

## Minutes

### Licensing Hearing

Venue:	Council Chamber
Date:	24 April 2014
Present:	Councillors R Sayner (Chair), K Ellis and Mrs C Mackman.
Apologies for Absence:	None
Officers Present:	Gillian Marshall – Solicitor to the Council, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer
Public:	0

### **INTRODUCTIONS**

Members and everyone present introduced themselves.

### **18. DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **19. REVIEW OF A PREMISES LICENCE – REPRESENTATION TO THE INTERIM STEPS FOR JT MELLANBY'S PUBLIC HOUSE, FINKLE STREET, SELBY**

#### **PRESENT:**

#### **PREMISES**

J T Mellanby's, Finkle Street, Selby:

- Chris Rees-Gay – Solicitor
- Ian Campey – Owner of J T Mellanby's
- Karen McCartney – Staff Member of J T Mellanby's

#### **RESPONSIBLE AUTHORITIES**

North Yorkshire Police:

- Inspector Michelle Falkingham – North Yorkshire Police

Selby District Council:

- Tim Grogan – Senior Enforcement Officer

The Sub-Committee considered the representation from the Premises Licence Holder for the premises known as J T Mellanby's, Finkle Street, Selby YO8 4DS against the Interim Steps under Section 53B of the Licensing Act 2003. The decision taken by the Licensing Sub-Committee was to suspend the Premises Licence pending review under Section 53C of the Licensing Act 2003, to be heard on 30 April 2014.

The Solicitor for the Premises outlined the representation to the Sub Committee and explained the following conditions would be offered as the interim steps instead of the current suspension:

- The Designated Premises Supervisor to be changed to Karen Linda McCartney.
- A condition that whenever there is single member of bar staff they will have the facility to use the Lone Worker Device. A leaflet containing further information about the device was circulated to the Committee.
- An SIA door supervisor will be employed at the premises on Friday and Saturday nights from 9:00pm.

The Sub Committee raised queries concerning the conditions and received responses.

The Police raised concern regarding the conditions and stated that they felt the position had not changed with regard to public perception or the need to amend the interim steps until the review. Concerns were also raised regarding the lone worker scheme if the worker was away from the bar. It was also stated that the condition of the door supervisor would not assist as the incident had taken place on a Tuesday.

The Chair confirmed with all parties that they had said all that they needed to say.

Parties were asked to leave the room while the Sub Committee considered their decision. The Democratic Services Officer and Senior Solicitor remained in the room to assist the Committee.

**RESOLVED:**

- (i) To uphold the original decision taken with regard to the interim steps.**

## **REASONS FOR DECISION:**

The Sub Committee noted that the conditions offered on behalf of the premises licence holder fell short of the police 'fall-back' position on conditions as was put to the Sub Committee at the last hearing, and which the Sub Committee had not accepted then as satisfying their requirements to promote the objectives on that occasion.

The Sub Committee felt that whilst the incident may have been caused by the criminal actions of individuals, it was badly managed causing risk to public safety. It was felt the original decision focussed on failings in the systems put in place by the premises licence holder, and not just the actions of the Designated Premises Supervisor.

The Sub Committee felt that the conditions offered by the premises licence holder were not appropriate to promote the licensing objectives and therefore concluded that suspension of the licence was still a necessary interim step pending the full review hearing.

The meeting closed at 10:30am.