



# Agenda

Meeting: **LICENSING HEARING**  
Date: **FRIDAY 19 JULY 2013**  
Time: **10.00AM**  
Venue: **COUNCIL CHAMBER**  
To: **Councillors Mrs S Duckett, Mrs S Ryder and R Sayner**

- 1. Apologies for absence**
- 2. Disclosures of Interest**

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

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

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

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

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

- 3. Guidance on procedure for hearing licensing applications** (pages 1 to 2)
- 4. Application for a Review of a Premises Licence for JT Mellanby's Public House, Finkle Street, Selby**  
  
To receive the report of the Senior Enforcement Officer (pages 3 to 93)
- 5. Application for a Premises Licence for Tadcaster Magnet Sports and Social Club, The Pavilion, Tadcaster**  
  
To receive the report of the Senior Enforcement Officer (pages 94 to 134)

**Martin Connor**  
**Chief Executive**

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

# **FULL HEARING PROCEDURE FOR APPLICATIONS TO REVIEW PREMISES LICENCES**

## **1. Welcome and Introduction**

[1] The Chairman welcomes the people who are present and introduces the councillors. He/she will ask the councillors to confirm that they have no declarations of interest to declare in respect of the application.

[2] The Chairman asks the Applicant for the review to introduce himself/herself and then asks the Premises Licence Holder, any Responsible Authorities and Interested Parties to introduce themselves.

[3] The Chairman then confirms that the hearing will be conducted in accordance with this procedure. If any party wishes to rely upon any evidence that has not been disclosed prior to the hearing, they must ask for the Chairman's permission at this point.

## **2. The Applicant for the review Case**

[1] The Chairman asks the Applicant or his/her representative to present his/her application for the review.

[2] The Applicant or his/her representative can then call any witnesses and/or give evidence in support of his/her application.

[3] The Responsible Authorities or their spokesperson may then question the Applicant [if he has given evidence] and any witnesses.

[4] The Interested Parties or their spokesperson may then question the Applicant [if he has given evidence] and any witnesses.

[5] The Chairman or any Member of the Sub - Committee can ask questions of the Applicant and any witnesses.

[6] If there are any witnesses, the Applicant or his representative will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.

## **3. The Responsible Authority Case**

[1] The Responsible Authorities will give their reasons for making representations to the application.

[2] The Responsible Authorities will then call any witnesses in support of their representation

[3] The Applicant or his representative may then question the Responsible Authorities and any witnesses.

[4] The Chairman or any member of the Sub-Committee may ask questions of the Responsible Authorities and any witnesses.

[5] The Responsible Authorities will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.

#### **4. The Interested Parties Case**

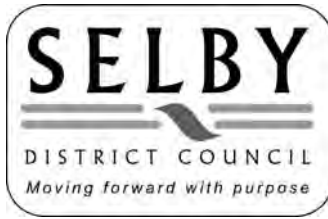
- [1]** The Interested Parties will give their reasons for making representations to the application.
- [2]** The Interested Parties or his representative will then call any evidence in support of their representation.
- [3]** The Applicant or his representative may then question the Interested Parties [if he has given evidence] and any witnesses.
- [4]** The Chairman or any member of the Sub-Committee may ask questions of the Interested Parties and any witnesses.
- [5]** The Interested Parties or his representative will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.

#### **5. Closing Statement**

- [1]** By or on behalf of the Responsible Authorities. The Responsible Authorities can summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2]** By or on behalf of the Interested Parties. The Interested Parties can summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [3]** By or on behalf of the Applicants. The Applicants can summarise any points they wish to make and comment briefly on the Responsible Authorities and Interested Parties replies to questions. They cannot introduce new issues.
- [4]** The Chairman will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is closed. The Sub-Committee will then retire to a separate room with the Legal Adviser and Democratic Services Officer to deliberate.
- [5]** If the Legal Adviser gives legal advice to Members then this advice will be repeated in summary form when the Sub-Committee reconvenes the hearing.

#### **6. Decision Making**

- [1]** The Chairman will then announce the Sub-Committee's decision and ask the Legal Adviser to read out the details including their reasons.
- [2]** Before closing the hearing, the Chairman will notify the Applicant of the rights of appeal available to the parties should they disagree with the decision. Such appeal should be made within 21 days of receiving written notification of the Sub-Committee's decision.



**Agenda Item No: 4**

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**Title:** Section 51 Application for a Review of Premises Licence for J T Mellanby's Public House, Finkle Street, Selby YO8 4DS

**To:** Licensing Act 2003 Sub-Committee

**Date:** 19 July 2013

**Service Area:** Customers and Business Support

**Author:** Rachel Howden

**Presented by:** Rachel Howden

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## **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 J T Mellanby's, Finkle Street, Selby YO8 4DS 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 J T Mellanby's.

## **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 Elizabethan Public House, Finkle Street, Selby was granted a Premises Licence under the terms of the Licensing Act 2003. Essentially this was a conversion of the existing Justices Licence. At this time

- the licence authorised the supply of alcohol together with live and recorded music, between 11am and 2am from Monday to Sunday (inclusive).
- 3.2 On 30 October 2006 the Premises Licence was varied to include the authorisation for the provision of the supply of alcohol between 10am and 2.30am from Monday to Sunday (inclusive) and the provision of live and recorded music, between 10am and 3am from Monday to Sunday (inclusive).
  - 3.3 On 21 December 2009 the Premises Licence was transferred to Ian Campey who, in addition, became the Designated Premises Supervisor.
  - 3.4 On 4 October 2010 the Premises Licence was varied to include Tracey Anne Young as the Designated Premises Supervisor.
  - 3.5 On 11 January 2011 the name of the establishment was changed to J T Mellanby's.
  - 3.6 The Premises Licence Holder is Ian Campey.
  - 3.7 The Designated Premises Supervisor is Tracey Anne Young.
  - 3.8 A copy of the current Premises Licence is attached at **Appendix A**
  - 3.9 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 Police 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 must be displayed at the premises for a period of 28 days commencing the day after the application was received, this being until 4 July 2013.
- 4.4 Notices providing details of the review were duly placed on prominent display at the premises on 7 June 2013, 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 J T Mellanby's, Finkle Street , 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 The Licensing Authority and North Yorkshire Trading Standards at **Appendix F**
- 5.3 There have been no representations received from any interested parties.

## **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 G** 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 J T Mellanby's, Finkle Street, Selby.**

# SELBY DISTRICT COUNCIL

## LICENSING ACT 2003

### Premises Licence

**Premises licence number:** LN/000005074

#### Part 1 - Premises details

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

J T Mellanby's, Finkle Street, Selby, North Yorkshire, YO8 4DS

Telephone number

Licensable activities authorised by this licence

**Supply of alcohol**

**Live music**

**Recorded music**

The times the licence authorises the sale or supply of alcohol

**Sunday** 10:00 - 02:30

**Monday** 10:00 - 02:30

**Tuesday** 10:00 - 02:30

**Wednesday** 10:00 - 02:30

**Thursday** 10:00 - 02:30

**Friday** 10:00 - 02:30

**Saturday** 10:00 - 02:30

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

**On and off supplies**

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

**Sunday** 10:00 - 03:00

**Monday** 10:00 - 03:00

**Tuesday** 10:00 - 03:00

**Wednesday** 10:00 - 03:00

**Thursday** 10:00 - 03:00

**Friday** 10:00 - 03:00

**Saturday** 10:00 - 03:00

**Part 2**

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

**Ian Campey**  
[REDACTED]

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

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

**Tracey Ann Young**  
[REDACTED]

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/000005410**

**Licensed by: Selby District Council**

**Selby District Council**  
Doncaster Road  
Selby  
YO8 9FT

**Phone: 01757 705101**  
**Fax: 01757 292229**  
**Email: [licensing@selby.gov.uk](mailto: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. All external doors and windows to the room/s where regulated entertainment is being provided shall remain closed during the course of the entertainment, other than for normal access and egress.
3. Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises; where placed internally ensure that they are directed away from external doors and windows.
4. 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

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✓ Solicitor To The Council

Date licence granted 24 November 2005

Date licence issued 11 January 2011 Premises name change

Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT

Phone: 01757 705101  
Fax: 01757 292229  
Email: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk)

## SELBY DISTRICT COUNCIL

### LICENSING ACT 2003

#### Premises Licence Summary

Premises licence number: LN/000005074

#### Premises details

Postal address of premises:

J T Mellanby's, Finkle Street, Selby, North Yorkshire, YO8 4DS

Telephone number:

Licensable activities authorised by this licence:

**Supply of alcohol**

**Live music**

**Recorded music**

The times the licence authorises the sale or supply of alcohol:

<b>Sunday</b>	<b>10:00 - 02:30</b>
<b>Monday</b>	<b>10:00 - 02:30</b>
<b>Tuesday</b>	<b>10:00 - 02:30</b>
<b>Wednesday</b>	<b>10:00 - 02:30</b>
<b>Thursday</b>	<b>10:00 - 02:30</b>
<b>Friday</b>	<b>10:00 - 02:30</b>
<b>Saturday</b>	<b>10:00 - 02:30</b>

Where the licence authorises supplies of alcohol, whether these are on and / off supplies:

**On and off supplies**

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

<b>Sunday</b>	<b>10:00 - 03:00</b>
<b>Monday</b>	<b>10:00 - 03:00</b>
<b>Tuesday</b>	<b>10:00 - 03:00</b>
<b>Wednesday</b>	<b>10:00 - 03:00</b>
<b>Thursday</b>	<b>10:00 - 03:00</b>
<b>Friday</b>	<b>10:00 - 03:00</b>
<b>Saturday</b>	<b>10:00 - 03:00</b>

**Part 2**

Name and (registered) address of holder of premises licence:

**Ian Campey**  
**Braycliff House, Doncaster Road, Brayton, Selby, YO8 9EG**

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:  
**Tracey Ann Young**

State whether access to the premises by children is restricted or prohibited:

**See Annex 1 – Children**

  
Solicitor To The Council

Date licence granted **24 November 2005**

Date licence issued **11 January 2011** Premises name change

**Selby District Council**  
**Business Support**  
**Civic Centre**  
**Doncaster Road**  
**Selby**  
**YO8 9FT**

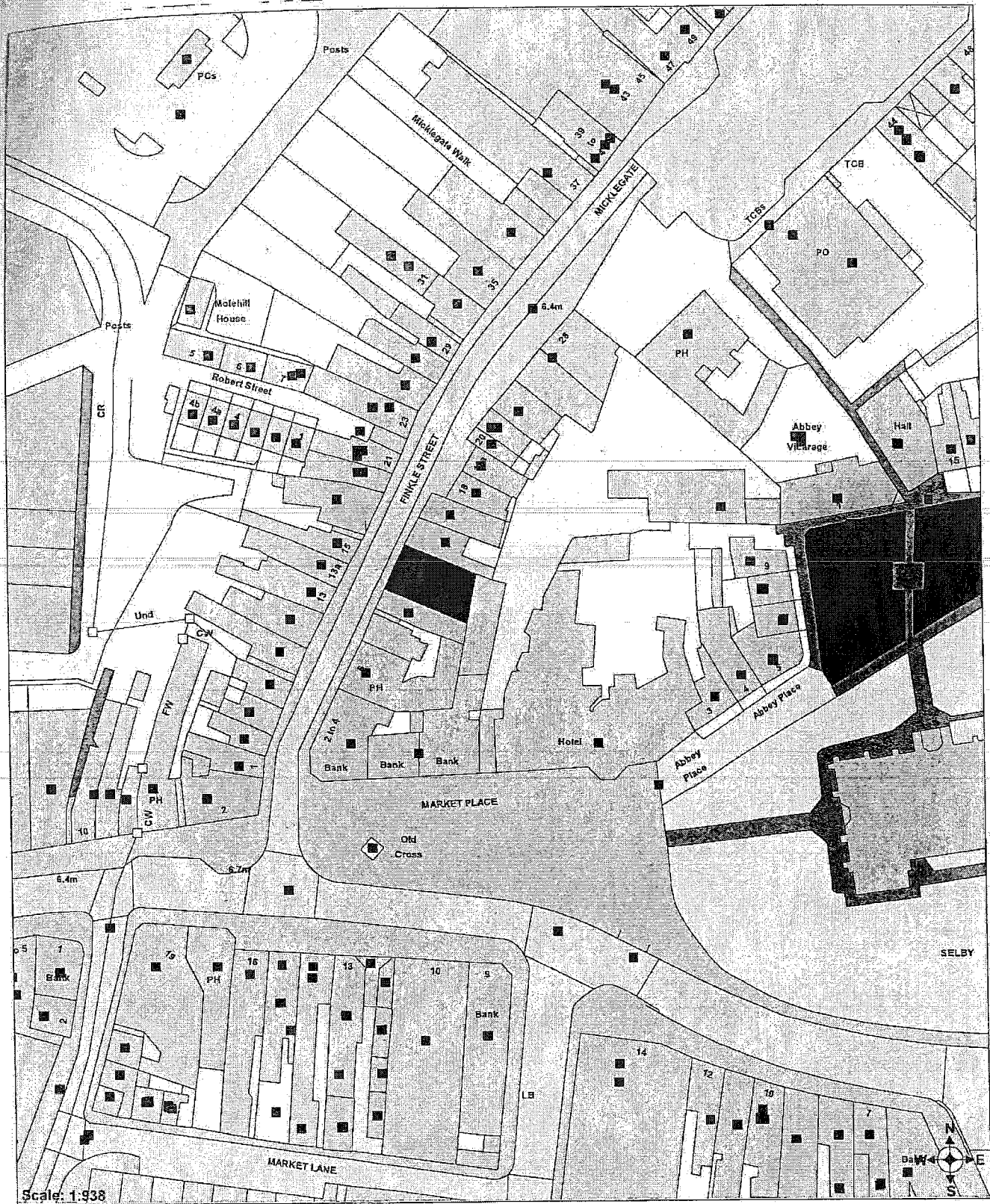
**Phone: 01757 705101**  
**Fax: 01757 292229**  
**Email: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk)**

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



## **ANNEX B**

**Map detailing the location of J T Mellanby's, Finkle Street, Selby.**



J T Mellanby's

# **ANNEX C**

**North Yorkshire Police application to review the Premises Licence of JT Mellanby's, Finkle Street, Selby.**

NOT PROTECTIVELY MARKED

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

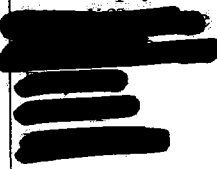
Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
J T Mellanby's Finkle Street	
<b>Post town</b>	<b>Post code (if known)</b>
SELBY	YO8 4DS
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Ian Campey 	
<b>Number of premises licence or club premises certificate (if known)</b>	
LN/000005074	

**Part 2 - Applicant details**

I am

Please tick  yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

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  yes

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)**

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address PC952 Mick Wilkinson Police Licensing Office Fulford Road Police Station Fulford Road York YO10 4BY
Telephone number (if any) 01904 669945
E-mail address (optional) mick.wilkinson@northyorkshire.pnn.police.uk

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

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

Please tick one or more boxes ✓

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

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Please state the ground(s) for review (please read guidance note 2)

The Police wish to seek a review of the above premises as all of the above licensing objectives have been undermined.

Over recent years there has been a number of alcohol related incidents directly associated with the venue that clearly show mismanagement of the premises by the Premises Licence Holder (Mr Ian Campey) and the Designated Premises Supervisor (Ms Tracey Young). The most recent serious incident involved a mass brawl inside the premises where bar stools were thrown resulting in Night Marshalls who attended having to withdraw for their own safety.

Tracey Young has also recently been convicted of two offences of unlawful licensable activities at the premises relating to "drinking after hours".

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

- Reports of people drinking outside in the street.
- Ambulance Service having to attend to drunken customers falling out of the venue and injuring themselves whilst heavily in drink.
- Criminal damage in the vicinity caused by drunken customers
- Large scale disturbance resulting in three offenders being arrested.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Please provide as much information as possible to support the application (please read guidance note 3)

PC Wilkinson's statement outlines the history of issues associated with the management of the premises and also makes reference to the attached "Schedule of Incidents" that was prepared by the Officer.

Copies of the Night Marshall report outline details of the large scale disturbance that resulted in three offenders being arrested.

Also attached is a copy of the Action Plan that was served on the premises in January 2011 and a copy of a warning letter that was been sent to the Premises Licence Holder in March 2013 outlining the concerns that the Police had regarding the premises.

The applicant seeks the following:-

- the removal of the incumbent Designated Premises Supervisor (Ms Tracey Young) following her recent convictions for offences contrary to the Licensing Act 2003 and her clear mismanagement of the premises
- the removal of OFF sales from the premises licence
- a reduction in hours for licensable activities (as listed below)
- a reduction in opening hours for the venue (as listed below)
- the addition of conditions to the premises licence (as listed below)

Opening Hours

Mon to Sun – 1000hrs to 0030hrs

Licensable Activities between the following hours

Mon to Sun – 1000hrs to 2400hrs

Proposed Conditions

1. A digital colour 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. The CCTV system will be maintained, working and recording at all times when the premises are open.
3. The recordings shall 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 28 days.
5. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
8. Open drinking vessels (to include bottles) of any type shall not be allowed to enter or leave the premises whilst under the customer's care.
9. Standard one pint capacity, two-third capacity, half pint capacity and 'highball' tumbler drinking glasses will be strengthened glass (tempered glassware) in a design whereby, in the event of breakage, the glass will fragment and no sharp edges are left.
10. The venue shall partake in the Selby Nighttime Economy radio system.
11. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue. This training shall be refreshed every six months.

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12. All members of staff will receive training and successfully complete the Award in Responsible Alcohol Retailing within six weeks of incorporating this condition on the premises licence OR be the holder of a personal licence.
13. Any new members of staff will receive training and successfully complete the Award in Responsible Alcohol Retailing or be a personal licence holder prior to working at the premises.
14. Such records (referred to in Condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.
15. There shall be a personal licence holder working at the premises from 2000hrs until close of business on a Thursday, Friday, Saturday, Sunday and the night before a Bank Holiday. For the purpose of clarity, Ms Tracey Young shall not be the personal licence holder for this condition to be complied with (see Condition 21).
16. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
17. 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 from 2100hrs at a ratio of one Door Supervisor per 100 customers plus one additional Door Supervisor on the following evenings:-
  - i) Thursday, Friday and Saturday evenings
  - ii) Sunday and Monday on Bank Holiday weekends
  - iii) any evening before a Bank Holiday.
18. 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 17 (above). This will include names and licence numbers of the Door Staff.
  - ii) Full detail of the personal licence holders when deployed as per Condition 15 (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 attended 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
19. The above document (referred to in Condition 18) will be kept for at least 3 years.
20. The above document (referred to in Condition 18) will be available for inspection immediately upon request by any Responsible Authority.
21. Ms Tracey Young 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.

NOT PROTECTIVELY MARKED

Please tick  yes

Have you made an application for review relating to the 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 the premises please state what they were and when you made them**

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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 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

06/06/17

Capacity **Police Licensing Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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## **ANNEX D**

**North Yorkshire Police documentary evidence to support the review of the  
Premises Licence of J T Mellanby's, Finkle Street, Selby.**

[REDACTED]

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: 018yrs (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: 6th June 2013

I am Police Constable 952 of the North Yorkshire Police presently stationed at York. I am currently the Police Licensing Officer covering the Selby District Council area 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.

I have recently carried out research into J T Mellanby's, Finkle Street, Selby which has a premises licence issued by Selby District Council (Premises licence – LN/000005074). This research came about because I was made aware of incidents directly linked to the venue, particularly a violent incident that had occurred at the premises on 19th April 2013. As a result of this research I have established the following:-

On the 6th January 2011 the premises were formally placed on an "Action Plan" following concerns that the licensing objectives were being undermined. This was the first time a venue in the Selby District Council area had been placed on an "Action Plan".

On 24th May 2012 the Designated Premises Supervisor, Ms Tracey YOUNG, was reported for summons for two offences of unlawful licensable activities contrary to Section 136 of the Licensing Act 2003 and an offence of being drunk on licensed premises contrary to Section 12 of the Licensing Act 1872 that had been witnessed by Police Officers on 24th March 2013.

On Thursday 16th May 2013 YOUNG was found guilty of the two afore mentioned offences contrary to Section 136 of the Licensing Act 2003 at York Magistrates Court (

As a result previous research that I had carried out, on Friday 1st March 2013 I formally met with the premises licence holder, Mr Ian CAMPEY, to discuss issues and concerns that I had with the venue. Following that meeting I sent Mr CAMPEY a letter documenting the fact we had met and outlining the actions that the Police could take should there be any incidents that didn't uphold the licensing objectives in the future.

I have subsequently produced a schedule which I produce in evidence in support of the licensing review of J T Mellanby's premises licence. The schedule is titled "Incidents Reports (Crime & ASB) – J T Mellanby's, Finkle Street, Selby" and shows all incidents that are linked to J T Mellanby's.

I have also produced a copy of the "Action Plan" and the warning letter that I have referred to in this statement as further evidence in support of the licensing review; as well as a copy of a report from a Night Marshall regarding the incident on 19th April 2013.

Signature: ..... [REDACTED] ..... Signature witnessed by: .....

2010/11

[REDACTED]

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Incident Reports (Crime & ASB) – J T Mellanby's, Finkle Street, York

Jan 2011 to present day

Premises Licence – LN/000005704

No	Incident Time	Incident Date	Day	NYP Ref No	Occurrence Details	Outcome/Result	Document
1	0022hrs	19/02/11	Sat	12110027502	Venue served with "Action Plan" to address issues that were undermining the licensing objectives.  Police report a disturbance inside the venue. Customers not co-operative. No complaints.	Incidents appeared to reduce. "Action Plan" withdrawn in April 2011.  No further Police action.	Action Plan (attached)  Webstorm

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2	0200hrs	19/02/11	Sat	12110027549	<p>Female member of staff working on her own requested Police attendance due to possible disorder in the premises. Police attend and clear the premises.</p> <p>Further enquiries reveal that a customer had been assaulted (punched in the head) prior to Police attendance but no complaint was made at the time. An offender was subsequently arrested and summonsed for a public order offence.</p>	Offender convicted of assault at Selby Mags Court. Sentenced to a 26 week prison sentence (suspended for 12 months), placed on curfew for 16 weeks, excluded from the venue for 12 months and ordered to pay £45 costs.	Webstorm NICHE OEL
3	0100hrs	20/02/11	Sun	12110028905	DPS (Tracey Young) reports an historic assault (two black eyes, cuts to mouth, bruising to face and lip, and concussion) from January 2011. Police investigate the offence and subsequently arrest an offender but also find the complainant (DPS - Tracey Young) to be heavily intoxicated at the time of the assault.	Offender convicted of assault at Selby Mags Court. Sentenced to 180hrs community service, excluded from the venue for 6 months, ordered to pay £250 compensation and £85 costs.	Webstorm NICHE OEL
4	2221hrs	25/02/11	Fri	12110031487	CCTV report a disturbance at the venue. Police attend. No complaints forthcoming.	No further Police action.	Webstorm

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5	1941hrs	24/03/11	Thurs	12110048796	Staff ring DPS at home who then rings the Police to report a disturbance at the venue. Police attend. No complaints forthcoming.	No further Police action.	Webstorm
6	0433hrs	05/06/11	Sun	12110091918	Staff request assistance at venue. Police attend. No complaints forthcoming but customers still in venue drinking.	No further Police action.	Webstorm
7	2313hrs	19/06/11	Sun	12110100991	Staff report large disturbance inside the venue. Police attend and offender arrested for assault.	No further action taken against arrested person.	Webstorm NICHE OEL
8	1833hrs	09/07/11	Sat	12110113735	Female member of staff working on her reports disturbance at the venue. Police attend and arrest offender for public order offence.	Offender convicted of public order offence at Selby Mags Court. Fined £130 and £100 costs.	Webstorm NICHE OEL
9	2209hrs	04/08/11	Thurs	12110130618	Police report male customer falling out of venue. Ambulance called to attend to male.	No further Police action.	Webstorm

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10	0105hrs	29/08/11	Sun	12110146245	Customer approaches Police outside the venue to report having been assaulted (no visible injuries but hit with glass drinking vessel) whilst inside the venue. Police arrest offender.	Offender convicted of assault at Selby Mags Court. Sentenced to 150hrs Community Service (with another 60hrs to run concurrently), excluded from all Selby licensed premises for 6 months, ordered to pay £50 compensation and £85 costs.	Webstorm NICHE OEL
11	2300hrs	04/09/11	Sun	12110150480	CCTV report disturbance in the street involving customers from the venue. Police attend and arrest two offenders.	One offender issued with a Penalty Notice for Disorder for D&D.  Second offender receives an Adult Caution for Public Order Act offence.	Webstorm NICHE OEL
12	0245hrs	03/12/11	Sat	12110203798	CCTV report a male stumbling out of the venue. Police attend to find Premises Licence Holder (Ian Campey) having fallen out of the venue whilst intoxicated. Ambulance attend and treat Campey for head injury.	No further Police action.	Webstorm Officer Email

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13	1821hrs	07/01/12	Sat	12120004233	Premises Licence Holder (Ian Campey) reports being assaulted (broken rib) inside the venue at 0100hrs 07/01/12. Police attend and investigate the allegation. Offender subsequently arrested. Officers also find Ian Campey to be heavily in drink and aggressive at time of the offence.	Offender receives an Adult Caution for assault.	Webstorm NICHE OEL
14	0340hrs	24/03/12	Sat	Officer Statement	Police attend premises to find DPS (Tracey Young) drunk on the premises and the venue still open and trading for business. Matter reported to Selby District Council and Young reported for summons for various offences.	Young convicted (on 16/05/13) of two offences of unlawful licensable activities at York Magistrates Court. Conditionally discharged for 18 months and fined £500.	Officer Statement
15	0043hrs	08/04/12	Sun	12120055692	Member of public contacts Police stating he had been offered drugs whilst inside the venue.	Logged on Police intelligence system.	Webstorm
16	1604hrs	05/06/12	Tues	12120090322	Staff report theft of handbag from inside the venue at 0150hrs 04/06/12. Police attend and investigate.	Finalised as undetected crime.	Webstorm NICHE OEL
17	2306hrs	17/06/12	Sun	12120097736	Ambulance service report an assault at the venue. Police attend. No complaints forthcoming.	No further Police action.	Webstorm

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18	0221hrs	27/06/12	Weds	12120103142	CCTV report two customers having fallen over and sustained head injuries sustained after falling over whilst heavily intoxicated. Police and Ambulance attend. One customer removed to hospital; second customer refuses treatment.	No further Police action.	Webstorm Officer Email
19	2243hrs	07/07/12	Sat	12120110214	Police attend premises and arrest a customer for possession of a controlled substance.	Offender attends Drug Arrest Referral scheme.	Webstorm NICHE OEL
20	0139hrs	03/09/12	Mon	12120146743	Staff report criminal damage at the venue. Police attend. No offences disclosed but two customers who ran from the venue were subsequently stop and searched and found to be 16yrs and 17yrs of age.	No further Police action.	Webstorm
21	0140hrs	28/10/12	Sun	12120181758	Report of 16yr old male in drink at the premises. Police attend to find no underage persons at the venue.	No further Police action.	Webstorm

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22	0051hrs	03/12/12	Tues	12120203439	Ambulance request Police assistance to venue after being abused by a 45yr old female at the premises. Ambulance called after female has fallen off a bar stool and cut her hand and injured her nose whilst heavily intoxicated. Police attend and supervise treatment.	No further Police action.	Webstorm
23	0331hrs	23/12/12	Mon	12120215813	Drunken customer reports theft of phone from inside the venue. Police attend and establish that phone had been left in the toilets of the venue.	No further Police action.	Webstorm
24	0225hrs	19/01/13	Sat	n/a	Night Marshalls report customer seen throwing an empty bottle onto the street from inside the venue.	Report noted accordingly.	NM Report
25	2245hrs	23/02/13	Sat	12130030806	Night Marshalls report dealing with a violent incident in Finkle Street during which they are set upon by intoxicated customers who had left the venue specifically to intervene in the incident. Police attend and arrest one customers involved on suspicion of assault.	Offender currently on bail to Selby Mags Court for assault.	NM Report NICHE OEL

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		01/03/13	Fri	n/a	Premises Licence Holder (Ian Campey) spoken to at length by PC952 Wilkinson (Police Licensing Officer) and MR Tim Grogan (Selby Licensing) regarding recent issues at the venue.	Warning Letter sent to Mr Campey	Warning Letter (attached)
26	0030hrs	02/03/13	Sat	n/a	Night Marshalls report male currently on Pubwatch being allowed entry into the venue.	Report noted accordingly.	NM Report
27	0055hrs	09/03/13	Sat	n/a	Night Marshalls report male currently on Pubwatch being allowed entry into the venue.	Report noted accordingly.	NM Report
28	0340hrs	17/03/13	Sun	n/a	Night Marshalls report venue still open with customers inside.	Report noted accordingly.	NM Report
29	0130hrs	05/04/13	Fri	n/a	Night Marshalls report member of staff running out of the venue requesting assistance. NM attend venue to see nine customers fighting inside the venue. Disturbance broken up and offenders ejected. Police attend. No complaints forthcoming.	No further Police action.	NM Report

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30	0055hrs	19/04/13	Fri	n/a	Night Marshall report male being refused entry into all town centre venues for being intoxicated. Male allowed entry into venue and seen to be served alcohol.	Report noted accordingly.	NM Report
31	0255hrs	19/04/13	Fri	12130061799	Night Marshalls report member of staff running out of venue requesting assistance. NM attend venue to see the pub had been wrecked and a large scale violent disturbance ongoing during which a bar stool was used as a weapon. NM have to withdraw from the venue for their own safety given the violent nature of the assault.  Police subsequently attend and arrest three offenders for D&D.	Three offenders issued with Penalty Notices for Disorder for D&D.	Webstorm NICHE OEL NM Report
32	0028hrs	28/04/13	Sun	12130067087	Ambulance Service report an unconscious customer at the venue following an alleged assault. Police attend. No complaint of assault forthcoming.	No further Police action.	Webstorm

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33	0130hrs	12/05/13	Sun	12130075826	Night Marshalls report a male customer seen to be fighting inside the venue. Customer then leaves the venue and punches a window of adjacent property. Police attend and arrest offender for criminal damage.	Still under investigation.	Webstorm NICHE OEL NM Report
34	0330hrs	18/05/13	Sat	n/a	Night Marshalls report venue still open with customers inside.	Report noted accordingly.	NM Report

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Licensing Unit  
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### **Agreed Action Plan to address issues of concern**

Premise  
The Elizabethan, 12, Finkle Street, Selby YO8 4DT

**Designated Premises Supervisor:** Tracey Young

**Premises Licence Holder:** Ian Campey

The above premise has been identified as likely to be reviewed under the Licensing Act 2003 in that it has potentially failed to comply with one or more of the Licensing objectives:

**Prevention of crime and disorder, Public Safety, Prevention of public nuisance and Protection of children from harm**

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The action plan will be agreed in partnership, working to address the identified issues. If the agreed action is not complied with this could lead directly to a review of the premises licence. The review must be specific, measurable, achievable, relevant and time bound.

**Summary of Risk.**

**A meeting was held on Thursday 6<sup>th</sup> January 2011 at Selby Civic Centre concerning issues at The Elizabethan Public House, 12 Finkle Street, Selby. Present at the meeting were the DPS Tracey Young, SDC Licensing Enforcement Officer Tim Grogan, Police Licensing Officer John Gregson and Safer Neighbourhood Police Sergeant Kevin Brighton, and the following issues identified;**

- **Supplying alcohol to drunks.**
- **Supplying alcohol to persons under 18yrs.**
- **Allowing persons banned by Selby Pubwatch scheme to enter the said premises.**
- **Allowing persons banned on court exclusion orders to enter the premises.**
- **Drug misuse within the premises.**
- **Smoking on the premises namely in the foyer.**
- **Obstruction of Finkle street by patrons to premises.**
- **Lack of knowledge with regard Licensing Act 2003 by persons authorised to supply alcohol on behalf of DPS.**

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Specific	Measurable	Achievable	Relevant	Timebound
<p>Training required in appropriate licensing legislation by the DPS to all staff especially covering the legislation regarding "selling to drunks" and "underage sales".</p>	<p>Refusal book to be available at all times for inspection and utilised where necessary.</p> <p>Records to be kept of all staff training in order to evidence due diligence.</p>	<p>In house training by the DPS with written evidence to support this training.</p> <p>Police can be present to monitor the significance of training.</p>	<p>Prevention of Crime and Disorder.</p> <p>Prevention of Public Nuisance.</p>	<p>Training to be implemented immediately.</p>
<p>DPS or a qualified representative will attend the local Pubwatch meetings.</p>	<p>Attendance at these meetings will be monitored.</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p>No persons to leave the premises with open vessels</p>	<p>Police checks</p>			
<p>An incident logbook to be kept at the premises</p>	<p>Police checks</p>			

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<p>to record all incidents within the bar or directly outside, to be available for inspection.</p> <p>The DPS Tracey Young will be on duty at the premises during the evenings of Thursday, Friday and Saturdays for the next three months. In addition, to be contactable at all times, and the relevant contact details will be made available at the bar upon request</p>	<p>DPS, Bar Staff and Police checks</p>			
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Signed on behalf of Selby District Council (Licensing): .....Date.....

Signed on behalf of North Yorkshire Police (Selby): .....Date.....

Signed by Licence holder / DPS: .....Date.....

Signed by Licence holder / DPS: .....Date.....

Action plan review date.....25<sup>th</sup> April 2011.....

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**Safer  
Neighbourhoods**



Mr Ian Campey  
c/o J T Mellanby's  
Finkle Street  
Selby  
YO8 4DS

Our Ref: NYP/952/JTMellanbys/010313

E-mail: [yorklicensing@northyorkshire.pnn.police.uk](mailto:yorklicensing@northyorkshire.pnn.police.uk)

Date: 25<sup>th</sup> March 2013

Dear Mr Campey,

### **Licensing Issues – J T Mellanby's, Finkle Street, Selby**

Firstly, may I take this opportunity to thank you for taking the time to meet with me on the afternoon of Friday 1<sup>st</sup> March 2013. The purpose of this letter is to document the fact that we met at Selby Police Station in company with Mr Tim Grogan (Selby District Council) and to formally record the issues that we spoke about in that meeting.

As Premises Licence Holder for J T Mellanby's (Premises Licence No – LN 0000054074) you will be aware that you have a duty to ensure that the four Licensing Objectives are upheld. Those objectives being:-

- i) the prevention of crime and disorder
- ii) public safety
- iii) the prevention of public nuisance
- iv) the protection of children from harm.

I have concerns that given the issues that we discussed these objectives are being undermined.

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Those issues being:-

- Customers constantly leaving your venue holding partially full glass vessels and drinking on the street.
- Individuals subject of Pubwatch bans being allowed entry into your venue.
- Allegations of unlicensed activities (i.e. serving after time) which are further to the current court proceedings facing your current Designated Premises Supervisor (Tracey Young) for similar allegations.
- Customers leaving your venue in an extremely intoxicated state and getting involved in disturbances in the town centre.

It would be remiss of me if I did not take this opportunity to place on record the action that the Police could take following any incidents which show you are not upholding the above objectives in future. Under the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) the Police could seek a review of your Premises Licence with the Licensing Authority (Selby District Council).

The consequences of a successful review could include a number of options. A few I have listed below:-

- i) modification of the conditions of the premises licence
- ii) the exclusion of sale of alcohol by retail from the premises licence
- iii) removal of the Designated Premises Supervisor
- iv) suspension of the premises licence
- v) a reduction in operating hours
- vi) compulsory signage to update members of the public that the premises have been subject of a Licensing Review.

You gave me certain assurances in our meeting that you would take steps to ensure such issues didn't occur again and I would like to document what you claimed. You assured me that you would address:-

- Incidents of drunkenness and the fact that you would record such refusals in your Incident Book kept at the premises.
- The training given to your staff ensuring that they were all aware of the opening times of the venue.
- Your attendance at future Pubwatch meetings; albeit a voluntary attendance, this forum gives an ideal opportunity to share examples of good working practices with other operators.

I hope that following receipt of this letter you will review the Operating Procedures you have in place at your venue and that this will be an end to any issues associated with your venue.

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Should you have any queries about this, or any other licensing matter, then please don't hesitate to contact me.

Yours sincerely,

A large black rectangular redaction box covering the signature of Mick Wilkinson.

Mick Wilkinson  
PC952  
Police Licensing Unit (York and Selby)  
Community Safety Dept  
01904 669945  
07802 385220

CC Licensing Services, Selby District Council

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At around 0300 on Friday 19<sup>th</sup> April 2013. Night safe Adam Harvey and Rachael Liddle were posted outside of the castle takeaway on Finkle Street. We had been watching a male that was very intoxicated and wanted to make sure he got home safe. As we were stood on the curb a member of bar staff came running out of the pub "Melanbys" screaming for help. This is when myself Adam Harvey and the other night marshal Rachael Liddle ran inside to see if we could help. As I went inside the first thing we saw were 4 males on the floor fighting I can identify these males to be [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. As I looked around to assess the situation there were broken tables and broken glass on the floor. I grabbed hold of one of the males [REDACTED] who was on top of the pile and moved him away by passing him to the other night marshal Rachael Liddle to which she restrained him in the corner of the bar. I then grabbed hold of 2 other males [REDACTED] and [REDACTED] pulling them apart as I lifted them off the floor. I managed to separate them and moved [REDACTED] outside as I did so two more male [REDACTED] and one male who I don't know started fighting back inside. So I went in to separate them two. As I was doing the male from outside [REDACTED] tried to get at the male [REDACTED] that was still been restated by the other night marshal Rachael Liddle in the corner of the bar. I then pulled the male [REDACTED] away. This is when he picked up the bar chair and started swing it about. He swung it towards me just missing then he smashed it on the floor. At this point I made the decision to pull me and my partner out of the venue because it was getting 2 dangerous so we moved outside I radioed the police through the CCTV radio asking for urgent assistance. Within 4 minutes the police were there and took control of the incident and made 4 arrests.

Report written by Adam Harvey

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[REDACTED]

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: Michelle Mary FALKINGHAM

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

Occupation: Police officer

This statement (consisting of 1 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: 230613I

I am Inspector 804 Michelle FALKINGHAM of North Yorkshire Police currently stationed at Selby. As part of my role I am responsible for policing provisions and the planning of events and staffing with the Selby District. This includes the management of the night time economy with Selby Town Centre. I also regularly go on patrol on an evening within the town centre. I have been involved in the management of this for approximately 3 years. I take part in regular meetings in respect of the night time economy with local stakeholder partners. As a result of this role, I am aware of issues that have been encountered with a licensed premises in Selby, which is currently referred to as T J Mellanbys but was previously known as The Elizabethan. The issues I refer to have been encountered both by my staff and the night marshalls. Due to how the premises are currently managed and the fact that there is no control on access and egress to the premises, we face the following main issues on a weekly basis. Members of the public freely come and go from the premises with glassware in their hands, there is a lack of control in terms of refusals for drunks into the premises and as there is no smoking area and again no control over the doorway the corridor which allows entry into the premises from the doorway, often gets over congregated with people smoking, causing difficulty getting in and out of the premises. Due to these issues and the way it is managed this means that my staff have to engage with members of public in the street and ask them to return into the premises with their glassware. It also raises the level of risk when violence erupts.

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

2010/11

[REDACTED]

NOT PROTECTIVELY MARKED

**Incident Reports (Crime & ASB) – J T Mellanby’s, Finkle Street, York**

**Jan 2011 to present day**

Premises Licence – LN/000005704

No	Incident Time	Incident Date	Day	NYP Ref No	Occurrence Details	Outcome/Result	Document
1	0022hrs	19/02/11	Sat	12110027502	Venue served with “Action Plan” to address issues that were undermining the licensing objectives.  Police report a disturbance inside the venue. Customers not co-operative. No complaints.	Incidents appeared to reduce. “Action Plan” withdrawn in April 2011.  No further Police action.	Action Plan (attached)  Webstorm

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PC952 Wilkinson  
Licensing Unit  
03/07/2013

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2	0200hrs	19/02/11	Sat	12110027549	<p>Female member of staff working on her own requested Police attendance due to possible disorder in the premises. Police attend and clear the premises.</p> <p>Further enquiries reveal that a customer had been assaulted (punched in the head) prior to Police attendance but no complaint was made at the time. An offender was subsequently arrested and summonsed for a public order offence.</p>	<p>Offender convicted of assault at Selby Mags Court. Sentenced to a 26 week prison sentence (suspended for 12 months), placed on curfew for 16 weeks, excluded from the venue for 12 months and ordered to pay £45 costs.</p>	Webstorm NICHE OEL
3	0100hrs	20/02/11	Sun	12110028905	<p>DPS (Tracey Young) reports an historic assault (two black eyes, cuts to mouth, bruising to face and lip, and concussion) from January 2011. Police investigate the offence and subsequently arrest an offender but also find the complainant (DPS – Tracey Young) to be heavily intoxicated at the time of the assault.</p>	<p>Offender convicted of assault at Selby Mags Court. Sentenced to 180hrs community service, excluded from the venue for 6 months, ordered to pay £250 compensation and £85 costs.</p>	Webstorm NICHE OEL
4	2221hrs	25/02/11	Fri	12110031487	<p>CCTV report a disturbance at the venue. Police attend. No complaints forthcoming.</p>	<p>No further Police action.</p>	Webstorm

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PC952 Wilkinson  
Licensing Unit  
03/07/2013

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5	1941hrs	24/03/11	Thurs	12110048796	Staff ring DPS at home who then rings the Police to report a disturbance at the venue. Police attend. No complaints forthcoming.	No further Police action.	Webstorm
6	0433hrs	05/06/11	Sun	12110091918	Staff request assistance at venue. Police attend. No complaints forthcoming but customers still in venue drinking.	No further Police action.	Webstorm
7	2313hrs	19/06/11	Sun	12110100991	Staff report large disturbance inside the venue. Police attend and offender arrested for assault.	No further action taken against arrested person.	Webstorm NICHE OEL
8	1833hrs	09/07/11	Sat	12110113735	Female member of staff working on her reports disturbance at the venue. Police attend and arrest offender for public order offence.	Offender convicted of public order offence at Selby Mags Court. Fined £130 and £100 costs.	Webstorm NICHE OEL
9	2209hrs	04/08/11	Thurs	12110130618	Police report male customer falling out of venue. Ambulance called to attend to male.	No further Police action.	Webstorm

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Licensing Unit  
03/07/2013

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10	0105hrs	29/08/11	Sun	12110146245	Customer approaches Police outside the venue to report having been assaulted (no visible injuries but hit with glass drinking vessel) whilst inside the venue. Police arrest offender.	Offender convicted of assault at Selby Mags Court. Sentenced to 150hrs Community Service (with another 60hrs to run concurrently), excluded from all Selby licensed premises for 6 months, ordered to pay £50 compensation and £85 costs.	Webstorm NICHE OEL
11	2300hrs	04/09/11	Sun	12110150480	CCTV report disturbance in the street involving customers from the venue. Police attend and arrest two offenders.	One offender issued with a Penalty Notice for Disorder for D&D.  Second offender receives an Adult Caution for Public Order Act offence.	Webstorm NICHE OEL
12	0245hrs	03/12/11	Sat	12110203798	CCTV report a male stumbling out of the venue. Police attend to find Premises Licence Holder (Ian Campey) having fallen out of the venue whilst intoxicated. Ambulance attend and treat Campey for head injury.	No further Police action.	Webstorm Officer Email

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PC952 Wilkinson  
Licensing Unit  
03/07/2013

NOT PROTECTIVELY MARKED

<b>13</b>	1821hrs	07/01/12	Sat	12120004233	Premises Licence Holder (Ian Campey) reports being assaulted (broken rib) inside the venue at 0100hrs 07/01/12. Police attend and investigate the allegation. Offender subsequently arrested. Officers also find Ian Campey to be heavily in drink and aggressive at time of the offence.	Offender receives an Adult Caution for assault.	Webstorm NICHE OEL
<b>14</b>	0340hrs	24/03/12	Sat	Officer Statement	Police attend premises to find DPS (Tracey Young) drunk on the premises and the venue still open and trading for business. Matter reported to Selby District Council and Young reported for summons for various offences.	Young convicted (on 16/05/13) of two offences of unlawful licensable activities at York Magistrates Court. Conditionally discharged for 18 months and fined £500.	Officer Statement
<b>15</b>	0043hrs	08/04/12	Sun	12120055692	Member of public contacts Police stating he had been offered drugs whilst inside the venue.	Logged on Police intelligence system.	Webstorm
<b>16</b>	1604hrs	05/06/12	Tues	12120090322	Staff report theft of handbag from inside the venue at 0150hrs 04/06/12. Police attend and investigate.	Finalised as undetected crime.	Webstorm NICHE OEL
<b>17</b>	2306hrs	17/06/12	Sun	12120097736	Ambulance service report an assault at the venue. Police attend. No complaints forthcoming.	No further Police action.	Webstorm

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PC952 Wilkinson  
Licensing Unit  
03/07/2013

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18	0221hrs	27/06/12	Weds	12120103142	CCTV report two customers having fallen over and sustained head injuries sustained after falling over whilst heavily intoxicated. Police and Ambulance attend. One customer removed to hospital; second customer refuses treatment.	No further Police action.	Webstorm Officer Email
19	2243hrs	07/07/12	Sat	12120110214	Police attend premises and arrest a customer for possession of a controlled substance.	Offender attends Drug Arrest Referral scheme.	Webstorm NICHE OEL
20	0139hrs	03/09/12	Mon	12120146743	Staff report criminal damage at the venue. Police attend. No offences disclosed but two customers who ran from the venue were subsequently stop and searched and found to be 16yrs and 17yrs of age.	No further Police action.	Webstorm
21	0140hrs	28/10/12	Sun	12120181758	Report of 16yr old male in drink at the premises. Police attend to find no underage persons at the venue.	No further Police action.	Webstorm

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PC952 Wilkinson  
Licensing Unit  
03/07/2013

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<b>22</b>	0051hrs	03/12/12	Tues	12120203439	Ambulance request Police assistance to venue after being abused by a 45yr old female at the premises. Ambulance called after female has fallen off a bar stool and cut her hand and injured her nose whilst heavily intoxicated. Police attend and supervise treatment.	No further Police action.	Webstorm
<b>23</b>	0331hrs	23/12/12	Mon	12120215813	Drunken customer reports theft of phone from inside the venue. Police attend and establish that phone had been left in the toilets of the venue.	No further Police action.	Webstorm
<b>24</b>	0225hrs	19/01/13	Sat	n/a	Night Marshalls report customer seen throwing an empty bottle onto the street from inside the venue.	Report noted accordingly.	NM Report
<b>25</b>	2245hrs	23/02/13	Sat	12130030806	Night Marshalls report dealing with a violent incident in Finkle Street during which they are set upon by intoxicated customers who had left the venue specifically to intervene in the incident. Police attend and arrest one customers involved on suspicion of assault.	Offender currently on bail to Selby Mags Court for assault.	NM Report NICHE OEL

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PC952 Wilkinson  
Licensing Unit  
03/07/2013



NOT PROTECTIVELY MARKED

		01/03/13	Fri	n/a	Premises Licence Holder (Ian Campey) spoken to at length by PC952 Wilkinson (Police Licensing Officer) and MR Tim Grogan (Selby Licensing) regarding recent issues at the venue.	Warning Letter sent to Mr Campey	Warning Letter (attached)
26	0030hrs	02/03/13	Sat	n/a	Night Marshalls report male currently on Pubwatch being allowed entry into the venue.	Report noted accordingly.	NM Report
27	0055hrs	09/03/13	Sat	n/a	Night Marshalls report male currently on Pubwatch being allowed entry into the venue.	Report noted accordingly.	NM Report
28	0340hrs	17/03/13	Sun	n/a	Night Marshalls report venue still open with customers inside.	Report noted accordingly.	NM Report
29	0130hrs	05/04/13	Fri	n/a	Night Marshalls report member of staff running out of the venue requesting assistance. NM attend venue to see nine customers fighting inside the venue. Disturbance broken up and offenders ejected. Police attend. No complaints forthcoming.	No further Police action.	NM Report

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PC952 Wilkinson  
Licensing Unit  
03/07/2013

NOT PROTECTIVELY MARKED

30	0055hrs	19/04/13	Fri	n/a	Night Marshall report male being refused entry into all town centre venues for being intoxicated. Male allowed entry into venue and seen to be served alcohol.	Report noted accordingly.	NM Report
31	0255hrs	19/04/13	Fri	12130061799	Night Marshalls report member of staff running out of venue requesting assistance. NM attend venue to see the pub had been wrecked and a large scale violent disturbance ongoing during which a bar stool was used as a weapon. NM have to withdraw from the venue for their own safety given the violent nature of the assault.  Police subsequently attend and arrest three offenders for D&D.	Three offenders issued with Penalty Notices for Disorder for D&D.	Webstorm NICHE OEL NM Report
32	0028hrs	28/04/13	Sun	12130067087	Ambulance Service report an unconscious customer at the venue following an alleged assault. Police attend. No complaint of assault forthcoming.	No further Police action.	Webstorm

NOT PROTECTIVELY MARKED

PC952 Wilkinson  
Licensing Unit  
03/07/2013

NOT PROTECTIVELY MARKED

33	0130hrs	12/05/13	Sun	12130075826	Night Marshalls report a male customer seen to be fighting inside the venue. Customer then leaves the venue and punches a window of adjacent property. Police attend and arrest offender for criminal damage.	Still under investigation.	Webstorm NICHE OEL NM Report
34	0330hrs	18/05/13	Sat	n/a	Night Marshalls report venue still open with customers inside.	Report noted accordingly.	NM Report
35	0215hrs	15/06/13	Sat	n/a	Night Marshalls report the landlord taking ten minutes to get through the doorway then fall through the premises to be served.	Report noted accordingly.	NM Report
36	0302hrs	16/06/13	Sun	n/a	Night Marshalls report the venue still serving and customers stood outside.	Report noted accordingly.	NM Report

NOT PROTECTIVELY MARKED

PC952 Wilkinson  
Licensing Unit  
03/07/2013

## **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 [leeds.gov.uk](http://leeds.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 in connection with the review of the Premises Licence of J T Mellanby's, Finkle Street, Selby received from Responsible Authorities in the form of:**

- 1. The Licensing Authority**
- 2. NYCC Trading Standards**

# **ANNEX F1**

**Representations in connection with the review of the Premises Licence of J T Mellanby's, Finkle Street, Selby received from Responsible Authorities in the form of:**

- 1. The Licensing Authority**



## ENFORCEMENT SECTION

### INTERNAL MEMO

**TO:** Rachel Howden  
Licensing Authority

**FROM:** Tim Grogan  
Senior Enforcement Officer

**YOUR REF:** 5074

**OUR REF:** 5074

**DATE:** 14 June 2013

**TEL:** 01757 292027

**RE: Application for review of Premises Licence, J T Mellanby's, Finkle Street, Selby, YO8 4DS.**

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 the Enforcement Section, I can confirm that the following is a summary of the complaints and issues regarding the management of J T Mellanby's, Finkle Street, Selby.

Date of Complaint	Nature of Complaint	Action taken and outcome
2 July 2010	Complaint re: person on pubwatch being allowed to enter premises	The Council Licensing Officer and Police Licensing Officer interviewed Ian Campey on 9 July 2010 who was advised as to his future conduct. <b><u>Advised as to future conduct</u></b> <b><i>see attached letter</i></b>
6 Jan 2011	Complaint re: serving drunks, serving u18s, drugs, smoking, pubwatch and obstruction	The Police and Council Licensing Officers together with Sergeant Brighton interviewed Tracey Young (DPS) on 6 January 2010 when she was given a formal warning, advised as to her future conduct and instructed to be on duty during the evenings of Thursday, Friday, Saturday and Sunday. <b><u>Formal Warning as to future conduct</u></b> <b><i>see Action Plan (25.2.11) and email from Jackie Booth to Jonathan Gregson (31.12.10) for details</i></b>
25 Feb 2011	Complaint re: disorder at the premises and DPS being drunk.	The Police and Council Licensing Officers interviewed Tracey Young on 25 February 2011 when she was given a final formal warning and issued with an Action Plan. <b><u>Action Plan and Final Formal Warning</u></b> <b><i>see Action Plan (25.2.11) and email from Jackie Booth to Jonathan Gregson (21.2.11) for details</i></b>

6 June 2011	Complaint re: breach of conditions and staff member being drunk.	The Council Senior Enforcement Officer interviewed the DPS and staff member. No further action was taken as the DPS had exercised due diligence and the staff member concerned had emigrated to Australia. DPS advised as to future conduct. <b><u>DPS advised as to future conduct</u></b> <b><i>see email from Kevin Brighton to Tim Grogan (6.6.11) and copy of interview of DPS for details</i></b>
1 Mar 2012	Complaint re: breach of conditions, serving drunks, serving persons barred by pubwatch etc	The Police and Council Licensing Officers interviewed Ian Campey on 1 March 2013 when he was warned as to his future conduct <b><u>Premises Licence Holder advised as to future conduct</u></b> <b><i>see letter from PC Wilkinson to Ian Campey (25.3.13) for details</i></b>
May 2013	Complaint re: breach of conditions and DPS being drunk	The Council Senior Enforcement Officer interviewed the DPS and a prosecution file was prepared. The matter was dealt with at York Magistrates Court on 16 May 2013. <b><u>DPS received 18 months conditional discharge and ordered to pay £500 costs</u></b> <b><i>see case summary and interview notes for details</i></b>

In light of the review of the premises licence for J T Mellanby's, Finkle Street, Selby, I would advise that the Enforcement Section of Selby District Council fully support the position of the Police in relation to this matter.

In particular and with reference to 'Incident Reports (Crime & ASB)' it is noted that reports are littered with issues surrounding; disorder, under age drinking, drugs, staff requesting assistance and the presence of drunks at the establishment (including on two occasions Ian Campey).

However, should the Committee decide to introduce conditions the Enforcement Section would ask that all the conditions referred to by the Police be imposed with the exception of conditions 15 and 21. The position regarding these conditions that 15 be amended and 21 is not agreed.

15. There shall be a personal licence holder working at the premises throughout its opening hours and that person can include Tracey Young.

Yours faithfully

**Tim Grogan**  
**Senior Enforcement Officer**

*W. S. S.*  
Elizabethan  
File

Please ask for: Mr T Grogan  
Direct Dial: 01757 292027  
Fax No: 01757 292229

Your Ref:  
Our Ref:

2 July 2010

Dear Mr Campey,

**Mr Lee Friar**

I would be grateful if you could contact this office to arrange an appointment to see me regarding the above. Mr Friar has entered the Elizabethan public house and is currently on a Pub Watch ban.

Yours faithfully

Licensing Enforcement Officer

Mr I Campey  
Braycliff House  
Doncaster Road  
Brayton  
Selby  
YO8 9EG

*10th 9.7.10  
Advised by Tim Groze  
& John Gregson re  
effective & responsible  
management of premises  
T. Groze 9<sup>7</sup>/<sub>10</sub>*

**Agreed Action plan to address issues of concern.**

**Premise.**

**The Elizabethan, 12 Finkle Street, Selby, YO8 4DT**

**Designated Premises Supervisor: Ms Tracey Young**

**Premises Licence Holder: Mr Ian Michael Campey.**

**The above premise has been identified for review under the Licensing Act 2003 in that it failed to comply with one or more of the licensing objectives.**

**Prevention of Crime and Disorder.**

**Public Safety.**

**Prevention of Public Nuisance.**

**Protection of Children from Harm.**

**The action plan will be agreed in partnership, working to address the identified issues. If the agreed action is not complied with this could lead directly to a review of the premises licence. The review must be specific, measurable, achievable, relevant and time bound.**

### Summary of Risk.

A meeting was held on Friday 25<sup>th</sup> February 2011 at Selby Civic Centre concerning issues at The Elizabethan Public House, 12 Finkle Street, Selby, as a consequence of which you have been issued with a final formal warning. Present at the meeting were the DPS Tracey Young, SDC Licensing Enforcement Officer Tim Grogan and Police Licensing Officer John Gregson, at which following issues identified:

- Designated Premises Supervisor not being on duty at the premises during the evenings of Thursday, Friday and Saturday for the next three months; as agreed at the meeting held on 6.1.11. This is evidenced by:
  1. two incidents of disorder at the premises on Friday 19<sup>th</sup> February 2011, reported by Claire Foster who was unable to adequately deal with those matters.
  2. being drunk and therefore unable to responsibly and effectively manage issues within the premises which led directly to a serious assault upon yourself.

As DPS you must understand that on the 6<sup>th</sup> January 2011 you were given a given a formal warning regarding the issues raised at the meeting held on that date. This was following advice you were given on 9<sup>th</sup> July 2010 in respect of the ineffective management of the premises. Today's meeting is

Specific	Measurable	Achievable	Relevant	Timebound
Training required in appropriate licensing legislation by the DPS to all staff especially covering the legislation	Refusal book to be available at all times for inspection and utilised where necessary.	In house training by the DPS with written evidence to support this training.	Prevention of Crime and Disorder, Prevention of Public Nuisance.	Training to be implemented immediately.

<p>regarding "selling to drunks" and "underage sales".</p> <p>DPS or a qualified representative will attend the local Pubwatch meetings.</p> <p>No persons to leave the premises with open vessels</p> <p>An incident logbook to be kept at the premises to record all incidents within the bar or directly outside, to be available for inspection.</p> <p>The DPS Tracey Young will be on duty at the premises during the evenings of Thursdays, Fridays and Saturdays for the next three months, without exception.</p>	<p>Records to be kept of all staff training in order to evidence due diligence.</p> <p>Attendance at these meetings will be monitored.</p> <p>Police checks</p> <p>Police checks</p> <p>Police checks</p> <p>DPS, Bar Staff and Police checks</p>	<p>Police can be present to monitor the significance of training.</p> <p>As above</p>	<p>As above</p>	<p>As above</p>
--	---	---	-----------------	-----------------

Signed on behalf of Police: ..... Date: 25.2.11

Signed on behalf of Police: ..... Date: 25.2.11

Signed by Licence holder / DPS: ..... Date: 25.2.11 TRACER YOUNG

Signed by Licence holder / DPS: ..... Date: .....

Action plan review date: ..... 25<sup>th</sup> April 2011 .....

From: Booth, Jackie  
Sent: 31 December 2010 06:03  
To: Gregson, Jonathan  
Cc: Brighton, Kevin  
Subject: FW: (From STORM)

Johr,

In relation to the attached incident I have major concerns about the Elizabethan and how it is being run on an evening.

After attending this incident and speaking to both Brehenys who were clearly intoxicated, I went into the premises to speak to the licensee. Licensee Tracey Young was not present and [REDACTED] member of staff behind the bar stated she was in charge. I asked her for a copy of the license for the premises and she clearly didn't know what I was on about. She then stated she was not aware of pubwatch and who was on it and what her responsibilities were in relation to it. I also advised her that I believed she was continuing to serve people who were clearly intoxicated and she should not be serving alcohol to persons who appeared drunk, her response was that "what I am supposed to do ask them if they have had enough." Due to her not appearing to know what she was doing and clearly in charge of the premises I asked her to contact Tracey Young who then came to the premises. On speaking with her she stated that [REDACTED] did know what she was doing as she worked in a pub in Haddlesey. On putting this to [REDACTED] in front of Young she stated "I've not worked in bar in Haddlesey I only drink their."

[REDACTED] found it more important to keep serving customers and did not appear interested in speaking to police.

Clearly most of the customers in the premises were visibly drunk falling out the front door whilst we were at the premises which was for approximately 30 mins. I have documented all of this in my PNB and advised Young that I would be reporting this to yourself to address.

Please contact me if you require anything else.

Regards

Jackie Booth

PS133

Selby Response Band 3

Ext 2183

-----Original Message-----

From: Kerr, Jim

Sent: 31 December 2010 02:44

To: Gregson, Jonathan

Cc: Booth, Jackie

Subject: (From STORM)



From: Booth, Jackie  
Sent: 20 February 2011 09:31  
To: Gregson, Jonathan  
Cc: Brighton, Kevin  
Subject: Elizabethan,

Hi John,

I have been nights both Friday and Saturday night and on both occasions have attended the Elizabethan in person.

On Friday 19/02/11 myself and PS769 were outside the premises when the only female member of staff [REDACTED] alerted us that males were fighting inside the premises. On entering there clearly had been an altercation as there was smashed glassed over the floor and males being seperated by persons within. Nobody was prepared to give any details about what had happened so I asked [REDACTED] if I could view the CCTV, however she was unable to work it and so she contacted Tracey Young via phone who stated that she was not able to come back to the premises and that we would have to reattend the following day to view the footage. Details of the males where obtained and one of the parties left the premises.

A further call was made to the control room by [REDACTED] again incident 12110027549 refers. She has called police as she believed that one of the males involved in the earlier incident was again becoming aggressive in the pub. She felt another fight was going to break out. She stated she wanted police assistance in clearing the pub as she felt she could not control the customers within and she was on her own. I assisted her with closing the premises at around 2am. One of the customers [REDACTED] was later arrested outside by for Section 5. It was evident that [REDACTED] was left on her within the premises and feels very intimidated by customers and does not want to ask them to leave and so altercations are taking place within. CCTV has been seized in relation to the above but not viewed yet POTF ref CS217-11 should you wish to view the disorder within the premises.

On Saturday evening I deployed PC1682/1115 to conduct the licence check at 2320hrs. I was contacted by PC1682 who advised me that Tracey Young was serving behind the bar but was clearly drunk. At this stage I attended the premises and spoke to Tracey who admitted being drunk. Whilst in the premises I also noted some of the same males from the previous evening who had been involved in an altercation. I asked Tracey who else was working and she stated it was just her but she would get her partner to serve drinks as he was sober. A male called [REDACTED] stated he would serve but admitted he had been drinking that afternoon. However prior to my arrival PC1682 states he was going to leave the premises. I was concerned about Tracey not being fit to run the premises in her current state and advised her of this and that I feared disorder would take place. She claimed no-one would cause trouble whilst she was present however I went outside to contact the area inspector in relation to my concerns that the premises may have to be closed under a police closure order if there was any disturbance. I advised duty inspector that it was my intention to contact Campey licensee to see if he was able to attend to be in charge of premises. Upon re-entering premises I asked Young if she had a contact number for Campey however she advised me that due to her being drunk she was closing the premises voluntarily. As such the pub was shut and all customers asked to leave at 2340hrs.

I advised Young you would be in touch with her regarding this as being drunk in charge of licensed premises whilst on action plan was certainly not appropriate.

I feel that if Young had not shut the premises and her being drunk and not responsible there certainly would have been disorder within.

I have submitted the licensing returns for your attention with this detailed.

Thanks  
Jackie Booth  
PS133  
Selby Response Band 3  
Ext 2183

**From:** Brighton, Kevin [mailto:Kevin.Brighton@northyorkshire.pnn.police.uk]  
**Sent:** 06 June 2011 01:59  
**To:** tim grogan  
**Cc:** Holliday, Lesley; chris witty  
**Subject:** Issues at Elizabethan

Hi Tim,

At 04:35 hrs on Sunday 5th June I had caused to go to the above public house after receiving a message via pub watch radio that Police were required at that location. I believe this message came from The Blackmoor as I don't think Elizabethan has a radio.

I attended with other officers and found that the premises was still open, the lights were on with loud music emanating from the Bar. I entered and in the entrance was two males stood smoking, I then entered the Bar its self and saw approx 15-20 persons sat in separate groups of twos and threes, all with full drinks in front of them.

I recognised [REDACTED] who was stood behind the bar opening the till. Upon seeing me he closed it and then came around from the bar and sat on a stool at the bar end nearest the door. I then saw a female who I had seen earlier on in the evening about 2345hrs who I recognised as the bar person.

I approached her and asked for her name, she initially refused asking why I needed it. I explained that there maybe offences being committed in relation to breach of licence and that as the bar manager for the evening she was responsible. She then told me she was [REDACTED]

[REDACTED] She appeared to me to have been drinking as her speech was slurred and appeared to be drunk, I challenged her about this but she denied this and stated that she was Australian and had an accent. I then explained that the P/H had a closing time. I asked her what it was and she replied no idea. At this point I then cautioned her which I explained and pointed out the offence of breach of licence. I then asked her several brief questions.

Q. what time should you close

R. "NO IDEA".

Q. why.

R. "NEVER WORKED A NIGHT SHIFT BEFORE".

Q. Why were you open.

R. TOLD TO BY THE LICENSEE IAN CAMPEY.

I then asked her to close the bar and asked all present to leave. All persons left other than [REDACTED] and [REDACTED] who stated he had the keys to lock up. I then realised that he was also in charge in some form and also appeared to have been drinking and in my view was drunk [REDACTED] then told me that CAMPEY was present when I had arrived but had left when I had asked person to leave. I don't know what he looks like so I couldn't say if he was present.

I then told [REDACTED] that the facts would be reported to yourself.

One of my officers tried to check the till roll but couldn't work it and [REDACTED] was unhelpful in this matter. I asked her if she know who the DPS was and she stated she didn't know what I was talking about, I explained it to her but still she maintained that she had no idea about this. She stated that she was unaware that she was doing anything wrong as in Australia there are no regular opening and closing times and was only doing what she was told by CAMPEY. PC 192 Rawson was the first officer on scene and has a PNBE stating that [REDACTED] was talking money off a male at the bar for a drink.

This was definitely not a private function and not friends of the landlord etc. CAMPEY made no attempt to speak with any officer if he was present and therefore I am convinced this was definitely after hours serving.

Regards

Key

PS 1871 Brighton,.

At 2pm on Tuesday 7<sup>th</sup> June 2011 in company with John Gregson (Police Licensing Officer) I interviewed Tracey Young at the Civic Centre, Selby. She was cautioned and informed that we were in the process of investigating an offence of carrying on a licensable activity, namely supplying alcohol and providing regulated entertainment in the form of recorded music, at the Elizabethan Public House otherwise in accordance with an authorisation. Essentially, that at 4.35am on Sunday 5<sup>th</sup> June 2011 the Police attended the premises and noticed recorded music being played and alcohol being consumed. She was asked for her knowledge of this matter and she replied "ON FRIDAY I WENT TO MY NEICE'S HEN NIGHT. GIVEN THAT I'D WORKED EVERY THURSDAY, FRIDAY, SATURDAY, IN ACCORDANCE WITH THE ACTION PLAN"

She was asked if this was the three months action plan that was agreed on the 25<sup>th</sup> February 2011, to be reviewed on 25<sup>th</sup> April 2011 following a final formal warning. She replied "YES".

She was shown a copy of the document (TAG 1) and asked if she recognised the document and she said "YES".

She was asked to continue her explanation of what she new of the alleged breach of the premises licence and said "ON SUNDAY IAN CAME TO YORK TO PICK ME UP FROM THE STATION. HE WAS BLEARY-EYED AND HE TOLD ME THE POLICE HAD COME AT 5.30 IN THE MORNING AND CAUGHT EVERYONE DRINKING. I WAS MAD COS I'D GIVEN HIM STRICT INSTRUCTIONS TO LOCK UP AT 2.30 AND HAD A GO AT HIM COS HE SAID YOU'LL BE LUCKY IF YOU'VE GOT A LICENCE LEFT. ANYWAY I THREW HIM OUT AT ESCRICK AND MADE HIM WALK HOME".

LN/5074

# Safer Neighbourhoods



Mr Ian Campey  
c/o J T Mellanby's  
Finkle Street  
Selby  
YO8 4DS

Our Ref: NYP/952/JTMellanbys/010313

E-mail: [yorklicensing@northyorkshire.pnn.police.uk](mailto:yorklicensing@northyorkshire.pnn.police.uk)

Date: 25<sup>th</sup> March 2013

Dear Mr Campey,

## Licensing Issues – J T Mellanby's, Finkle Street, Selby

Firstly, may I take this opportunity to thank you for taking the time to meet with me on the afternoon of Friday 1<sup>st</sup> March 2013. The purpose of this letter is to document the fact that we met at Selby Police Station in company with Mr Tim Grogan (Selby District Council) and to formally record the issues that we spoke about in that meeting.

As Premises Licence Holder for J T Mellanby's (Premises Licence No – LN 0000054074) you will be aware that you have a duty to ensure that the four Licensing Objectives are upheld. Those objectives being:-

- i) the prevention of crime and disorder
- ii) public safety
- iii) the prevention of public nuisance
- iv) the protection of children from harm.

I have concerns that given the issues that we discussed these objectives are being undermined.

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Those issues being:-

- Customers constantly leaving your venue holding partially full glass vessels and drinking on the street.
- Individuals subject of Pubwatch bans being allowed entry into your venue.
- Allegations of unlicensed activities (i.e. serving after time) which are further to the current court proceedings facing your current Designated Premises Supervisor (Tracey Young) for similar allegations.
- Customers leaving your venue in an extremely intoxicated state and getting involved in disturbances in the town centre.

It would be remiss of me if I did not take this opportunity to place on record the action that the Police could take following any incidents which show you are not upholding the above objectives in future. Under the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) the Police could seek a review of your Premises Licence with the Licensing Authority (Selby District Council).

The consequences of a successful review could include a number of options. A few I have listed below:-

- i) modification of the conditions of the premises licence
- ii) the exclusion of sale of alcohol by retail from the premises licence
- iii) removal of the Designated Premises Supervisor
- iv) suspension of the premises licence
- v) a reduction in operating hours
- vi) compulsory signage to update members of the public that the premises have been subject of a Licensing Review.

You gave me certain assurances in our meeting that you would take steps to ensure such issues didn't occur again and I would like to document what you claimed. You assured me that you would address:-

- Incidents of drunkenness and the fact that you would record such refusals in your Incident Book kept at the premises.
- The training given to your staff ensuring that they were all aware of the opening times of the venue.
- Your attendance at future Pubwatch meetings; albeit a voluntary attendance, this forum gives an ideal opportunity to share examples of good working practices with other operators.

I hope that following receipt of this letter you will review the Operating Procedures you have in place at your venue and that this will be an end to any issues associated with your venue.

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Should you have any queries about this, or any other licensing matter, then please don't hesitate to contact me.

Yours sincerely,

Mick Wilkinson  
PC952  
Police Licensing Unit (York and Selby)  
Community Safety Dept  
01904 669945  
07802 385220

CC Licensing Services, Selby District Council

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## R-v-YOUNG

### Summary

The brief facts of this matter are as follows:

On 24 November 2005 the Elizabethan Public House, Finkle Street, Selby, was granted a Premises Licence under the terms of the Licensing Act 2003. At this time the licence authorised amongst other things the provision of live and recorded music between 11am until 2am from Monday to Sunday (inclusive).

On 30 October 2006 the Premises Licence was varied to include amongst other things the authorisation for the provision of live and recorded music between 10am until 3am from Monday to Sunday (inclusive). The premises was required to be closed at 3am each day.

On 4 October 2010 the Premises Licence was varied to include Tracey Anne Young as the Designated Premises Supervisor of the establishment

On 11 January 2011 the name of the premises was changed to J T Mellanby's Public House. This licence involved the condition that on a Thursday alcohol could be supplied between 10am and midnight and that the premises was authorised to remain open on that day between 10am and 12.30am the following morning.

At 3.40am on Saturday 24 March 2012 Temporary Police Sergeants Mallon and Pickersgill were on uniformed patrol in Finkle Street, Selby, in a marked police vehicle. At this time their attention was drawn to J T Mellanby's Public House by the number of customers both entering and leaving the establishment and the loud music being broadcast. They were aware that the licensing hours indicated that the premises should have been closed at 3am and that by this time all authorised licensable activities, including the performance of recorded music should have ceased. In addition, they witnessed customers continuing to consume half filled glasses of what appeared to be intoxicants. As a consequence they entered and approached the bar where they saw a female member of staff closing the till which was still illuminated.

At the same time the Officers saw the defendant whom they identified as the Designated Premises Supervisor who was seen to make her way into the bar from a room to the rear. Both Officers immediately noticed that she was unsteady on her feet, her eyes were glazed, her speech was slurred and she was in fact drunk. The Officers informed her she was in breach of her licensing hours and she turned the music off. She was also informed that she appeared drunk in charge of the premises and she replied "YES, I HAVE HAD A DRINK". The Officers noted at this time that her breath smelled strongly of intoxicants. She was instructed to immediately close the premises and she said "ARE YOU TAKING THE PISS?" With some difficulty the Police ensured that the premises was closed and reported the matter to the Council's Enforcement Section.

At 10.10am on Thursday 24 May 2012 Tracey Anne Young was interviewed under caution at Selby Civic Centre by a Council Senior Enforcement Officer. At this time she denied being drunk but admitted that recorded music was being played beyond authorised hours and that J T Mellanby's Public House was allowed to remain open beyond its authorised hours. She was told that the full facts regarding the matter would be reported and she replied "I AM SORRY THIS HAS HAPPENED BUT I WAS NOT DRUNK AND I WILL TELL THE COURT THAT".

#### **Exhibits**

1. A copy of the Premises Licence for J T Mellanby's Public House (TG1)
2. Transcript of interview(TG2)

#### **Witnesses**

1. Temporary Police Sergeant Mallon, North Yorkshire Police
2. Temporary Police Sergeant Pickersgill, North Yorkshire Police
3. Tim Grogan, Senior Enforcement Officer, Selby District Council

#### **Points to assist**

1. This matter was investigated jointly by the Licensing Department of Selby District Council and the North Yorkshire Police. Essentially the Council's Enforcement Section has dealt with the licensing issues and this file is the conclusion of that enquiry.
2. Tracey Young is referred to by the Police as variously as Tracey Cowan and Cohen. Her correct name is Young but she was previously known as Cowan. Cohen is apparently a Police corruption of Cowan and should be disregarded
3. Tracey Young was open and forthcoming with the Senior Enforcement Officer and did nothing to impede his enquiries. She fully accepted her culpability in respect of breaching conditions attached to the licence but denied that she was drunk.



**SELBY DISTRICT COUNCIL**  
**Exhibit TG2: interview transcript**

**Thursday 24 May 2012**

**Time of Interview: 10.10am – 10.20am**

**Place of Interview: Selby Civic Centre, Doncaster Road, Selby**

**Interviewed: Tracey Anne Young**

**Interviewing Officer: Tim Grogan**

After formal introductions I cautioned her and the following interview took place:

Q I am investigating allegations made by the Police that at 3.40am on Saturday 24 March 2012 you were drunk in J T Mellanby's whilst operating as the Designated Premises Supervisor, allowed the premises to remain open beyond its authorised hours and allowed a licensable activity in the form of recorded music to be performed beyond that activity's authorised hours. I have two witness statements from the Police and before commenting I would like you to hear what they say. I then read out the witness statements of Temporary Police Sergeants Mallon and Pickersgill. Is there any comment you wish to make now.

A YES, WHAT HAPPENED WAS THIS. I HAD CLOSED THE BAR AT 2.30AM BUT THERE WERE PEOPLE STILL DRINKING.

Q But the Police entered the premises at 3.40am and people were still drinking

A I CLOSED THE BAR AT 2.30AM. I THEN WENT UPSTAIRS TO DO THE PAPERWORK. BUT I KNOW THAT NO ALCOHOL WAS SERVED AFTER 2.30AM, DEFINITELY.

Q But the till was on when the Police entered, they saw the lights illuminated.

A THE TILL WAS ON. THE POLICE DID NOT SAY TYHEY SAW ALCOHOL BEING SERVED. THE WILL WAS ON AND WAS USED BY A MEMBER OF STAFF WHICH SHOULDN'T HAVE BEEN DONE.

Q What was she doing

A I REALLY DON'T KNOW BUT THE MONEY DRAWER WAS UPSTAIRS SO SHE WAS NOT SERVING ALCOHOL

Q The Officers claim you were drunk

A I WAS NOT DRUNK. I'LL ADMIT I'D HAD A COUPLE OF VODKAS BUT THAT WAS ALL. I ADMIT I AM NOT BRILLIANT WITH DRINK BUT I WAS NOT DRUNK. THEY ARE BOTH WRONG

Q The fact is that they did enter your pub at 3.40am and the music was still playing wasn't it

A YES

Q That is a clear breach of the licence and so too is the fact that the premises was still open at 3.40am, a clear 40 minutes after it should have closed.

A I ACCEPT THAT BUT MANY IS THE TIME THAT I HAVE KEPT PEOPLE IN MY PUB TO SOBER UP BEFORE THEY GOT

THEMSELVES INTO TROUBLE. THE POLICE HAD PRAISED ME FOR THAT IN THE PAST. LOTS OF PEOPLE KNOW THIS

Q Tracey, the Police are quite clear. They report that you were drunk, that music was being played beyond authorised hours and the establishment was open beyond its authorised hours.

A I ACCEPT THE MUSIC WAS ON AND THE PLACE WAS STILL OPEN BUT I WAS NOT DRUNK AND I DID NOT SERVE ANY ALCOHOL.

She was formally cautioned and told that the full facts regarding the matter would be reported and she replied "I AM SORRY THIS HAS HAPPENED BUT I WAS NOT DRUNK AND I WILL TELL THE COURT THAT".

## **ANNEX F2**

**Representations in connection with the review of the Premises Licence of J T Mellanby's, Finkle Street, Selby received from Responsible Authorities in the form of:**

- 2. NYCC Trading Standards**



North

Yorkshire County Council

**NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES  
LICENCE/CLUB PREMISES CERTIFICATE (Variation/New)  
UNDER THE LICENSING ACT 2003**

North Yorkshire County Council Trading Standards Service hereby gives notice of objection to the Premises Licence / Club Premises Certificate as listed below:

<b>Postal address of premises or club premises:</b>	
<b>J T Mellanby's Finkle Street SELBY North Yorkshire</b>	
<b>Post code (if known)</b>	<b>YO8 4DS</b>

This Notice of Objection relates to the following licensing objective:

*(Please tick one or more boxes)*

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) prevention of Public Nuisance        | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

## **GROUNDS FOR RELEVANT REPRESENTATION**

We hereby give notice that we object to the application for a Premises Licence / Club Premises Certificate on the following grounds:

### **1. PROTECTION OF CHILDREN FROM HARM**

**Information in support of this representation:**

Notice of application for the review of a premises licence has been received by this department from the Police Licensing Officer PC 952 Mick Wilkinson.

- There are 2 incidents involving underage persons on the premises highlighted in this report:
- 03/09/2012 – two **customers** who ran from the venue who were stopped and searched were found to be 16 and 17 years of age.
- 28/10/2012 – 16 year old reported drinking in the premise.

There is no evidence presented that the young persons were drinking at the premise or had consumed any alcohol. However, the fact that reports have been received regarding 16 and 17 year old, in the establishment, after midnight on more than one occasion raises great concern and would suggest that the age verification policy (Challenge 21 policy) is not been adhered to, or being implemented to a satisfactory standard.

**Suggested conditions that could be attached to the licence to address these issues:**

... 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.

... All staff should receive training in policy & procedures regarding underage drinking and the sale of alcohol to minors. This training should be documented and be available for inspection at the request of the Local Authority, Police and Trading Standards.

... all refusals are to be recorded appropriate format, namely, a refusals log, which is to be made available for inspection at the request of the Local Authority, Police and Trading Standards.

**Gregory Chapman**

**Signature:** .....

**Date: 11 July 2013**

**Contact name and address for correspondence:**

**North Yorkshire Trading Standards and Planning Services,  
Unit 4/5, Block B,  
Thornfield Business Park,  
Standard Way.  
Northallerton  
DL6 2XQ**

**Telephone number: 01609 534800**

**E- mail address: [greg.chapman@northyorks.gov.uk](mailto:greg.chapman@northyorks.gov.uk)**

# **ANNEX G**

**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 and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided 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 Business Link or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at a premises and wants to intervene early without waiting for representations from other parties. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this

separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 Any application for a review received by the licensing authority from responsible authorities and any other persons should be given due consideration and treated by the authority in precisely the same way, regardless of the body or individual which made it. This includes an application made by the local authority acting in a separate capacity (for example, environmental health or child protection).
- 11.8 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as 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.
- 11.9 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.10 Representations must be made 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. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.11 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.12 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

### **REPETITIOUS GROUNDS OF REVIEW**

11.13 A repetitious ground 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 or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was 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 grant.

11.14 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.15 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.16 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.17 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.18 The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.19 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.20 Where the licensing authority considers that action under its statutory powers is appropriate, 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.
- 11.21 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.



- 11.22 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.
- 11.23 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 that impact upon the licensing objectives.
- 11.24 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.25 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; money laundering by criminal gangs, the sale of contraband or stolen goods, 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 licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate 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 licence holder.

11.28 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.

11.29 There is certain criminal activity that may arise in connection with licensed premises which 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 illegal 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 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 Community Safety Partnership.

11.31 As noted below (Chapter 13, paragraph 13.59), it is unlawful to discriminate or to refuse service on grounds of race, disability, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation or by displaying discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

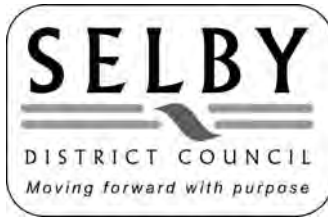
#### **REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER**

11.32 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).

#### **REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN**

11.33 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.



**Agenda Item No: 5**

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**Title:** Section 35(3)(a) Application for a Premises Licence for Tadcaster Magnet Sports & Social Club, The Pavilion, Tadcaster, North Yorkshire LS24 9HD

**To:** Licensing Act 2003 Sub-Committee

**Date:** 19 July 2013

**Service Area:** Customers and Business Support

**Author:** Tim Grogan

**Presented by:** Tim Grogan

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## **1. Summary**

- 1.1 To seek the determination by the Licensing Sub Committee of an application for a Premises Licence where relevant representations have been received.
- 1.2 Application reference: TAG/TADMAG
- 1.3 Name of Applicant: Graham Collins
- 1.4 Type of authorisation applied for: The nature of the application is to grant a premises licence for Tadcaster Magnet Sports & Social Club, The Pavilion, Tadcaster, North Yorkshire L:S24 9HD. The applicant requests that the licence be granted for regulated entertainment in the form of: plays, films, indoor sporting events, boxing or wrestling entertainments, live music, recorded music and performance of dance; provision of late night refreshment and sale by retail of alcohol from: 06:00 – 01:00 Sunday to Thursday (inclusive); 06:00 – 02:00 Friday and Saturday; and 06:00 – 02:00 Club Christmas Draw Night, Christmas Eve, Boxing Day, New Years Eve, Bank Holiday Sundays, Bonfire Night and Local Celebration Days.

## **2. Background**

- 2.1 A copy of the application for a Premises Licence is attached at Annex 1.



### **3. Promotion of Licensing Objectives**

- 3.1 The applicant proposes to operate as a responsible and effective manager of the premises in order to promote the licensing objectives and this detail is contained in section M of the Premises Licence Application at Annex 1.

### **4. Consultation**

- 4.1 Consultation was carried out by the applicant in accordance with section 13, and section 17(5) of the Licensing Act 2003 and Regulation 42, parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in the local newspaper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements.

### **5. Summary of representations made by Responsible Authorities**

- 5.1 No representations were received from any Responsible Authority. However, the Police did make a representation on 20 June 2013 which was later withdrawn on 26 June 2013 following agreement by Tadcaster Magnet Sports & Social Club to agree certain conditions. Details of the representation and the withdrawal are shown at Annex 2

### **6. Summary of representations made by interested parties**

- 6.1 Representations have been received from twelve interested parties listed at Annex 3. The Representations are attached at Annex 4. Essentially the representations are in line with the Licensing objectives regarding the prevention of Crime and Disorder and the prevention of Public Nuisance.
- 6.2 A map of the area showing the various locations is attached at Annex 5. An interested party is defined at section 13(3) of the Act as being a person living in the vicinity of the premises and the interested party is therefore duly qualified.
- 6.3 Councillors are reminded that Representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **7. Options**

- 7.1 By virtue of section 18(4) of the Act, the Sub Committee have the following options available to them in making their decision:-  
Option 1: Grant the variation of the licence in the terms applied for  
Option 2: Grant the variation of the licence with modified/additional conditions imposed by the Licensing Sub Committee  
Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions

accordingly  
Option 4: Reject the application.

## **8 Analysis**

- 8.1 The following could be the result of any decision made by this Sub Committee:
- 8.2 Option 1: This decision could be appealed at Magistrates Court by the representor.
- 8.3 Option 2: This decision could be appealed at Magistrates Court by the applicant or the representor.
- 8.4 Option 3: This decision could be appealed at Magistrates Court by the applicant or the representor.
- 8.5 Option 4: This decision could be appealed at magistrates Court by the applicant

## **9 Licensing Objectives**

- 9.1 The Licensing Act 2003 has 4 objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.

## **10 Implications**

- 10.1 Community safety and crime: The Sub Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to cooperate in the reduction of crime and disorder in the town.

## **11 Risk Management**

- 11.1 This decision could be appealed at Magistrates Court by the applicant or the representor. In addition any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty.

## **12 Recommendations**

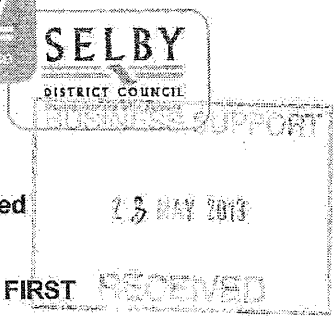
- 12.1 Councillors determine the application.

# **ANNEX 1**

Copy of the application for a Premises Licence for Tadcaster Magnet Sports and Social Club, Tadcaster LS24 9HD

OK-8

Senior Enforcement Officer  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby  
YO8 9FT



**Application for a premises licence to be granted  
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/We Tadcaster Magnet Sports & Social Club  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, Ordnance survey map reference or description <b>Tadcaster Magnet Sports &amp; Social Club The Pavilion Rear of Queens Gardens Tadcaster North Yorkshire</b>			
Post town	Leeds	Postcode	LS24 9HD

Telephone number at premises (if any)	01937 833445
Non-domestic rateable value of premises	£15000

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)

- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club x please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	<input type="checkbox"/>
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town			Postcode		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	3	05 2013

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
1	1	1 1 1 1

Please give a general description of the premises (please read guidance note 1)

A detached wooden single floor property adjacent to playing fields

Entrance Foyer, Ladies and Gentleman's lavatories, disabled lavatory with baby changing facilities.

Function room including dance floor, stage and fixed / loose seating with tables.

Bar room including bar, fixed / loose seating with tables, 2 pool tables. Access to an outside area to decking in front of the bowls green, sheltered area and decking with umbrellas (Outside garden).

Cellar and storage area behind the bar.

Office behind the stage

Kitchen

Exterior – Car Park, Bowls Hut, Cricket Pavilion, Snack Hut, Toilets & BBQ hut.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment  | Please tick any that apply |
|---|----------------------------|
| a) plays (if ticking yes, fill in box A)  | X                          |
| b) films (if ticking yes, fill in box B)  | X                          |
| c) indoor sporting events (if ticking yes, fill in box C)   | X                          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | X                          |
| e) live music (if ticking yes, fill in box E)   | X                          |
| f) recorded music (if ticking yes, fill in box F)   | X                          |
| g) performances of dance (if ticking yes, fill in box G)  | X                          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |

**Provision of late night refreshment** (if ticking yes, fill in box I) x

**Supply of alcohol** (if ticking yes, fill in box J) x

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon		01:00	Please give further details here (please read guidance note 3) Amateur plays & Seasonal pantomime's for members, guests and general public	Both	<input checked="" type="checkbox"/>
	06:00				
Tue		01:00			
	06:00				
Wed		01:00	State any seasonal variations for performing plays (please read guidance note 4)		
	06:00				
Thur		01:00			
	06:00				
Fri		01:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
	06:00				
Sat		02:00	Very occasional amateur plays and seasonal pantomime's to members, guests & public within the hours detailed. No pre-determined day of the week		
	06:00				
Sun		02:00			
	06:00				



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Films to be shown for members, guests and general public		
Mon		01:00			
	06:00				
Tue		01:00			
	06:00		<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed		01:00			
	06:00				
Thur		01:00			
	06:00		<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Very occasional films shown to members, guests & public within the hours detailed. No pre-determined day of the week		
Fri		01:00			
	06:00				
Sat		02:00			
	06:00				
Sun		02:00			
	06:00				

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3) Darts / Pool / Dominoes / Card Games with spectators possible very occasionally.	
Day	Start	Finish		
Mon		01:00	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)	
	06:00			
Tue		01:00		
	06:00			
Wed		01:00		
	06:00			
Thur		01:00		<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Indoor sporting events will take place within the hours detailed. No Pre-determined day of the week.
	06:00			
Fri		01:00		
	06:00			
Sat		02:00		
	06:00			
Sun		02:00		
	06:00			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon		01:00	<b>Please give further details here</b> (please read guidance note 3) Boxing or Wrestling entertainments with spectators possible very occasionally when approached.		
	06:00				
Tue		01:00			
	06:00				
Wed		01:00	<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
	06:00				
Thur		01:00			
	06:00				
Fri		01:00	<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Boxing and Wrestling entertainment will take place within the hours detailed. No Pre-determined day of the week.		
	06:00				
Sat		02:00			
	06:00				
Sun		02:00			
	06:00				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) to Live music to be played to members, guests and general public.		
Mon		01:00			
	06:00				
Tue		01:00			
	06:00		<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed		01:00			
	06:00				
Thur		01:00			
	06:00		<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri		01:00			
	06:00		Occasional Live Music to be played to members, guests & public within the hours detailed. No pre-determined day of the week. Outside music will be shut off no later than 12 midnight but these events are very occasional.		
Sat		02:00			
	06:00				
Sun		02:00			
	06:00				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Recorded music to be played to members, guests and general public		
Mon.		01:00			
	06:00				
Tue		01:00			
	06:00				
Wed		01:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
	06:00				
Thur		01:00			
	06:00				
Fri		01:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Recorded Music will be played within the hours detailed. No Pre-determined day of the week.		
	06:00				
Sat		02:00			
	06:00				
Sun		02:00			
	06:00				

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon		01:00	<b>Please give further details here</b> (please read guidance note 3) Performance of Dance with spectators possible very occasionally when approached.	Both	X		
	06:00						
Tue		01:00					
	06:00						
Wed		01:00		<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)	Both	X	
	06:00						
Thur		01:00					
	06:00						
Fri		01:00			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Occasional performance of dance shown to members, guests & public within the hours detailed. No pre-determined day of the week	Both	X
	06:00						
Sat		02:00					
	06:00						
Sun		02:00					
	06:00						

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon.				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed.					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Provision of hot food available to members, guests and general public		
Mon		01:00			
	23:00				
Tue		01:00			
	23:00		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed		01:00			
	23:00				
Thur		01:00			
	23:00		<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) Provision of hot food will be available within the hours detailed. No Pre-determined day of the week.		
Fri		01:00			
	23:00				
Sat		02:00			
	23:00				
Sun		02:00			
	23:00				



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon		01:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) In the event of a transmission of any recognised international event which falls outside the current permitted hours, to permit the supply of alcohol 1 hour before the start of the event and ending 1 hour after the event. Details of the activity to be notified to the Police 10 days before the event.		
	06:00				
Tue		01:00			
	06:00				
Wed		01:00			
	06:00				
Thur		01:00			
	06:00				
Fri		01:00			
	06:00				
Sat		02:00			
	06:00				
Sun		02:00			
	06:00				

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

<b>Name</b> Mr Richard Sweeting	
<b>Address</b> [REDACTED] [REDACTED] [REDACTED]	
<b>Postcode</b>	[REDACTED]
<b>Personal licence number (if known)</b> LN / 4194	
<b>Issuing licensing authority (if known)</b> Selby	

# K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).

No serving of Alcohol to people under the age of 18 Years  
 All persons under the age of 18 years must be accompanied by an adult  
 No entertainment of an adult nature or sexual nature will be allowed

# L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) Opening hours available to members, guests and general public
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) In the event of a transmission of any recognised international event which falls outside the current permitted hours, to permit the supply of alcohol 1 hour before the start of the event and ending 1hr and 30 minutes after the event. Details of the activity to be notified to the Police 10 days before the event.
Mon	06:00	01:30	
Tue	06:00	01:30	
Wed	06:00	01:30	
Thur	06:00	01:30	
Fri	06:00	01:30	
Sat	06:00	02:30	
Sun	06:00	02:30	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

The Club Executive Committee, Manager, Manageress and all bar staff are informed of the Licensing Act 2003 objectives and statutory requirement to comply with all relevant provisions of the Act.

The License will be permanently displayed behind the bar within the premises

The Club Executive Committee has a good understanding of the Disability Discrimination act, the Health & safety at work Act, the Environment Protection Act.

The club actively discourages drink driving & promotes accordingly

**b) The prevention of crime and disorder**

CCTV in operation both inside the premises and external to the beer garden area.

Club constitution includes rules governing the conduct of patrons within & adjacent to the club premises.

Club employees are instructed not to admit or serve patrons who behave in a drunk or disorderly fashion. Misconduct is reported to the committee to consider action under the clubs disciplinary code.

The club wishes to comply with the Police Drugs Policy and has a zero tolerance policy in place

The club is an active member of the local Pub Watch Scheme

The club has considered High Volume Vertical drinking & is satisfied that enough seating is available to prevent this from happening. Patrons predominantly drink whilst seated.

Club employees are all instructed in the importance of clearing used glassware as quickly as possible, both internally & externally.

The club prominently displays details of local taxi firms for patrons to use.

Door supervisors (SIA registered) will be employed for specific functions, mainly 18 & 19 yr old birthday parties or when the committee deem it necessary. Minimum level of one to a maximum of three. A register will be kept.

Patrons are prevented from leaving the premises or grounds with open drinks containers.

Club employees, the manager & committee are supporters of proof of age schemes & actively challenge patrons who appear young.

The club does not support irresponsible drinks promotions & would not participate in any.

**c) Public safety**

All outside events with the exception of the beer garden will only have plastic glasses.

The premises and Beer garden area will have toughened glassware.

The club complies with health and safety and Fire Precautions regulations. Risk assessment preventive & control measures are in place to ensure the safety of patrons, employees and entertainers while on the premises.

The club complies with the advised capacity limits. Fire action notices are posted; emergency escape routes are signposted. Capacity levels are monitored on function events by the way of tickets and a door clicker.

For large events the club utilises the services of volunteer stewards to control access and crowd movement.

The premise is well ventilated using both mechanical fans and natural vents.

Club employees are instructed to always provide free drinking water patrons who request it.

The club house and grounds has external lighting to ensure public safety at all times.

The club has adequate internal lighting and emergency lighting.

The club has an evacuation policy that is controlled by employees on duty.

Safety checks are carried out daily before trading.

The club furnishings are manufactured from fire retardant material.

Access for emergency vehicles is always considered, especially for larger events.

**d) The prevention of public nuisance**

All windows and doors will be closed at 23:00 pm  
Signage is displayed near exits requesting patrons to respect the needs of local residents by quietly leaving the premises and car park.  
Signage is displayed at the front of the club to encourage members, guests and the general public to use the outside area at the rear of the club.  
When live or recorded music is played all reasonable steps are taken to avoid disturbance to neighbouring properties.  
Club employees the manager and committee actively collect any litter that is found within and outside the premises.  
When live or recorded music is played within the club house, no doors that directly lead to the outside are left open.  
Patrons who drive to the premises are reminded to be considerate in terms of parking and minimising noise.  
Club employees are appropriately trained with regard to alcohol abuse. On-going training is provided.  
The premises bins are located close to the property and glass ware is only disposed of during daylight hours.

**e) The protection of children from harm**

No children under the age of 18 years unless supervised by an adult.  
The function room does not have a bar in it.  
Children under the age of 18 are encouraged to vacate the club no later than 9pm  
Young adults applying for membership or access must satisfy the Executive Committee that they are over 18, if necessary by producing proof of age identity.  
The Club Executive Committee members, The manager, manageress and staff members are instructed in the offence provisions of the licensing Act 2003 relating to alcohol and the protection of children.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
-----------	---

Date	23 <sup>rd</sup> May 2013
Capacity	Applicant ( Honorary Secretary of the club )

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Mr Graham Collins

[REDACTED]  
[REDACTED]  
[REDACTED]

Post town	Leeds	Postcode	[REDACTED]
-----------	-------	----------	------------

Telephone number (if any)	[REDACTED]
---------------------------	------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	[REDACTED]
---	------------

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not

exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**Consent of individual to being specified as premises supervisor**

Richard H Sweeting

-----  
*[full name of prospective premises supervisor]*

of

████████████████████  
████████████████████  
████████████████████  
████████████████████

-----  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

-----  
*[type of application]*

by

Graham Collins

-----  
*[name of applicant]*

relating to a premises licence

N/A

-----  
*[number of existing licence, if any]*

for

Tadcaster Magnet Sports and Social Club  
The Pavilion  
Rear of Queens Gardens  
Tadcaster  
North Yorkshire  
LS24 9HD

-----  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Graham Collins

*[name of applicant]*

concerning the supply of alcohol at

Tadcaster Magnet Sports & Social Club  
The Pavilion  
Rear of Queens Gardens  
Tadcaster  
North Yorkshire  
LS24 9HD

*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN / 4194

*[insert personal licence number, if any]*

Personal licence issuing authority

Selby

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed



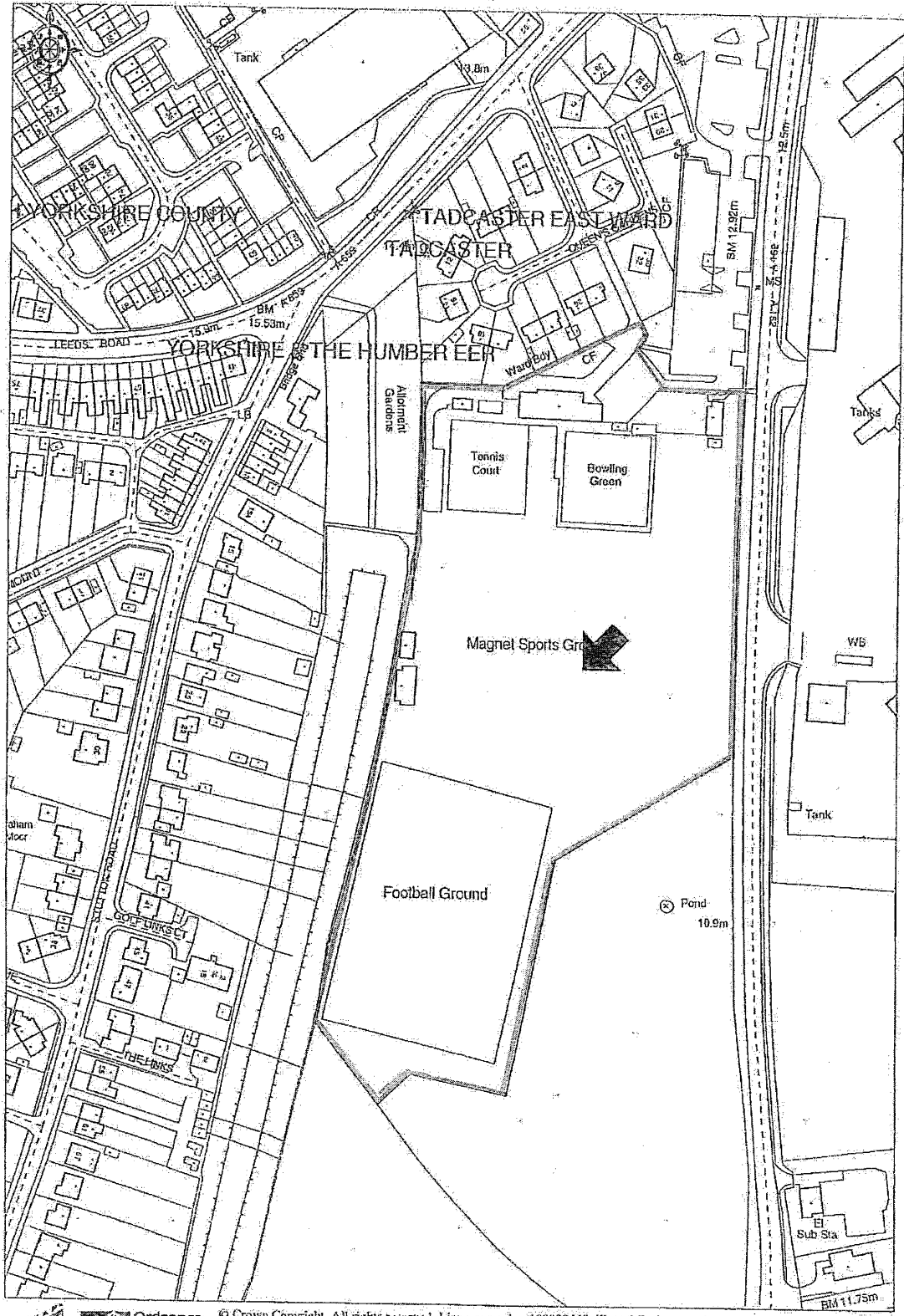
Name (please print)

Richard H Sweeting

Date

23<sup>rd</sup> May 2013





Ordnance Survey

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THIS MAP IS FOR IDENTIFICATION PURPOSES ONLY

## LICENSING ACT 2003

### NOTICE OF AN APPLICATION FOR A PREMISES LICENCE

**PREMISES:** TADCASTER MAGNET SPORTS & SOCIAL CLUB  
**ADDRESS:** THE PAVILION, QUEENS GARDENS, TADCASTER, LS24 9HD  
**APPLICANT:** MR GRAHAM COLLINS (HONORARY SECRETARY)

An application has been made to Selby District Council for a Premises licence under the Licensing Act 2003.

The days and hours of opening are as follows:

- Sunday to Thursday: 06:00am – 01:30am
- Friday & Saturday: 06:00am – 02:30am
- Club Xmas Draw Night: 06:00am – 02:30am
- Christmas Eve & Boxing Day: 06:00am – 02:30am
- New Year's Eve 06:00am – 02:30am
- Bank Holiday Sundays 06:00am – 02:30am
- Bonfire Night 06:00am – 02:30am
- Local Celebration Days 06:00am – 02:30am

Activities to include:

- Sale of retail alcohol
- The supply of alcohol
- The provision of regulated entertainment namely:  
Plays, Indoor Sports, Live Music, Making Music, Recorded Music and Dancing
- The provision of regulated late refreshment

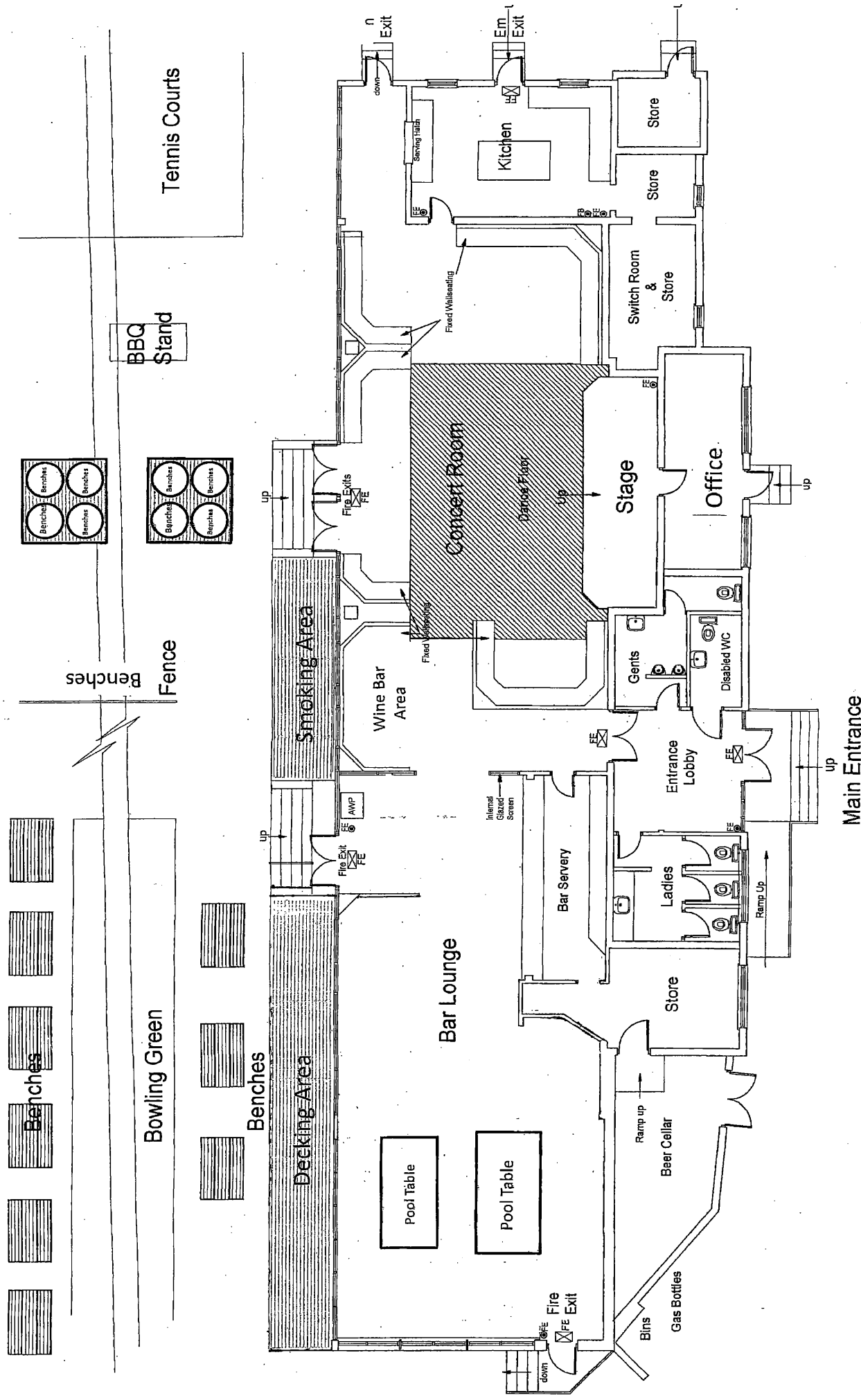
Any representations about this application, which may be inspected at the following Address, must be made within 28 days from the date of this notice and sent to:

**The Senior Enforcement Officer**  
**Selby District Council**  
**Civic Centre**  
**Doncaster Road**  
**Selby**  
**YO8 9FT**

**IT IS AN OFFENCE KNOWINGLY OR RECKLESSLY TO MAKE A FALSE STATEMENT IN CONNECTION WITH AN APPLICATION AND THE MAXIMUM FEE FOR WHICH A PERSON IS LIABLE ON SUMMARY CONVICTION FOR THE OFFENCE IS £5000**

**DATED 23<sup>rd</sup> May 2013**

**This Notice must be displayed in a conspicuous position outside the premises for 28 days**



**Key to Symbols**

- FE Fire Extinguisher
- FE Internally Illuminated Fire Exit Sign
- FE Fire Blanket

**Project**  
Magnet Sports Club

**Job Description**  
Application for Premises Licence

**Drawing Title**  
Ground Floor Plan

**Date** May 2013 **Scale** 1:100 **Dwg. no.** PL04-1

**Red arrow Design Ltd**  
Hind House Main Street Church Fenton Tadcaster LS24 9RF  
tel: 01937 557768 fax: 01937 557756

## **ANNEX 2**

### **Representation by Police and withdrawal of that representation**

---

**From:** Wilkinson, Mick [Mick.Will]

**Sent:** 20 June 2013 17:10

## **POLICE REPRESENTATION**

**To:** Licensing

**Cc:** Allen, Jackie

**Subject:** POLICE REPRESENTATION - New Grant - Tadcaster Magnet Sports & Social Club, The Pavillion, Queens Gardens, Tadcaster [NOT PROTECTIVELY MARKED]

**Classification:** NOT PROTECTIVELY MARKED

We have received an application from Tadcaster Magnet Sports & Social Club for the grant of a premises licence at the above premises.

The Police wish to object to the application as we believe that given the applicants operating schedule (as submitted) all the licensing objectives would be undermined. An email has been sent to the applicant outlining proposed proportionate conditions which are inline with the operating schedule but, at time of sending, no reply has been received.

I understand that the date by which representations have to be submitted is now the 20<sup>th</sup> June 2013 despite the advert for the application being placed in the York Press on Tuesday 18<sup>th</sup> June 2013.

This email is submitted as a representation on behalf of the Chief Constable of North Yorkshire Police, as a responsible authority under the Licensing Act 2003.

Should you have any further queries about this, or any other licensing matter, then please don't hesitate to get in touch.

Regards,

**PC Mick Wilkinson**  
**Collar Number 952**  
**Police Licensing Officer (York & Selby)**  
**North Yorkshire Police**

## POLICE WITHDRAWAL OF REPRESENTATION

**From:** Wilkinson, Mick [Mick.Wilkinson@northyorkshire.pnn.police.uk]  
**Sent:** 26 June 2013 13:31  
**To:** Licensing  
**Subject:** POLICE REPRESENTATION WITHDRAWAL - New Grant - Tadcaster Magnet Sports & Social Club, The Pavillion, Queens Gardens, Tadcaster [NOT PROTECTIVELY MARKED]  
**Attachments:** New Grant - Tadcaster Magnet Sports & Social Club, The Pavillion, Quenns Gardens, Tadcaster [NOT PROTECTIVELY MARKED]; RE: New Grant - Tadcaster Magnet Sports & Social Club, The Pavillion, Queens Gardens, Tadcaster [NOT PROTECTIVELY MARKED]  
**Classification:** NOT PROTECTIVELY MARKED

Further to my email dated the 20<sup>th</sup> June 2013 the Police now wish to withdraw their representation to the above application subject to the below listed conditions being attached to the premises licence.

The conditions that have been agreed by the applicant were proposed and accepted in the attached emails so as to ensure that all four licensing conditions are not undermined and are listed as follows:-

1. The granting of this premises licence shall be on the condition that the existing club premise certificate (CPC No – LN/000002730) will be surrendered.
2. The only building (on the plan submitted with the application) that shall be licensed on a normal day to day basis shall be the existing clubhouse.
3. The venue shall operate (managerially) as a members club with an Executive Committee in place at all times but shall have the ability to allow non members entry under the terms of the premises licence.
4. A CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol inside the main building and externally in the beer garden (see also condition 19 below).
5. The CCTV system will be maintained, working and recording at all times when the premises are open.
6. The recordings shall be of good evidential quality to be produced in court or other such hearing.
7. Copies of the recordings will be kept available for any responsible authority for 28 days.
8. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
9. Copies of the recordings will display the correct time and date of the recording.
10. All OFF sales shall be in sealed containers.
11. 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.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
15. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area.
16. The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.
17. Save for egress and entry, windows and doors shall be closed after 2300hrs.
18. Save for egress and entry, windows and doors shall be closed when live music is being played.

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

19. The external beer garden shall be bounded by semi permanent barriers to show a clear



demarcation of the external area. This external area shall be covered by CCTV as listed in the above conditions (conditions 4 – 9).

20. The external beer garden shall be cleared and vacated of customers by 2400hrs daily.

21. On a day to day basis the only outdoor consumption of alcohol shall be in the external beer garden. For the purpose of clarity there shall be no external consumption outside the main entrance of the venue, in the car park area or at the side of the building.

22. Any consumption of alcohol beyond the demarcation of the external area shall be in non glass vessels.

*The following conditions shall apply to pre-booked age related birthday parties (age related parties are for any celebration that marks a 21<sup>st</sup> birthday or younger and continues beyond 2100hrs):-*

23. Such parties shall be pre-booked at least seven days in advance. For the purpose of clarity, the seven days shall not include the date of booking or the date of the event.

24. There shall be at least four members of staff working at all times for the duration of the event.

25. All persons aged over 18yrs (but under 25yrs) shall be issued (and wear) a non-removable wristband once they have undertaken and passed a satisfactory age verification check.

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

26. Such outdoor events shall be limited to a maximum of 12 events in any calendar year.

27. An Event Management Plan shall be submitted to the Police, Environmental Protection Unit and the local Safety Advisory Group at least 8 full weeks prior to the event.

28. The Event Management Plan shall include the following:-

- Proposals for staff deployment/defined duties and responsibilities/numbers of staff working the event
- Numbers and identification of Stewards/SIA Door Staff
- Demographics of proposed attendees
- Details of the reporting procedure for any issues
- A plan to prevent noise nuisance for nearby residents
- A site plan showing all features of the event layout
- A Traffic Management plan
- Details of the Medical/First Aid procedures
- Details of the Safety Officer and how he/she will:-
  - assist emergency services in the event of a full scale evacuation
  - monitor crowd control
  - co-ordinate the initial response to any emergency
  - liaise with emergency services

29. An Incident Log shall be kept documenting all incidents/issues dealt with on the day of the event.

30. A two way radio system between the Safety Officer and key personnel shall be in operation at all times the event is in operation.

31. There shall be a pre-nominated Event Management Team who shall be contactable on a staffed mobile phone number at all times the event is in operation.

32. A representative of the premises licence holder or Event Management Team shall attend a Safety Advisory Group meeting which will be held after the Event Management Plan has been submitted.

*The following conditions shall apply to events that are held under the "non standard timings" for the retail sale of alcohol:-*

33. Non standard timings shall only apply to the broadcast of live televised sport.

34. Non standard timings shall also include when the transmission starts during normal operating hours but extends beyond standard timings.

35. Written notice must have been given to the Police at least 21 days prior to the event. For the purpose of clarity the 21 days does not include the date of notification or the date of the event.

36. For events that start during normal operating hours but extend beyond standard timings at least two SIA Door Supervisor(s) will be on duty from two hours prior to the scheduled start of the event

until 90 mins after the finish of the event. For the purpose of clarity the scheduled start shall be the advertised kick off, start of the first round, start of the first race or similar.

37. For events that start outside of normal operating hours when the retail sale of alcohol is only for the one hour prior to the event at least two SIA Door Supervisor(s) will be on duty from one hour prior to the scheduled start of the event until 90 mins after the finish of the event. For the purpose of clarity scheduled start shall be the advertised kick off, start of the first round, start of the first race or similar.

38. For events that start outside of normal operating hours (when the retail sale of alcohol is only for the one hour prior to the event) the premises will have been closed and clear of customers for at least one hour to provide a clear distinction between normal operating and the event to which the "non standard timings" apply.

38. The written notification as at condition 35 (above) shall include the following:-

- i) the exact nature of the live televised sporting event
- ii) the estimated number of customers expected for the event
- iii) the estimated demographics of the customers expected for the event
- iv) the amount of SIA Door Supervisors being provided for the event
- v) the proposed timings of the event
- vi) any extra steps being undertaken to ensure that the Licensing Objective *the prevention of crime and disorder* is not undermined

39. The venue shall close 90 mins after the finish of the event and shall remain closed for at least one hour to allow dispersal from the venue.

Should you have any further queries about this, or any other licensing matter, then please don't hesitate to get in touch.

Regards,

**PC Mick Wilkinson**  
**Collar Number 952**  
**Police Licensing Officer (York & Selby)**  
**North Yorkshire Police**

**Dial 101. Press Option 2 and ask for me by my full name or collar number.**

**If using my collar number please state each number individually.**

[www.northyorkshire.police.uk](http://www.northyorkshire.police.uk)

New Grant - Tadcaster Magnet Sports & Social Club, The Pavillion, Quenns Gardens,  
Tadcaster [NOT PROTECTIVELY MARKED]  
RE: New Grant - Tadcaster Magnet Sports & Social Club, The Pavillion, Queens Gardens,  
Tadcaster [NOT PROTECTIVELY MARKED]  
NOT PROTECTIVELY MARKED

\*\*\*\*\*

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Please notify the sender if received in error. Unauthorised use or

disclosure of the content may be unlawful. Opinions

expressed in this document may not be official policy.



## **ANNEX 3**

### **List of Representors (Interested parties)**

1. R Brown 2 Queens Gardens, Tadcaster LS24 9HD.
2. Mr L Hardy 6 Queens Gardens, Tadcaster LS24 9HD
3. Mr N Swinney 10 Queens Gardens, Tadcaster LS24 9HD
4. Olga Birdsall 18 Queens Gardens, Tadcaster LS24 9HD
5. Gillian Freer 20 Queens Gardens, Tadcaster LS24 9HD .
6. Occupier 24 Queens Gardens, Tadcaster LS24 9HD
7. Craig and Donna Lock 26 Queens Gardens, Tadcaster LS24 9HD
8. Mr and Mrs McGuinness 28 Queens Gardens, Tadcaster LS24 9HD
9. B Poulter 32 Queens Gardens, Tadcaster LS24 9HD
10. Tony Townend 11 Queens Gardens, Tadcaster LS24 9HD

# **ANNEX 4**

## **Representations made by Representors (Interested parties)**

BUSINESS SUPPORT  
13 JUN 2013  
RECEIVED

**OBJECTION TO MAGNET SPORTS AND SOCIAL CLUB, TADCASTER APPLICATION FOR EXTENDED OPENING HOURS**

MAGNET SPORTS AND SOCIAL CLUB, TADCASTER HAS APPLIED TO EXTEND ITS OPENING HOURS APPLICATION REQUEST IS

SUNDAY TO THURSDAY	06.00am to 01.30 am
FRIDAY AND SATURDAY	06.00am to 02.30am
CLUB XMAS DRAW NIGHT	06.00am to 02.30am
CHRISTMAS EVE AND BOXING DAY	06.00am to 02.30am
NEW YEARS EVE	06.00am to 02.30am
BANK HOLIDAY SUNDAYS	06.00am to 02.30am
BONFIRE NIGHT	06.00am to 02.30am
LOCAL CELEBRATION DAYS	06.00am to 02.30am

WE THE UNDERSIGNED OBJECT TO THIS APPLICATION FOR EXTENDED HOURS AS WE BELIEVE THIS WILL HAVE A DETREMENTAL EFFECT ON LOCAL RESIDENTS PEACE, HEALTH, STATE OF MIND

THERE ARE ALREADY SIGNIFICANT IMPACTS ON THE LOCAL RESIDENTS WITH THE CURRENT OPENING HOURS.

NAME

ADDRESS

~~Mr & Mrs [Redacted]~~  
~~[Redacted]~~

20, Queens Gardens  
TADCASTER  
LS24 9HD.  
10 " "

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

26 QUEENS GARDENS

2. ~~11~~

6, Queens Gardens

32 " "

24

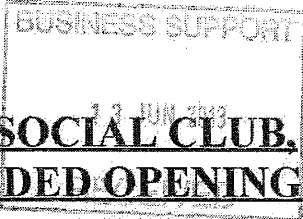
28 Queens Gardens.

26 Queens Gardens, Tulsecroft  
LS24 9HD

18 Queens Gardens  
~~1AD~~ LS24 9HD

11, QUEENS GARDENS  
~~1AD~~ LS24 9HD

BUSINESS SUPPORT  
13 JUN 2013  
RECEIVED



**08/06/2013**

**OBJECTION TO MAGNET SPORTS AND SOCIAL CLUB,  
TADCASTER APPLICATION FOR EXTENDED OPENING  
HOURS**

MAGNET SPORTS AND SOCIAL CLUB, TADCASTER HAS APPLIED TO EXTEND ITS OPENING HOURS

APPLICATION REQUEST IS

SUNDAY TO THURSDAY	06.00am to 01.30 am
FRIDAY AND SATURDAY	06.00am to 02.30am
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NEW YEARS EVE	06.00am to 02.30am
BANK HOLIDAY SUNDAYS	06.00am to 02.30am
BONFIRE NIGHT	06.00am to 02.30am
LOCAL CELEBRATION DAYS	06.00am to 02.30am

We do not believe that the club will be run in a fit and proper manner and in consideration of residents in Queens Gardens in these extended opening hours.

There are already incidents mid week and weekend in the current hours that are cause for complaint.

Main complaints are when customers are arriving and leaving congregate on the steps to the entrance to the club to smoke and hold long and noisy drunken conversations.

The doors throughout the building are left open and the inner doors are propped open so the staff behind the door are not too hot because of the heat given off by the fridges.

This allows all the noise from within the club to pollute the air around Queens Gardens from customers, bands, karaoke, and general rowdiness.

This is already impacting on resident's peace and sleep. The outside of the building is not monitored by staff and when we have complained very late at night before it has not made any difference.

If they are allowed to open until the application hours requested we do not believe this will be managed any better and will cause even further

disturbance and effects on residents sleep.

We (Craig and Donna Lock) use the club as our local and do not oppose this application with any malicious intention but genuine concern. We were in the pub trade for 6 years and Donna still holds a personal licence. We do understand a business needs to make money but have observed over the past 5 years that there is no concern for local residents from the club committee, any complainants are considered as trouble makers.

We have previously made complaint about the noise and the open doors to the club and to the council but have yet to see a difference.

Please feel free to contact us

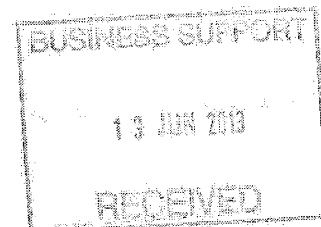
Donna & Craig Lock

26 Queens Gardens

Tadcaster

LS24 9HD

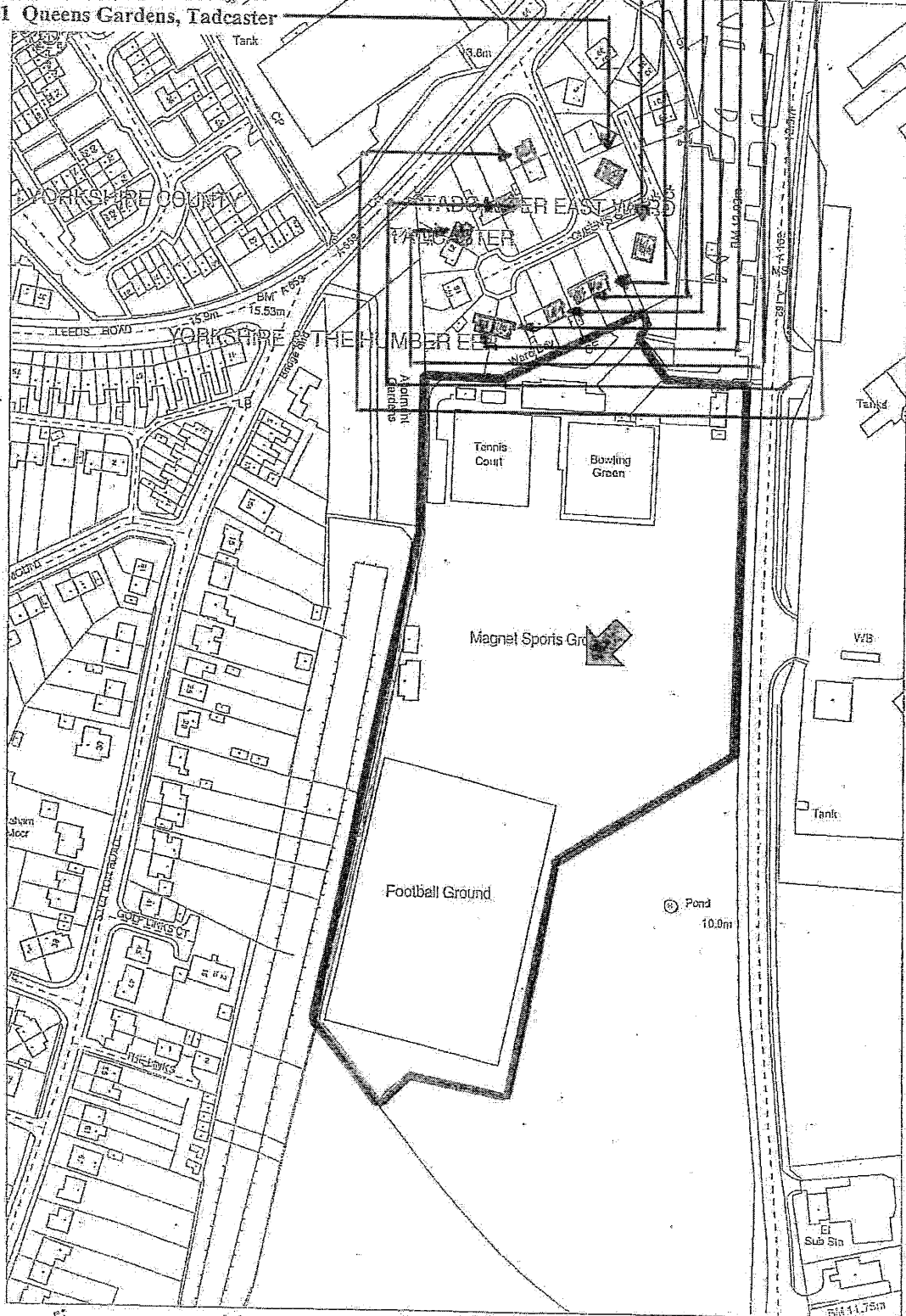
01937 830210



# **ANNEX 5**

**Map of the area concerned**

- R Brown 2 Queens Gardens, Tadcaster
- Mr L Hardy 6 Queens Gardens, Tadcaster
- Mr N Swinney 10 Queens Gardens, Tadcaster
- Olga Birdsall 18 Queens Gardens, Tadcaster
- Gillian Freer 20 Queens Gardens, Tadcaster
- Occupier 24 Queens Gardens, Tadcaster
- Craig and Donna Lock 26 Queens Gardens, Tadcaster
- Mr and Mrs McGuinness 28 Queens Gardens, Tadcaster
- B Poulter 32 Queens Gardens, Tadcaster
- Tony Townend 11 Queens Gardens, Tadcaster



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