

## Minutes

### Licensing Hearing

Venue:	Council Chamber
Date:	15 February 2013
Present:	Councillors Mrs C Mackman (Chair), Mrs S Ryder and J Thurlow.
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Rachel Howden – Enforcement Officer, and Palbinder Mann – Democratic Services Officer
Public:	2

#### **APPLICANT:**

North Yorkshire Police Authority – Inspector Richard Abbot and PC Mick Wilkinson.

#### **PREMISES:**

Swan Public House, 1 Low Street, Sherburn-in-Elmet, Selby – Richard Taylor, Solicitor acting for Enterprise Inns Plc and Fran Painter, Enterprise Inns Plc.

#### **REPRESENTORS:**

##### **Responsible Authorities**

Licensing Authority – Tim Grogan, Senior Enforcement Officer, Selby District Council.

#### **INTRODUCTIONS**

Members and everyone present introduced themselves.

#### **7. ELECTION OF CHAIR**

Councillor Mrs Mackman was elected as Chair for the meeting.

## **8. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **9. DISCLOSURES OF INTEREST**

There were no declarations of interest.

## **10. APPLICATION FOR A REVIEW OF PREMISES LICENCE – The Swan Public House, Sherburn-in-Elmet, Selby**

The Sub-Committee considered an application from the North Yorkshire Police Authority for a review of the licence in respect of the Swan Public House, Sherburn-in-Elmet, Selby. Representations were also received subsequently from Trading Standards, Selby District Council Licensing Authority and Selby District Council Environmental Health Services as responsible authorities. Four representations were received from Interest Parties.

The Enforcement Officer presented the report. She advised that the application was for a review of a Premises Licence that sought the determination of the Licensing Sub-Committee.

The Sub-Committee heard representations from the Police and the Licensing Authority. It was explained that discussions had been held with the owners of the premises and an agreement had been reached on conditions to be imposed. The conditions were circulated to Members at the meeting and it was decided that the meeting would be adjourned to allow time for Members to read through the conditions. The meeting was adjourned at 10.20am and resumed at 10.40am.

The Solicitor for the premises owners, Enterprise Inns plc explained they ran a number of pubs across the country. Members were informed that the current premises was subject to a 20 year lease to the current Designated Premises Supervisor, Mr Michael Lavin however there was a condition in the lease that it would be released should the licence of the premises be in jeopardy. The Solicitor explained that the premises licence had now been removed from Mr Lavin and transferred to Enterprise Inns plc. The Solicitor stated that the premises owners agreed with the conditions recommended by the Police and suggested an additional condition be imposed that Mr Lavin be removed as Designated Premises Supervisor. It was also suggested that the current conditions on the licence be removed as they were out of date and difficult to enforce. The Police and Licensing Authority stated that they did not have any problem with this.

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

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

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

**RESOLVED:**

**That, in view of the serious nature of the incident leading to the Review and other incidents on the premises including abusive insults, the concerns over underage customers, and noise from the premises, and evidence of mismanagement by Mr and Mrs Lavin (the previous Premises Licence Holders), the Sub-Committee resolve to:**

- i) Remove Mr Michael Lavin as Designated Premises Supervisor**
- ii) Not to modify the existing conditions on the Premises Licence as they felt this required proper consideration through an application to modify the Premise Licence**
- iii) To impose the following conditions to overcome the concerns:**
  - i) Michael and Sue Lavin (the previous Premises Licence Holders) shall have no supervisory or managerial control at the venue in any capacity and shall not be employed at the venue whether for reward or otherwise.**
  - ii) Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access for licensable activities and where the public can consume alcohol. For the purpose of clarity this will include all rooms, corridors and outside areas to which the public have access for licensable activities and where the public can consume alcohol.**
  - iii) It will be maintained, working and recording at all times when the premises are open.**
  - iv) The recordings should be of sufficient quality to be produced in Court or other such hearing.**
  - v) Copies of the recordings will be kept available for any Responsible Authority for 28 days.**
  - vi) Copies of the recordings will be made available to any Responsible Authority within 48hrs of request.**
  - vii) Copies of the recordings will display the correct time and date of the recording.**
  - viii) The only outside area where consumption of alcohol shall be allowed will be the rear garden area.**

- ix) The rear garden area shall be bound by a permanent fence and/or wall. (Note: planning permission may be required, and any such necessary planning permission should be obtained prior to erection).**
- x) The only access to the rear garden area shall be through the public house only. There shall be no access from Low Street or Moor Lane.**
- xi) Customers shall not be allowed to gather to either smoke, consume alcohol or congregate (other than by a formal queue to enter the premises) outside the front and side of the premises on Low Street or Moor Lane side of the venue.**
- xii) SIA Door Supervisors from a Door Company that has “Approved Contractor” status (ACS as authorised and defined by the SIA) shall be provided at the venue when licensable activities are provided after 2300hrs at a ratio of one Door Supervisor per 100 customers plus one additional Door Supervisor on the following evenings:-
  - i) Friday and Saturday evenings**
  - ii) Sunday and Monday on Bank Holiday weekends**
  - iii) any evening before a Bank Holiday**
  - iv) any evening that the venue intends to open beyond 2330hrs.****
- xiii) Standard one pint capacity, half pint capacity and “high ball tumbler” drinking glasses will be strengthened glass (tempered glassware) in design whereby in the event of breakage the glass will fragment and no sharp edges are left.**
- xiv) Customers shall not be allowed to leave the venue carrying glass vessels save to facilitate their movement from within the venue to the outside rear garden drinking area.**
- xv) Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the Premises Licence and the opening times of the venue.**
- xvi) Such training (referred to in condition 15) will be refreshed and documented every 6 months.**
- xvii) Such training records (referred to in condition 15) should be kept for at least 3 years.**
- xviii) Such training records (referred to in condition 15) will be made available for inspection upon request by any Responsible Authority.**

- xix) **An Incident Report Register will be kept. The Incident Report Register will contain consecutively numbered pages in a bound format and include the following:-**
- i) Full details of the SIA Door Staff when deployed as per Condition 12 above. This will include names and licence numbers of the Door Staff.**
  - ii) Full details of the Personal Licence Holders when deployed as per condition 26 above.**
  - iii) Details of all instances where staff have refused service to customers at the venue for any reason.**
  - iv) Details of any incident involving crimes, anti-social behaviour, injury and ejections at the venue and will cover the following points:-**
    - a) time/date**
    - b) location within the venue**
    - c) names of staff members or Door Staff involved in the incident**
    - d) details of any Police Officer who attends the incident (the main Officer in the case will suffice should there be a number of Officers attend)**
    - e) full details of any witnesses to the incident**
    - f) full details/report of the incident in question**
- xx) **The above document (referred to in Condition 19) will be kept for at least 3 years.**
- xxi) **The above document (referred to in Condition 19) will be available for inspection upon request by any Responsible Authority.**
- xxii) **All OFF SALES shall be made in sealed containers save for those that are intended for consumption in the rear garden drinking area.**
- xxiii) **There shall be a personal licence holder working at the premises from 1800hrs every day save for in exceptional circumstances which must be notified to the police immediately prior to the absence.**
- xxiv) **That at no time should there be any benches or furniture of any description in the area to the front and side of premises where it abuts onto Low Street or Moor Lane.**
- xxv) **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.**

- xxvi) **All refusals are to be recorded appropriate format, namely, a refusals log, which is to be made available to inspection at the request of the local authority, police and trading standards.**
- xxvii) **No external doors and windows to the room/s where regulated entertainment is being provided shall be open during the course of the entertainment, other than for normal access and egress.**
- xxviii) **Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises (between the hours of 2300hrs and 0700hrs) shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.**
- xxix) **Prominent, clear notices shall be displayed (at all exits / in the beer garden) requesting customers and staff to respect the needs of local residents and leave the premises quietly.**
- xxx) **A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.**
- xxxi) **For 6 months from the date of re-opening an A3 sized poster with a luminous yellow background with black lettering covering the entire size of the poster stating “THESE PREMISES HAVE RECENTLY BEEN THE SUBJECT OF A LICENSING REVIEW. FURTHER ISSUES COULD RESULT IN THE PREMISES BEING CALLED TO REVIEW ON A SECOND OCCASION. PATRONS SHOULD BE MINDFUL OF THEIR BEHAVIOUR. TO BE DISPLAYED UNTIL DATE” shall be displayed within the premises.**

## **REASON FOR DECISION**

To promote the following licensing objectives:

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

The meeting closed at 12.06pm.