

Minutes

Licensing Hearing

Venue:	Council Chamber
Date:	30 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, Rachel Howden – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer
Public:	0

PRESENT:

PREMISES

JT Mellanbys:

Ian Campey – Premises Licence Holder
Paddy Whur – Solicitor
Tracey Young - Representative
Ian Dickinson - Representative

RESPONSIBLE AUTHORITIES

North Yorkshire Police:

- Jane Wintermeyer – Acting Head of Legal - North Yorkshire Police
- Inspector Michelle Falkingham
- Sergeant Rob Campbell
- PC Jackie Allen

Selby District Council:

- Tim Grogan – Senior Enforcement Officer

INTRODUCTIONS

Members and everyone present introduced themselves.

22. DISCLOSURES OF INTEREST

There were no disclosures of interest.

23. PROCEDURE

The Solicitor to the Council circulated and summarised the amended procedure. It was explained that as per the regulations, there would be no cross examination. There were no objections to the procedure.

24. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR JT MELLANBY'S PUBLIC HOUSE, FINKLE STREET, SELBY

The Sub Committee considered an application by North Yorkshire Police for the review of the premises licence for JT Mellanby's under section 53A of the Licensing Act 2003 on the grounds that the premises were associated with serious crime or serious disorder or both.

The Senior Enforcement Officer presented the report and outlined the details of the application.

The Police outlined the history of incidents at the premises and stated that the Designated Premises Supervisor (DPS) had been warned about the management of the premises and also convicted of offences under the Licensing Act. The Police raised concern that on the night of the incident, the DPS had been the sole member of staff on duty. The Police explained that despite working with the premises, over time there had not been any changes in the working practices.

The Police referred to the five incidents that had taken place at the premises after the previous hearing and appeal. The Police stated that the latest incident was very serious which had resulted in serious consequences for the victim. Concern was raised at the inadequate management of the premises when dealing with the incident. The Police explained that they had now lost confidence in the premises licence holder and his ability to manage the premises and implement any conditions imposed.

Evidence and statements were presented by Inspector Michelle Falkingham and PC Rob Campbell.

The Senior Enforcement Officer on behalf of Selby District Council stated that the premises had operated since 2010 with problems occurring over the last four years. He added that the premises was the

scene of regular incidents and could be categorised as a public house which had lost its way.

The Solicitor for the licence holder stated that revoking the licence would not be an appropriate or proportionate step and the Sub Committee were recommended to impose additional conditions. The Solicitor explained that the incident which had occurred was very serious however could not have been predicted by the premises. The five incidents which had been referred to by the Police were questioned by the Solicitor and he stated that three of these were in fact examples of actions undertaken by a responsible licensee.

The Sub Committee were informed that between May 2013 and January 2014, there had been no incidents at the premises. The Solicitor highlighted the petition which had been presented and signed by many people who had wished to keep the premises open and identified the public support for the premises.

The Sub Committee were asked to view parts of the CCTV footage prior and after the incident. The Solicitor explained that none of the people involved in the incident were being served alcohol prior to it taking place and also questioned the submissions from the Police regarding the response to the incident.

The Solicitor explained the premises licence holder owned four premises in the district and had invested heavily in all the premises. The Sub Committee were informed that the premises licence holder was willing to adopt conditions relating to extra door supervision and have accredited door staff on every Saturday and each Sunday preceding a bank holiday after 9.30pm. In addition to this, the Sub Committee were informed that the People Safe system would be installed which could assist in the event of an emergency and a telephone had also been installed behind the bar. The Solicitor also stated that the Designated Premises Supervisor would be replaced.

All parties left the room while the Sub Committee made their decision. In arriving at the decision the Sub Committee considered all the written and oral representations as the Council's Licensing Policy and the Licensing Act 2003 and guidance.

RESOLVED:

- i) **To REVOKE the premises licence.**

REASONS FOR DECISION:

This review been sparked by a serious incident, the most serious incident in licence premises that the Licensing Sub Committee have had to deal with. The behaviour of the staff during and after the incident was well below the standards that the Sub Committee expects.

The key issue for the Sub Committee was the management of the premises under the stewardship of the licence holder. Applying the section 182 guidance the Sub Committee concluded that poor management was the cause of the problems with these premises.

Given the previous review and the work done with the premises by the police, the decision to have single manning of the premises was unwise. Although the licence holder has run other premises without incidents, in this venue he made a decision to stick with the DPS despite previous convictions and concerns raised until he had been forced to address the issues through these formal review proceedings. The Sub Committee considered that this showed a lack of judgement and understanding of the responsibilities required. Given that view the conditions offered were too little and too late. The Sub Committee did not have confidence that the premises licence holder would take the necessary control and put in place the appropriate measures to promote the licensing objectives. For that reason, the appropriate step to promote the licensing objectives was to revoke the licence.

For the avoidance of doubt the Sub Committee reached this decision based upon the CCTV footage taken as a whole as the most important piece of evidence, and had taken on board the observations made by Solicitor for the Premises Licence Holder with regards to the footage immediately before the incident as well as the apparent discrepancies with statements of the attending officers as well as the evidence presented.

The Sub Committee also considered that the interim steps imposed, namely the suspension of the licence, should continue in force until this decision took effect and any appeal was disposed of. An opportunity was given the representatives of the parties to make any submissions on the continuation of these interim steps but none were received

The parties were informed of the decision and the right of appeal.

The meeting closed at 4.20pm.