

SELBY DISTRICT COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING:	Friday 10 August 2012
SUB-COMMITTEE MEMBERS PRESENT:	Councillor R Sayner (chair) Councillor K Ellis Councillor C Mackman
OFFICERS PRESENT:	Palbinder Mann (Democratic Services) Tim Grogan (Senior Enforcement Officer) Kelly Hamblin (Senior Solicitor)
DISCLOSURE OF INTEREST BY MEMBERS PRESENT:	None
PREMISES:	New Inn Public House 4 Gowthorpe Selby YO8 4ET
PREMISES LICENCE HOLDER:	Punch Tavern Plc Jubilee House Second Avenue Burton on Trent DE14 2WF
DESIGNATED PREMISES SUPERVISOR:	Mr Stephen Dyson

<p>TYPE OF APPLICATION:</p>	<p>Application under section 51 of the Licensing Act 2003 for a review of premises licence LN/000003741.</p> <p>Grounds for review:</p> <p>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.</p> <p>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.</p> <p>The history of incidents shows the nature of issues that the Police and local Night Marshalls have had to deal with and include:-</p> <ul style="list-style-type: none"> <li>- allegations of blocked fire exits</li> <li>- assaults in which customers have received injuries such as broken nose, broken cheek bone and serious head injuries (due to the afore mentioned stabbing)</li> <li>- numerous reports of underage customers.</li> </ul>
<p>APPLICANT:</p>	<p>PC952 Michael Wilkinson, Police Licensing Officer, North Yorkshire Police Authority</p>
<p>RESPONSIBLE AUTHORITIES:</p>	<p><u>North Yorkshire Police Authority:</u>  Jane Wintermire, Solicitor, North Yorkshire Police Authority  Michael Wilkinson, Police Licensing Officer  Police Inspector Michelle Falkingham  Police Sergeant 1780 Andrew Walker</p> <p><u>Environmental Health Services:</u>  Elizabeth Lloyd, Environmental Health Officer, Selby District Council</p>

	<p><u>Trading Standards:</u> Greg Chapman, Trading Standards Officer</p>
<p>OTHER PERSONS IN ATTENDANCE:</p>	<p><u>For the Premises Licence Holder:</u> Mr Coen, of Ford and Warren Solicitors acting for Punch Tavern and Mr Stephen Dyson Mr Rowland of Punch Taverns Mr Stephen Dyson, Designated Premises Supervisor</p> <p><u>Interested Parties:</u> Mrs Byrne representing the residents of Robert Street, Selby Mr Wiles representing NFU shop premises of Finkle Street, Selby</p>
<p><u>DETAILS OF DECISION TAKEN:</u></p> <p>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. 5 representations were received from Interest Parties.</p> <p>The Police asked permission to include evidence of a letter. The introduction of this evidence was challenged by the New Inn and the evidence was rejected as it was not received within a specified period.</p> <p>The police authority had submitted additional conditions to be included in the premises licence, the hearing was adjourned to enable the police representative and the licence holders representative to conclude discussions over these conditions. The other Responsible Authorities had also submitted additional conditions for inclusion in the Premises Licence.</p> <p>The Sub-Committee heard representations from the police, Environmental Health, Trading Standards, Interested Parties and the representative for the Premise Licence holder.</p> <p>The police explained the additional conditions they were seeking and evidence was given by two officers. Some agreement on the conditions sought had been reached with the Premise Licence holder, the main areas of disagreement being the door supervisor conditions and the</p>	

Incident Report Register condition (condition 20). The additional conditions put forward by the police were designed to deal with the areas of concern highlighted in the review application. The police confirmed that they had not previously raised concerns with either Mr Dyson or Punch Taverns (as suggested by the guidance attached to the Licensing Act 2003) and that it was the stabbing incident that had been the tipping point leading to the review application. The police conceded that some of the incidents put forward in the schedule did not undermine the licensing objectives and indeed supported them.

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 2.

Trading Standards officer confirmed that no test purchases had been carried out and their proposed conditions were made entirely following information provided by the police.

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

The Premises Licence holder's representative explained that Mr Dyson runs 4 licensed premises within the district and has been the Designated Premises Supervisor for the last 7 years, furthermore 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 actually 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 reach a compromise on the conditions and there only remained a small area of disagreement.

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

In reviewing the Licence, the Sub-Committee:

- (i) Noted no previous warnings or concerns had been raised with Mr Dyson or Punch Taverns.
- (ii) Noted there was no suggestion that the noise conditions had been breached and no evidence of any action taken in respect of them save for an Abatement Notice in 2007 and only infrequent complaints thereafter.
- (iii) 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.
- (iv) Noted that the police would agree to a reduction in door supervisors to two provided that the middle interlinking door was closed.
- (iv) 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).
- (v) That the representation put forward by the Interested Party in relation to waste and the generator were outside the scope of this review.

**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:

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 recording will be kept available for any Responsible Authority for 28 days.
5. Copies of the recordings shall be made available to any Responsible Authority within 24 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. Four SIA Door Supervisors shall be used at the venue from 2200hrs until close of business on the following occasions:-
  - j) on Thursday, Friday and Saturday

- ii) all evenings immediately preceding 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.
  12. The venue shall actively partake in the Nighttime Economy radio system.
  13. 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.
  14. Such training (condition 13) will be refreshed and the documented records shall be kept for at least one year.
  15. Such documented records (condition 13) shall be made available immediately upon request from any Responsible Authority.
  16. An Incident Report Register will be kept and made available immediately upon a reasonable request from any Responsible Authority.
  17. The Incident Report Register shall be kept for one year.
  18. All OFF SALES shall be made in sealed containers save for those drinks to be consumed on the external parts of the premises.
  19. 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).
  20. 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).
  21. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
  22. A Challenge 21 policy shall be adopted.
  23. All refusals shall be noted in a book which shall be made available upon request from any Responsible Authority.
  24. All windows shall be kept closed during regulated entertainment.
  25. 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

Signature of Chairman: .....

A large, irregular black redaction mark covers the signature of the Chairman.

Dated: .....

15 AUG 2012