being dealt with by Police.	Male given a Sect 27 Direction to Leave Notice.	NM Report
26	2231hrs	14/04/12	Sat	12120059641	Report of assault at the venue. Police attend. No complaints forthcoming.	No further Police action.	Webstorm
27	2300hrs	14/04/12	Sat	12120059699	Door Staff detain 16yr old attempting to gain entry. Police attend. Juvenile taken home and warned in front of parents.	No further Police action.	Webstorm
28	1745hrs	15/04/12	Sun	12120061230	Report of two assaults (pushed in back) inside venue 2200hrs 14/04/12. Police investigate. Offender arrested.	Alleged offender NFA'd due to lack of evidence.	Webstorm NICHE OEL
29	2040hrs	17/04/12	Tues	12120061722	Report of assault (fractured cheekbone) inside venue 0030hrs 15/04/12. Police investigate. Offender arrested.	Offender currently on conditional Police bail (14/07/12).	Webstorm NICHE OEL
30	2340hrs	19/04/12	Thurs	n/a	Night Marshalls report female customer ejected for fighting inside venue. Night Marshall monitored her leaving the area.	No further Night Marshall action.	NM report
31	0752hrs	24/04/12	Tues	12120064641	2 nd crime report to above incident (Inc No 28 of this schedule).	Update as per above incident (Inc No 28 of this schedule).	NICHE OEL

32	0033hrs	05/05/12	Sat	12120071345	Customer arrested at venue for possession of Cat A drugs. Offender placed on bail to attend Drug Referral Scheme.	Offender attended Drug Referral Scheme. No further Police action.	Webstorm NICHE OEL
33	2248hrs	06/05/12	Sun	12120072547	CCTV report customer detained for criminal damage at the venue. Police attend. No complaints forthcoming from management. Venue had no Nighsafe radio.	No further Police action.	Webstorm NIM Report
34	0015hrs	11/05/12	Fri	n/a	Night Marshalls report three males ejected from venue for punching member of staff. No complaints forthcoming.	No further Night Marshall action.	NM Report
35	0100hrs	11/05/12	Fri	n/a	Night Marshalls report two male customers arguing outside the venue. Night Marshalls intervene to calm situation and monitor them leaving the area.	No further Night Marshall action.	NM Report
36	1216hrs	11/05/12	Fri	12120075896	Report of assault (punch to face) inside venue 2300hrs 10/05/12. Police investigate.	Finalised as undetected crime.	Webstorm NICHE OEL

37	0000hrs	18/05/12	Fri	n/a	Night Marshalls report 15yr old female ejected from venue for underage drinking. Police attend and facilitate females removal to home address.	No further Night Marshall action.	NM Report
38	0030hrs	18/05/12	Fri	n/a	Night Marshalls report 17yr old male ejected from venue. Police attend and facilitate males removal to home address.	No further Night Marshall action.	NM Report
39	0100hrs	20/05/12	Sun	n/a	Night Marshalls report male ejected from venue for throwing pint glass. Night Marshalls monitor male leaving area.	Same male reported for summons by Night Marshalls for urinating in public place.	NM Report
40	2252hrs	24/05/12	Thurs	12120083116	Report of customer in possession of a knife. Police attend. No knife found.	No further Police action.	Webstorm
41	0000hrs	25/05/12	Fri	12120083159	Report of stabbing at the venue. Police attend to find serious ongoing incident. One male found to have serious head injury. PAVA deployed to facilitate arrest of offender. Steve Dyson (DPS) spoken to and eventually agreed to close venue voluntarily to preserve the crime scene. CCTV not working at venue.	Still under investigation.	Webstorm NICHE OEL NM Report Officer Email

42	2345hrs	31/05/12	Thurs	n/a	Underage female refused entry to venue. Night Marshalls monitor female leaving area.	No further Night Marshall action.	NM Report
43	2300hrs	03/06/12	Sun	n/a	Night Marshalls assist in ejecting a group of violent customers. One Night Marshall assaulted (head butted and spat at) by one ejected customer. A second ejected customer then damage window of nearby business property. Police attend and arrest offenders.	One offender charged with assault. Currently on bail to Selby Magistrates Court (28/06/12). Second offender currently on conditional Police bail for criminal damage (26/06/12).	Webstorm NICHE OEL
44	2345hrs	07/06/12	Thurs	n/a	Underage male refused entry to venue. Night Marshalls monitor male leaving area.	No further Night Marshall action.	NM Report

ANNEX E

A flow chart outlining the procedure the Licensing Authority must follow upon receiving an application to review a Premises Licence under section 51 of the Licensing Act 2003.

Review of Premises Licence

Application for a review received.

- Is the application completed correctly?
- Is the application relevant to the Licensing Objective?
- Is the interested party relying on frivolous, vexatious or a repetitious ground?
- Has the applicant notified responsible authorities and Licence holder?

Notify the applicant as soon as possible that the ground is frivolous, vexatious or a repetition.

Licensing Authority must advertise the review

- Advertisement placed -
- At or near premises subject to review
 - At offices of Licensing Authority
 - On leads.gov.uk

The advert must include the following details

- a) The address of the premises subject to review
- b) The dates between which interested parties & Responsible Authorities may make representations
- c) The grounds of the application for review
- d) The postal address, web site address ,licensing register details etc
- e) That it is an offence to knowingly or recklessly to make a false statement in connection with the review.

The advert is placed for no less than 28 consecutive days starting with the day after the application was given to the applicant.

The Licensing Authority must hold a hearing

The hearing must be held within 20 working days beginning with the day *after* the end of the period during which representations may be made



The Licensing Authority must give notice of the hearing, no later than ten working days before the day of the hearing

Notice of the review hearing must be given to
a) The premises licence holder
b) Those that made relevant representations

Representations from interested parties must not be vexatious, frivolous or a repetition.

- A ground for review already specified in an earlier review application of the same premises which has already been determined; or
- Representations considered when the premises licence was first granted; or
- Representations which would have been made when the application for the premises licence was first granted and which were excluded then due to a provisional statement being issued; and
- A reasonable interval has not elapsed since a previous review or the grant of the licence.

Notification that a representation is frivolous, vexatious or repetitious must be given in writing before the review is determined.

ANNEX F

Representations received Responsible Authorities in the form of Environmental Health Services and North Yorkshire Trading Standards in connection with the review of the Premises Licence of the New Inn, 4, Gowthorpe, Selby.

ENVIRONMENTAL HEALTH AND HOUSING

INTERNAL MEMO

TO: Tim Grogan
Enforcement Officer

FROM: Wayne Palmer
Lead Officer – Environmental Health
and Housing

YOUR REF: 3741

OUR REF:

DATE: 16 July 2012

TEL: 01757 292200

RE: Application for review of Premises Licence, New Inn, 4 Gowthorpe, Selby, YO8 4ET.

I refer to the application to review the premises licence of the above premises by North Yorkshire Police.

Following examination of the information held by this Department, I can confirm that the following is a brief summary of the complaints received regarding alleged noise nuisance emanating from the New Inn, 4 Gowthorpe, Selby. Where action has been taken, this is indicated.

Date of Complaint	Reference	Nature of Complaint	Action / Outcome
1/12/2007	WK/200718928	Alleged noise nuisance from amplified music.	Complaint investigated and substantiated resulting in an abatement notice being served on 5 December 2007. Licensee advised in writing on 8 December 2012 that closing the rear doors reduced the noise nuisance.
22/4/2008	WK/200822386	Complaint alleging noise nuisance.	Complaint investigated resulting in a warning letter being sent to the Licensee advising more control of persons using the rear of the premises was required and reminding the licensee that any further breaches of the abatement notice served on 5 December 2007 will result in formal action being taken.
6/9/2010	WK/201041270	Complaint alleging noise nuisance.	Complaint investigated resulting in a warning letter being sent to the Licensee reminding them that the abatement notices served on 5 December 2007 was still in force and that any breaches could result in legal action being taken.

18/4/2011	WK/201145222	Complaint alleging noise nuisance.	Warning letter sent to the licensee reminding them of the requirements of the abatement notice served on 5 December 2007. Written request for the complainant to monitor and record instances of noise nuisance. No further contact from the complainant.
11/5/2012	WK/201202472	Complaint alleging noise nuisance.	Diaries sent to the complainant not returned. No further action.

In light of the review of the premises licence for the New Inn Gowthorpe Selby. The current conditions are:

Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises [between the hours of 23:00 and 07:00] shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.

All external doors to the rooms where regulated entertainment is being provided shall not be propped open during the course of the entertainment, other than for normal access and egress.

All external areas of the premises (beer gardens, patios, etc) must not be used by customers between the hours of 23:20 and 07:00.

I would suggest that in addition the following conditions are added.

1. All windows shall be kept closed during regulated entertainment
2. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening with regulated entertainment to the public. These checks shall be undertaken outside the building to the front and rear to check for noise from inside the premises and noise from customers outside the venue. Details of any remedial action necessary to reduce noise to an acceptable level shall also be recorded. Records shall be made available to an authorised officer of Selby Council on request.
3. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request

Yours faithfully

W Palmer
Lead Officer - Environmental Health and Housing

tim grogan

From: [REDACTED]
Sent: 17 July 2012 15:06
To: tim grogan
Subject: New Inn Selby

Good afternoon

We at Trading Standards have received an Application for a Review of the Premises Licence for the New Inn, 4 Gowthorpe, Selby from Police Licensing Officer PC 952 Mick Wilkinson.

In relation to Protecting Children from Harm - we have previously been made aware of incidents involving underage drinkers in these premises on :- 29th May 2012 as well as those documented in this review (dates as below):-

- * 23:20 hrs on 23/02/12
- * 00:27 hrs on 25/03/12
- * 22:42 hrs on 06/04/12
- * 23:00 hrs on 14/04/12
- * 00:00 hrs on 18/05/12
- * 00:30 hrs on 18/05/12
- * 23:45 hrs on 31/05/12
- * 23:45 hrs on 07/06/12

In light of this we would like to strongly recommend that:-

1. A Challenge 21 policy (minimum) should be adopted.
The only acceptable proof of age identification shall be a current Passport,
Photocard Driving licence or identification carrying the PASS logo.
2. All staff should receive training in policy & procedures and the law relating to underage sales.
3. All refusals should be noted in a book which should be available for inspection by the licensing authorities.

[REDACTED]
Enforcement Officer
Trading Standards & Planning Services

Tel: [REDACTED]

Access your county council services online 24 hours a day, 7 days a week at www.northyorks.gov.uk.

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North Yorkshire County Council.

ANNEX G

Representations received from 5 Interested Parties in connection with the review of the Premises Licence of the New Inn, 4, Gowthorpe, Selby.

ANNEX G

Representation received from [REDACTED] NFU Mutual.

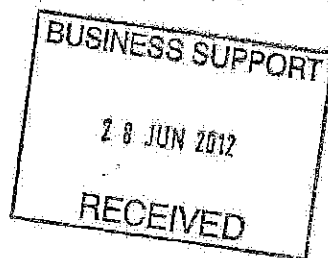


NFU Mutual

Musson, Wiles & Webster
NFU Mutual Office
9 Finkle Street
Selby
North Yorkshire
YO8 4DT

Telephone: 01757 704336
Fax: 01757 213489
Email: selby@nfumutual.co.uk
www.nfumutual.co.uk

The Licensing Authority
Selby District Council
Doncaster Road
Selby
YO8 9FT



27 June 2012

Dear Sirs:

Re: The New Inn Public House, Gowthorpe, Selby.

We have received notification from Tim Grogan that the above public house is currently having a review of their licence and we feel it necessary to advise you of the problems that we have had with this business over the last 12 months. Our business is based in Finkle Street and we have a shared alleyway with the pub which they are entitled to use as a fire exit ONLY.

We have spoken with Ben Hymers and Chris Shaw in Environmental Health at the Council several times following the installation of a generator to provide the Pub's electricity supply. The generator is located in the rear yard of the pub and is in a position whereby the noise, smoke and fumes prevent us from opening the windows in our upstairs office and kitchen area which in the height of summer makes the rooms unusable. We have had staff members who have complained of headache, sickness and a general feeling of unwell since the generator was installed in early June 2011.

Despite several promises from the pub managers to both ourselves and the Environmental Health officers that this was a short term arrangement until they have organised a new electricity supplier the generator is still in situ 12 months later.

In addition to the generator we have had numerous issues with rubbish disposal and these again have been drawn to the attention of Environmental Health, this has involved glass bottles, cardboard and food waste being left in black bags in the shared alleyway and wheellie bins which have been filled to overflowing and again in the warmer weather we are concerned that this can attract vermin. The pub had a specific area where they stored waste which again we had concerns about the type of rubbish left for many months before being removed however this area has now been used for the generator, this has resulted in the pub assuming that the alleyway is there for the storage of their waste which is incorrect, their only access is as fire exit only.

We have included some pictures taken today of the alleyway showing the rubbish and the generator in situ these are enclosed them for your perusal.

Should you require any further information please do not hesitate to contact us on 01757 704336.

Yours sincerely

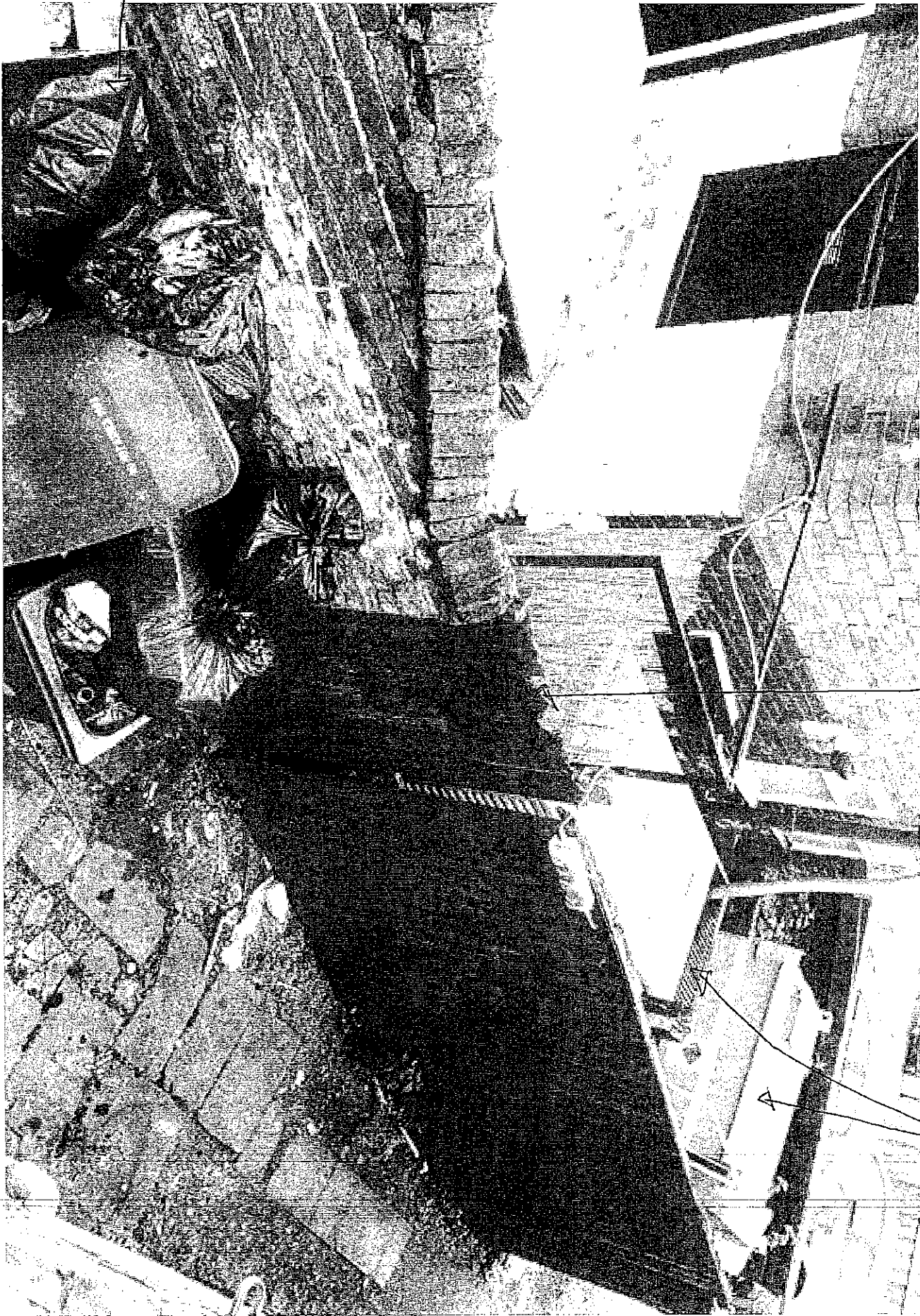


Office Manager
Musson, Wiles & Webster

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www.nfumutual.co.uk

Rubbish



FIRE EXIT FOR PUB

GENERATOR

B + Good To Go

NFUMURAL
AIR CONDITIONING UNIT

PUB
FIRE EXIT
GATEWAY



NFUMURAL
BUILDING

PUB WHEELIE BINS + RUBBISH



VIEW OF THE ALLEYWAY FROM THE OTHER END.



ANNEX G

Representation received from [REDACTED] of [REDACTED], Robert Street, Selby.

Robert Street
Selby
North Yorkshire
YO8 4DY

29 June 2012

Tim Grogan
Selby District Council Civic Centre
Doncaster Road
Selby
North Yorkshire
YO8 9FT

UNACCEPTABLE NOISE LEVELS FROM THE NEW INN, GOWTHORPE, SELBY

Dear Mr Grogan

I have been made aware the Council are about to undertake a review of the licence for The New Inn, Gowthorpe, Selby under powers within the Licensing Act 2003 and wish to make a representation regarding the totally unacceptable level of noise from the above premises.

I would suggest that The New Inn is not suitable for musical entertainment due to its close proximity to several residential properties.

Our home is approximately 50 metres from the rear of the premises, namely the part of their building used as The Stable Bar. Every single Thursday, Friday and Saturday evening and also on a Sunday evening over a Bank Holiday weekend we are disturbed by the noise coming from The New Inn. It would appear to be particularly worse during the summer months or on warm evenings when the rear fire door and the side entrance door to the Stable Bar are left open to allow access for smokers to use the covered area at the rear/side of the premises.

Whilst I was fully aware when I bought my property that it was situated in the town centre and there would be noise at unsociable hours from neighbouring pubs and takeaways it is only The New Inn that presents a problem despite being as close, if not closer to several other pubs.

It is impossible to describe the impact this noise is having on our quality of life. My partner has to be up for work at 4am and his sleep is being constantly disturbed. I am kept awake or woken every weekend without fail by the noise which is now having a detrimental effect on my health and stress levels. Our house has 2 bedrooms, both at the front of the property therefore there is no option to sleep any further away from the noise. We are unable to have the windows open during the night as this only exasperates the problem. The noise is from the bass level and starts at 9pm and often goes on until 3am in the morning. We are not complaining about the noise that starts at 9pm but would like something to be done about the noise from 11pm onwards so they we can sleep at night.

I understand that the licence holder has been made aware of the problem several times in the past and has made very little attempt to address the issue. This shows a blatant disregard for the terms of the licence and no respect for or interest in the residents affected by the noise levels.

Would it be possible to consider the following options:

- Not allowing ANY musical entertainment at all
- Not allowing any music to be played after 11pm/midnight
- Erecting some sort of high screen to deflect the noise away from our property
- The installation of special glass in the doors and windows to reduce noise levels
- The installation of a noise limiting device
- The installation of air conditioning so the windows are not required to be open
- The installation of a lobbied entrance with double doors on automatic closers
- Police/Environmental Health visiting the pub regularly on a Thursday, Friday and Saturday to make sure the fire doors are closed and the side entrance door is only open to allow access, not propped open at all times and that the windows are closed. It would appear that the Environmental Health people write letters after people have complained, we need action taken when the problem is occurring
- Fining the licence holder each time he breaks any part of his licence terms rather than write letters to him which he ignores

There is also a problem in Robert Street with the noise people make during the early hours of the morning with people fighting, urinating, taking drugs, littering and damaging our properties. It is impossible to say these are patrons of The New Inn exclusively but a lot of these problems do coincide with the closing times of The New Inn.

We respectfully ask that during the review you take into account the effect this is having on not only myself but my partner and our neighbours. I have been affected by this for nearly 4 years now and am considering trying to sell my property at a time when it is worth a lot less than I paid for it just to get away from a problem the Council have been aware of and so far unable to resolve. The New Inn have been asked in the past to stop this happening and chosen to ignore this request on several occasions, surely something has to be done now and a review would seem an ideal time to finally address the issue.

Yours faithfully



ANNEX G

Representation received from [REDACTED] of [REDACTED] Robert Street, Selby.

From: [REDACTED] [REDACTED]
Sent: 29 June 2012 10:39
To: tim grogan
Subject: LATE NIGHT NOISE - WOULD YOU

LATE NIGHT NOISE - WOULD YOU LIKE A QUIETER LIFE?

To Mr Grogan,MP

Yes I agree this should be reduced, I dont mind it carrying on, but soon be ex - resident In fact Im leaving the house but not only for the noise Thank you for your concerning notice

[REDACTED]
Robert Street
Selby
North Yorkshire
YO8 4DY

[REDACTED]

--
[REDACTED]

From: [REDACTED]

Sent: 14 July 2012 14:38

To: tim grogan

Subject: Noise at New Inn

To Mr Grogan, Secretary.

The noise can be a problem on Saturday nights when it spills over to Sunday this is 3
t . I understand it shuts at 2am. This was in the early summer May time perhaps early
June. During the winter it isn't so much a problem.

Am moving next month, thank you.

It isn't just about the noise,

Thank you once more.

--

[REDACTED]

ANNEX G

Representation received from [REDACTED] of [REDACTED], Robert Street, Selby.

From: [REDACTED]

Sent: 01 July 2012 18:09

To: tim grogan

Cc: [REDACTED]

Subject: Late night economy issues Robert Street Selby connected with the New Inn and other hostelleries.

Tim,

I'm writing this e-mail in support of [REDACTED] e-mail and letter she has sent you regarding the issues we have experienced on the Robert Street area in Selby, in particular low level disorder issues and criminal damage, occurring on a Thursday, Friday and Saturday between 2200hrs and 0300hrs.

I am the owner of number [REDACTED] Robert Street, a serving police officer with BTP, and until recently the Sergeant Officer in Charge at York.

I echo everything that [REDACTED] has highlighted to you. The noise from the New Inn in my view is excessive, especially after 11pm, and doesn't abate until 0330hrs on a Friday, Saturday and Sunday morning.

I have also experienced my front windows being broken at 0300hrs on a Saturday morning in January of this year, after the local hostelleries kicked out and closed. I was in bed at the time. This has been recorded with North Yorkshire Police.

I would be grateful if you could let me know what the council and North Yorkshire Police are doing about this long term issue? Or planning to do to improve quality of life issues within the locality of Robert Street, especially around the impact that the night time economy has on local residents.

I have lived there now for 15 months, the majority of the time it is a nice place to live with lots of local amenities on your door step, however Thursday through to Sunday morning, the environment turns into a thoroughfare, for drunken loud unruly individuals, who have total disregard that it is a residential area, take recreational drugs, bang doors and windows.

Thoughts please and I await your feedback with anticipation.

Regards

[REDACTED]

Owner of [REDACTED] Robert Street Selby.

ANNEX G

Representation received from [REDACTED] of Robert Street, Selby.

Please see my objection letter below, if you think I have missed anything, or it can be improved in any way please let me know.

Many Thanks

Dear Sir or Madam

I am a resident of Robert Street and have been campaigning about the level of late night noise from the New Inn/Stable Bar for several years. I have no records of the precise dates of my complaints to the Council Licensing Department as I have complained so often and for so long.

As the Council is now reviewing the renewal of the Licence for the New Inn/Stable Bar, primarily due to levels of violence at these premises, I would also like them to take into account the lack of action taken by the Management and Owners to the many objections previously raised by Licensing Officers in Regards to the excessive amount of late night noise.

Council Officials have installed sound recording equipment, and made late night home visits to my property on at least three separate occasions, each time they have concluded that there is indeed too much late night noise, but admitted that there is little they can do legally to alleviate the situation.

I have been informed that the main piece of legislation that could help was; in a Licensed premises all windows and doors have to be kept closed after 11.15pm. Licensing officers contacted the Management and Owners to inform them of such. However sometimes as little as a week after these reminders were issued the windows and doors were propped open all night (from personal observation).

The Management and Owners obviously see these laws and official warnings as something that does not apply to them and is indicative of the cowboy fashion in which their business is run.

Legal notices have been served to the New Inn/Stable Bar with regards to Late Night Noise Nuisance, and still they choose to ignore the Law. Perhaps now with other issues bringing matter to a head can pressure be brought to bear and make the Owners take action to reduce the excessive late night noise.

The Residents of Robert Street have suffered for many years due to the arrogant and wilfully unlawful practices of the management and owners of the New Inn and Stable Bar. We would be grateful if now you could take our concerns into consideration when assessing this Licence renewal.

If you have any further further questions regarding my objections please contact me through Licensing Officer Mr Tim Grogan

Many Thanks for your consideration of my letter

Yours Sincerely



ANNEX H

Guidance regarding the review of a Premises Licence.

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common
- 11.10 environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

11.10 Where the request originates with an *interested party* – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.11 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that *more than one review originating from an interested party* should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. *Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority*

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being

undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review. The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.