# Agenda

Meeting: **LICENSING HEARING**
Date: **WEDNESDAY 30 APRIL 2014**
Time: **2:00PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors K Ellis, Mrs C Mackman 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.

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** (page 1 attached)

**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 2 to 58 attached)

**Mary Weastell**
**Chief Executive**

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

**The Chair** introduces him/herself, the other members of the panel, the Clerk to the panel and any officers present

**The Chair** will ask the parties to introduce themselves, and provide details of any witnesses they will be calling. If more than one interested party, the Chair will ask whether a representative can be appointed to speak on their behalf.

**The Solicitor** summarises the hearings procedure, any time limits for speakers and any additional information to be produced by the parties.

**The Licensing Officer** gives a summary of his report and any representations received.

**The Chair** asks for questions for the licensing officer from members, and then the Applicant, responsible authorities, interested parties and officers.

**The Applicant** or their representative makes a brief opening statement and may call witnesses relevant to the application.

**The Chair** asks for questions for the applicant from members, and then responsible authorities, interested parties and officers.

**Responsible Authorities** or their representative makes a brief opening statement and may call witnesses relevant to the application.

**The Chair** asks for questions for the responsible authorities from members, and then the applicant, interested parties and officers.

**The Interested Parties** or their representative makes a brief opening statement and may call witnesses relevant to the application.

**The Chair** asks for questions for the interested parties from members, and then the Applicant, responsible authorities and officers.

**The Chair** asks the responsible authorities or their representative if they wish to sum up their case, without adding any new evidence.

**The Chair** asks the interested parties or their representative if they wish to sum up their case, without adding any new evidence.

**The Chair** asks the applicant or their representative if they wish to sum up their case, without adding any new evidence.

**The Chair** confirms with all parties that they have had an opportunity to say all they wanted to say in relation to the application.

**The Solicitor** advises the meeting that the panel will retire to deliberate and reach a decision.

Meeting reconvenes

**The Chair** announces the decision of the committee

Meeting Closes

**Agenda Item No: 4**

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|---|---|
| **Title:** | **Application for a Summary Review of a Premises Licence for J T Mellanby's Public House, Finkle Street, Selby YO8 4DS** |
| **To:** | **Licensing Act 2003 Sub-Committee** |
| **Date:** | **30 April 2014** |
| **Service Area:** | **Customers and Business Support** |
| **Author:** | **Rachel Howden** |
| **Presented by:** | **Rachel Howden** |

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## 1. Summary of Main Issues

1.1 North Yorkshire Police have made an application under Section 53A of the Licensing Act 2003 for the Summary Review of the Premises Licence in respect of JT Mellanby's, Finkle Street, Selby.

1.2 North Yorkshire Police are of the opinion that these premises are asspciated with serious crime or serious disorder or both. The Licensing Authority is now under a duty to hold a review hearing in accordance with Section 53C of the Licensing Act 2003.

1.3 This engagement follows an interim steps hearing which took place on 7 April 2014 where the Licensing Sub-Committee resolved to suspend the Premises Licence, pending the review hearing.

1.4 The narrative of this report sets out the background of the Premises Licence, the relevant law and highlights appropriate guidance for Members. A recommendation is also made to Members that the Premises Licence is reviewed using their statutory powers.

## 2. Purpose of this Report

2.1 This report informs Members of an application for the Summary Review of a Premises Licence in respect of J T Mellanby's, Finkle Street, Selby. North Yorkshire Police make this application on the grounds of serious crime or serious disorder or both.

2.2 The Licensing Authority now has the responsibility to review the Premises Licence held by Ian Campey.

## 3. History of Premises

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. 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). Prior to this it had operated as well established Public House without issue.

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 2 July 2010, Ian Campey was warned by the Police and the Council regarding his allowing persons barred on pubwatch to enter the premises.

3.5 On 4 October 2010, the Premises Licence was varied to include Tracey Anne Young as the Designated Premises Supervisor.

3.6 On 6 January 2011, Tracey Young was given a FORMAL WARNING by the Police and the Council regarding: serving drunks, serving under 18s, drug use, smoking, pubwatch and staff hostility towards the Police.

3.7 On 11 January 2011, the name of the establishment was changed to J T Mellanby's.

3.8 In January 2011, Tracey Young reported being assaulted within the premises by a customer after premises had been closed. At the time she was found to be heavily intoxicated. The offender was later convicted at court.

3.9 On 19 February 2011, there was a request for the Police to attend a brawl at the premises to deal with a customer who had been assaulted by being punched in the head. However, the complainant refused to complain but despite this the offender was arrested and received a suspended prison sentence.

3.10 On 25 February 2011, the premises was put on an ACTION PLAN by the Police and the Council, acting in concert, following the disorder shown above

and a report of Tracey Young being alleged to have been drunk. Tracey Young was given a FINAL FORMAL WARNING.

3.11 On 25 April 2011, the ACTION PLAN was withdrawn following some improvement in the behaviour at the premises.

3.12 On 6 June 2011, the Council received a report of a breach of conditions at the premises and a staff member being drunk. The staff member terminated her employment at the premises and though it was established that Tracey Young had exercised due diligence she was advised as to her future conduct.

3.13 On 24 March 2012, the Police reported that Tracey Young was at the premises and drunk. In addition, that the premises was being operated beyond its authorised hours.

3.14 On 1 March 2013, the Police and Council interviewed Ian Campey regarding allegations of: breaches of conditions, serving drunks, serving persons barred on pubwatch. Mr Campey was advised as to future conduct and sent a letter by the Police.

3.15 On 16 May 2013, Tracey Young was convicted at York Magistrates Court after pleading guilty to a breach of conditions at the premises.

3.16 On 6 June 2013, an application for review of the premises licence was submitted by North Yorkshire Police. The grounds for review related to: the mismanagement of the premises and not upholding the licensing objectives by both the DPS and the PLH. The evidence presented included most of the incidents referred to in the preceding paragraphs.

3.17 On 17 July the premises was the subject of a STANDARD PREMISES REVIEW which resulted in the introduction of 22 new conditions. This was challenged by the PLH by way of appeal to Magistrates Court.

3.18 On 11 December 2013, at York Magistrates Court the matter was dealt with way of a consent order and all conditions were imposed with the exception of the introduction of an approved SIA door supervisor.

3.19 Despite conditions being imposed to include an effective CCTV system problems continued, in terms of difficulties encountered by the police in securing CCTV images of various incidents. In addition, North Yorkshire Police directed the Police Licensing Officer to work closely with the DPS to ensure she was supported in her role to promote the Licensing Objectives. However, despite the time and resource expended by the Police and Local Authority incidents have continued to occur.

3.20 On 11 January 2014, the Police were requested to attend the premises by Ambulance Control following the report of a fight. Police found a male customer in the female toilets with cuts to his hand and cheek. He refused to make a complaint and the CCTV failed to record the incident. **The DPS did**

**not report this matter as previously advised and did not preserve what was a crime scene**.

3.21 On 19 January 2014, a serious assault took place between customers from the premises. The matter was reported by doormen operating from a nearby establishment and **not from JT Mellanby's**. The Police were initially informed that CCTV showed some images of the matter but this was later retracted and images of the incident were not forthcoming.

3.22 On 9 February 2014, the Police received a report from Ambulance Control of a fight at the premises and the presence of an unconscious male. The call had been made by an anonymous person and **not from the premises**.

3.23 On 1 April 2014, North Yorkshire Police received a report of a large scale disturbance at the premises. The initial report recorded 20 individuals being involved and that someone was unconscious.

3.24 On 7 April 2014, in response to an application made by North Yorkshire Police on 4 April 2014, an expedited summary review took place. Members heard representations from both North Yorkshire Police and the Premises Licence Holder's legal representative. The Licensing Sub-Committee resolved that it was appropriate for the promotion of the Licensing Objectives to modify the licensing conditions

## 4. Main issues

### Application

4.1 An application for Summary Review of the Premises Licence of JT Mellanby's has been brought by North Yorkshire Police. A copy of this application is attached at **Appendix A.** The Licensing Authority is in receipt of a signed copy of the application.

4.2 Members will also note that in accompaniment of the application a certificate made under Section 53(1)(b) of the Act, which confirms that a senior member of North Yorkshire Police is satisfied that these premises are associated with serious crime or serious disorder or both. The certificate can be found at **Appendix B** of this report.

4.3 It can be confirmed that the application and certificate has been served on the Premises Licence Holder and the Responsible Authorities. This was done in line with the requirement of the Licensing Act on 7 April 2014.

4.4 The Licensing Authority can confirm that the statutory requirements to advertise the review application have been followed. The notice was initially displayed in a premises adjoining JT Mellanby's and later within JT Mellanby's.

### Interim Steps

4.5 At the interim steps hearing, the measures available to Members and considered were:

- The modifications of the conditions of the Premises Licence;
- The exclusion of the sale of alcohol by retail from the scope of the Premises Licence;
- The removal of the Designated Premises Supervisor from the Licence; and
- The suspension of the Licence.

4.6 It was decided that suspension of the Premises Licence was the most appropriate course of action. In deciding that suspension was necessary the Licensing Sub-Committee noted: that this was a very serious incident indeed and the DPS had failed to manage the in a manner that would reasonably be expected. In addition, they considered that the PLH had not ensured that there were: safe systems; training for staff; or equipment in order to promote the licensing objectives. The Licensing Sub-Committee also took into consideration that the premises had been previously reviewed and as a result had no confidence in the ability of the management of the premises.

4.7 Further information on the resolution taken is contained within the Notice of Decision attached at **Appendix C**.

Representation

4.8 In accordance with Section 53B of the Licensing Act 2003, a Premises Licence Holder may submit a representation to the interim steps initially taken. In this instance, no such representation has been received.

## 5. Premises Licence

5.1 The Premises Licence Holder is Ian Campey.

5.2 The Designated Premises Supervisor is Tracey Young

5.3 A copy of the Premises Licence can be found at **Appendix D** of this report. In summary, the Premises Licence permits the following:

- Sale by retail of alcohol (for consumption on and off the premises)

Monday to Sunday (inclusive) 10:00 – 02:30

- Provision of live music
- Provision of recorded music

Monday to Sunday (inclusive) 10:00 – 03:00

## 6. Location

6.1 A map which identifies the location of the premises is attached at **Appendix E**

## 7. Representations

7.1 Under the Act representations can be received from Responsible Authorities and/or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

7.2 A representation has been received from the Licensing Authority which is attached at **Appendix F**.

Other representations

7.3 There are no representations on behalf of other persons.

## 8. Additional information

8.1 Additional information has been submitted by North Yorkshire Police which includes witness statements of several Police Officers and CCTV evidence at **Appendix G** (to follow).

## 9. Other matters relevant to the application

9.1 In making their decision, Members may take into account the guidance issued by the Department of Culture, Media and Sport in relation to Summary Licence Reviews. Although this guidance is not issued under Section 182 of the Licensing Act 2003, it will be of some assistance in reaching a conclusion in this matter. A copy of this guidance is attached at **Appendix H** of this report.

9.2 Members should also show regard to the promotion of the licensing objectives and the evidence presented.

## 10. Options available to Members

10.1 In the determination of this review the Sub-Committee are required to take any 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 the alteration or omission of any existing conditions;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To exclude any licensable activity from the scope of the licence; and
- To revoke the licence.

10.2 In determining this review, Members should also address any interim steps initially taken and secure that they cease to have effect.

10.3 Members 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.

10.4 Members of the Licensing 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 necessary in order to promote the licensing objectives.

## 11. Background papers

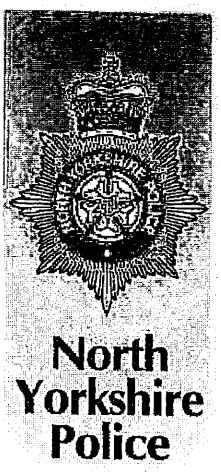
- Guidance issued by the Department of Culture, Media and Sport
- Selby District Council Statement of Licensing Policy

**Appendices**

Appendix A Application form
Appendix B Certificate
Appendix C Decision Notice
Appendix D Premises Licence
Appendix E Map
Appendix F Representation from Licensing Authority
Appendix G North Yorkshire Police – Additional Information (to follow)
Appendix H Summary Review Guidance

# APPENDIX A

**Application form for expedited review of J T Mellanby's, Finkle Street, Selby.**




## Authorisation to make applications under the Licensing Act 2003 on behalf of the Chief Constable of North Yorkshire Police

I, Tim Madgwick, Temporary Chief Constable of North Yorkshire Police, hereby direct and thereby authorise PC 1503 Jackie Allen to make applications on my behalf for North Yorkshire Police in accordance with the Licensing Act 2003. This authority is granted until further notice and unless it is withdrawn by myself.

Signed.....[redacted].....

Dated.....21st May 2013.....



CRIMESTOPPERS

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Selby District Council Licensing Authority

Civic Centre

Doncaster Road

Selby

YO8 9FT

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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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 the 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.**

I PC 1503 Jackie ALLEN [on behalf of] the chief officer of police for the North Yorkshire police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:
**J T Mellanby's**
**12 Finkle Street**
**Selby**
**North Yorkshire**

Post town: Selby

Post code (if known): **YO8 4DS**

**2. Premises licence details:**

| |
|---|
| Name of premises licence holder (if known): Mr I Campey |
| Number of premises licence holder (if known): LN/000005074 |

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

*(Please tick the box to confirm)* ☒

**4. Details of association of the above premises with serious crime, serious disorder or both:**
[Please read guidance note 2]

**Tracey Anne YOUNG, Selby is currently the designated premises supervisor (DPS) for JT Mellanbys licensed premises of 12 Finkle Street, Selby ( formerly known as The Elizabethan). She has worked at this premises for approx 4 years.**
**The premise licence holder (PLH) is Ian Michael CAMPEY.**

**The premises was taken to a licensing review on 19th July 2013 which was held at Selby District Council chambers.**
**Evidence was presented of mismanagement of the premises and not upholding the licensing objectives by both the DPS and PLH.**
**The evidence presented included that the DPS being convicted in May 2013 of two offences of unlawful licensable activities at York City magistrates Court which resulted in a conditional discharge for 18 months and a fine of £500.**

**The outcome of this review was the licensing sub committee found against the premises and instructed new conditions be imposed upon the premises.**

**This was then appealed by Mr CAMPEY and the resolution of this appeal was by way of the Consent order granted by York City magistrates court in Mid Dec 2013 which resulted in the following conditions being imposed on the licence for the premise.**

**These conditions were new to this licence :**

**1. recorded coverage which includes 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 A digital colour CCTV system will be installed to cover the premises and recordings shall be of good evidential quality to be produced in Court or other such hearings.**

**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 on 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, photo card driving licence or identification carrying the PASS logo.

8. A Challenge 21 policy (minimum) shall be adopted.

9. All staff should receive training in the policy and 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 Responsible Authorities.

10. All refusals are to be recorded in an appropriate format, namely a refusal log, which is to be made available for inspection at the request of the Responsible Authorities.

11. Standard one pint capacity, two third capacity, half pint capacity and high ball 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.

12. The venue shall partake in the Selby night time economy radio system.

13. 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.

14. All members of staff will receive training and successfully complete the award in responsible alcohol retailing within 6 weeks of incorporating this condition on the premise licence or be the holder of a personal licence.

15. Any new members of staff will receive training and successfully complete the award in responsible alcohol retailing or be a personal licence holder within 6 weeks of commencing work at the premises, for that 6 week period they will not work unsupervised after 19:30 by a person who has the award or is a personal licence holder.

16. Such records (referred to in condition 9) shall be kept for at least one year and they will be made available immediately upon a reasonable request from the Responsible Authority.

17. There should be a personal licence holder working at the premises from 20:00 hours to close of business on a Thursday, Friday, Saturday, Sunday and the night before a bank holiday.

18. For the purpose of clarity 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.

19. An incident register will be kept. The incident report register will contain consecutively numbered pages in a bound format and include the following:-

20. Full details of the personal licence holders when deployed as per condition 14,15 and 17.
21.Details of all instances where staff have refused service to customers at the venue for any reason.
22. Details of any incident involving crimes, anti-social behaviour, injury and ejections at the venue and will cover the following points:-
Time/date
Location within venue.
Names of staff members involved in the incident
Details of any Police Officer who attended the incident (the main officer in the case should there by a number of officers attending)
Full details of any witnesses to the incident
Full details/report of the incident in question

The above document referred to in condition 19 will be kept for at least one year.

The condition that was removed from the license as a result of this appeal which originally been put in place by the licensing committee in July is -

That the premises would have an SIA door supervisor from a company that has "approved contractor" status at the venue from 2100hrs and capacity limited to 48, for crime and disorder purposes 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

Since the granting of these new conditions and the concerns raised during the review process of the management of the premises. Pc 1503 Allen (NYP licensing officer for Selby District) has been working closely with the DPS to ensure she is carrying out her role effectively but also in attempt to educate her as to how best to promote the licensing objectives. This has included weekly visits to the premises and personal contact when an incident had happened relating to the premises. Pc Allen has had to work hard with the DPS and PLH in regard to the CCTV system as they were finding difficulty in operating the system.

The following concerns have been raised regarding the since December 2013 and the introduction of the new conditions : -

Sunday 11/01/2014 22:10 – Incident number 12140005906

Police were requested by ambulance control to attend report of a fight at the premises and were asking for police support.
On arrival of Pc 1921 Baker he reports the following " I was approached by a female who refused to provide me with her details, she stated that there was a male with a hand injury inside JT Mallanbys Public House. I entered the premises and the floor had recently been mopped as there was excess water everywhere. I asked patrons what had occurred however no body had any information for me. I liaised with the DPS Tracey Young who pointed me in the direction of the female toilet where this injured male was. The male also refused to provide me with any information. He had a cut to the palm of his right hand and had a cut to his right cheek. He was pleasant but refused to

make any comment on what had occurred. He was treated by Paramedics however refused to go to Hospital with them when prompted to do so. By this time almost every patron had left the pub. I liaised with the DPS Tracey Young re the possibility of her CCTV cameras having captured any possible offences. She showed me the CCTV system but stated that the "WiFi" connection wasn't working and so it could not be played. There are no witnesses forthcoming with any information and we are not able to view CCTV. The injured party refused to provide any details and so it is not known how his injuries were caused. Email sent to Licensing officer (Selby Town Council and Police).
CCTV enquiries at First County (Selby Town) prove negative. Licensee at "JT Mallanby's", Tracey YOUNG states there is a fault with the CCTV system within the public house and that the hard drive was taken by engineer Pete FRANKS (no further details) on the morning of Sun 12th January for repair. Tracey YOUNG has stated that she has installed a "back up" system and so the premises is still operating a CCTV system hence not in breach of their licence. Licensing Officer made aware (Police and SDC).
PC Allen ( licensing officer) reports the following -
DPS did not ring the emergency Services for medical assistance or for Police, this was left to a patron. NYP Licensing Officer gave DPS direct advice on scene preservation for future potential violence. Issues with cctv not working, despite being a new condition on the Premises Licence, agreement reached that PLH/DPS will provide NYP with cctv footage at the time of violent incidents or as soon as reasonably practicable.

Sunday 19/01/2014 0135hrs – incident Number 12140009728

Report received from a member of door staff working at the Blackamoor that a two females had just come out of JT Mellanbys and one had assaulted the other knocking her to the floor. Two further people then came out of the JT Mellanbys and also assaulted this female on the floor by kicking her, when the partner of the victim came out she also was then assaulted and taken to the floor.
As a result of this 3 females were arrested – mother and 2 daughters. Despite the doorman providing a statement no prosecution followed due to the complainants not being willing to prosecute.
Police attended JT Mellanbys, at 17:10hrs 21/01/14 and spoke with a member of bar staff who informed Police that there is CCTV footage of the incident at 02:18hrs but they are not in a position for it to be burnt to disk at this time. Advised to re attend after 19:30hrs 22/01/14 to obtain CCTV. CCTV does not show outside the premises, therefore as the incident occurred outside nothing shown of value.

Mon 27/01/2014 0253hrs – Staff – reports having ejected 3 males who were then fighting in the street outside. Police attend no offences disclosed.
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Sun 09/02/2014 0117hrs

Report from ambulance service of a fight taking place at JT Mellanbys and an unconscious male .
Call from mobile phone – name not given – but again no call from DPS or Premises.
On arrival no evidence of an assault or a fight but the unconscious male was attended to, effected by alcohol and believed from substance.

Tuesday 1/04/2014 2353hrs t
Police received a report via the 999 system from a patron reporting a large scale disturbance inside the premises. The initial report being of 20 people fighting and that someone had been knocked out. This resulted in 3 males having been assaulted and a large scale disturbance having taken place in the premise which is captured on CCTV.
Three person have been arrested.

From the 3 victims at the scene – 2 have minor injuries but one male who was reported as unconscious at the scene was transferred from the scene to York District Hospital where it was established that he had a suspected bleed on the brain. He was then transferred to Hull Royal Infirmary where he remains at this time in a induced coma in a critical condition.
Suspect one left the scene prior to police arrival but was arrested on the afternoon of the 2nd of April after police enqs to locate him. He has subsequently been charge with a s18 causing grievous bodily harm with intent and affray offences and has today been remanded in custody at York City magistrates court .
Suspect two and suspect three were arrested in connection with an affray and have been placed on conditional bail until the 100414 with conditions not to enter Selby as bound by the ring road and not to enter any licensed premises. The intention of the police in respect of their action is to seek a charging authority for these males for an affray.

The following concerns have been raised over this incident and the management of this incident by the DPS – Young.

YOUNG states that she started work at 6.45pm and that she was the only member of staff on duty that evening as the only evening that she has other staff working on a Friday and Saturday night. At about 7pm four people came into the bar – one of the males who she now knows to be Suspect one was amongst this group and she states she refused to serve him anything other than water because he appeared effected by some substance – she says "drugged up". This group stayed for about an hour and then left and to go to another pub. They returned about an hour later and then at about 9pm some of the group decided they wanted to leave Young then states that she arranged a lift for this group who had said they wanted to go home, she rang her daughter to give these males a lift. She states she had known 3 of the males for about a year as they are contractors from a power station who come in the pub occasionally but did not know [redacted] prior to this.
Her daughter came to the pub and picked them as up as asked with a friend – YOUNG then stated she had been told by her daughter that she kicked the males out of her car having picked them up as they were making lewd comments and trying to grab the steering wheel.
YOUNG states this group of males reappeared at the premises some time later and by this time there were other people in the premises, approx 20 people in total. YOUNG names a number of the people in the premises who are known to her. She states that an altercation started between 2 males in the bar over a £10 note. She states that it was getting heated so went from behind the bar and interjected pushing one male away from the other creating space. She states suspect one was involved in the argument and she felt that he was aggravating the situation trying to wind people up and therefore asked him to leave the premises as she felt he was intimidating. He then left having walked

him to the door. She then went to speak to the parties involved and by this time it had calmed down. She then noticed that suspect one had re-entered the premises and was near the door – she approached him and asked him to leave again but he said he needed to wait for his friends as he couldn't get home, so she allowed him to stay in the premises.
She then approached the group that suspect one was with and asked them to leave, as she did she states that saw suspect one walk across the bar to the other group in a causal manner and she then saw him launch a punch at a male (victim one) and knock him to the floor. Suspect one was then seen to throw another punch at a second male (victim two) who appeared to be unconscious on the floor. Other customers then tried to intervene and tried to pull suspect one out of the premises at which point the suspects friend suspect three has been seen to throw punches. At this point YOUNG states that a female asked her to call the police, YOUNG states she refused to call the police as she did not dare leave the bar whilst the situation was so heated and stated that the phone is in the cellar and that her mobile was in the back room off the bar. She thought other people were calling police.
Other violence continued inside the bar which included other persons being knocked to the floor and being struck whilst on the floor.
YOUNG then states she attempted to close the bar by turning the lights, the music off and asking everyone to leave and a short time later the police arrived.
On police attendance this

The police have since obtained numerous witness statement from individuals who were present during this incident and have obtained a copy of the CCTV from within the premises.

The police raise the following concerns over the management of the incident by the DPS/PLH

Firstly that at 7pm the evening YOUNG states to the police that she refused to serve suspect one as she felt he was under the influence of some substance yet she allowed him to remain in the premises and re-enter on a number of occasions.
She later on also comments that he was amongst a group drink alcohol although not to excess.

That she asked him to leave to premises due to his conduct yet a short time later when he returned she allowed him to remain in the premises which ultimately allowed this incident to occur.

She did not eject the relevant parties in a timely fashion which could have avoided this incident.

She did not ring the police for early intervention when the disagreement first started and has tried to become to involved in physically managing the situation rather than taking a management overview of the situation. Despite regular advice from Pc Allen to the DPS that she must ring the police and other emergency services at the earliest opportunity when a situation develops.

She declined to ring the police even when asked directly by a member of the public to do so and clearly the way the premises is managed by the telephone

being in the cellar and her mobile not being available to her is unacceptable and unsafe..

The police review of the CCTV of this incident raises the following concerns about the DPS conduct.

Clearly on the CCTV she is shown serving people who are drunk.

During the course of the incident taking place she seems to lose control and not know what to do and is seen to throw her arms up in the air and wander around.

YOUNG did not identify and act upon the risk posed to the unconscious male on the floor in that there is a significant delay in contacting emergency services and has relied upon another patron potentially under the influence of alcohol to make that call. There is approximately a 15 min period from the male being knocked unconscious on the floor during which she is seen collecting glasses around the bar whilst stepping over the unconscious male and is also seen to have a drink from behind the bar. The glasses collected were from the tables which were away from the unconscious male and were placed on the bar directly above the unconscious male putting him at further risk .
YOUNG did not identify the need of other victims who had been assaulted.

On CCTV YOUNG is shown serving people who are drunk.

YOUNG is then seen to clean the scene along with another patron despite previous advice from the licensing officer when a violent incident has taken place that she must leave items in situ for police attendance and evidence gathering.

YOUNG turns off the lights whilst the unconscious male is still on the floor again putting him at further risk.

There is a further incidents of violence near the door to the premises whilst YOUNG is cleaning up and the male is unconscious on the floor. Still no direct contact with the police.

On arrival of police – they requested to view the CCTV. Ms YOUNG stated she froze and didn't know what to do and then left the premises and returned home to ask for help from her partner.

The police found she was unable to secure the premises as she could not find her keys.

Key information from the DPS at a meeting today with Pub watch that there is concern that due to the conduct of these males that any one who is a contractor is at risk.

Information from local MP that Selby residents are raising concerns ref violent assaults that have occurred in the Selby Town centre within recent weeks – this being the most significant of this and the fear.

Information from Pc Davies as follows
On 020414 at 0055hrs officers attend a large disturbance within JT Mellanbys,

Finkle Street, Selby, whilst inside officer notices white powder on the floor and on some tables within the premises which clearly indicates drug dealing/taking activites. Due to officers being called to a large scale fight it was not feasable to try and investigate further.

The partner of the victim in her statement to the police states that she got her phone out to ring the police when Tracey YOUNG told her not to ring 999 that her partner would be ok.

Apply to the licensing authority for review of premises –
Option 1 expedited review – will bring a review about with 48hrs
Option 2 standard review - will bring a review about with 28 days

Apply as per guidance for the following -

Removal of the DPS
Removal of the license to sell alcohol
Closure of the premises.

Modification to the existing licence and its conditions to include the following

1. SIA Door supervisors each night of trading from an Accredited provider
2. increase staffing working in premises to ensure at least 2 members of staff are on duty at all time.
3. all staff must immediately undertake a recognised first aid course
4. ensure that a telephone is placed within immediate access of the bar.
5. training in the usage of the pub watch radio.

On the basis that the following licensing objective are not being upheld

1. Public safety
2. Crime and disorder

Apply as per guidance for the following –

Removal of the DPS
Removal of the license to sell alcohol
Closure of the premises.

If the committee are not minded to withdraw the licence we request modification to the existing licence and its conditions to include the following

1. SIA Door supervisors each night of trading from an Accredited provider
2. increase staffing working in premises to ensure at least 2 members of staff are on duty at all time.
3. all staff must immediately undertake a recognised first aid course
4. ensure that a telephone is placed within immediate access of the bar.
5. training in the usage of the pub watch radio.

[redacted] PC1503.

Signature of applicant:
Date: 07/04/14
Capacity: Police Licensing Officer 1503

**Contact details for matters concerning this application:**
Address:
**York Police Station**
**Fulford Road**
**York**
**YO10 4BY**

Telephone number(s): 01904 669848

Email: jackie.allen@northyorkshire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

# APPENDIX B

**Certificate from NYP regarding expedited review of J T Mellanby's, Finkle Street, Selby.**

NORTH YORKSHIRE POLICE
SELBY POLICE STATION
PORTHOLME ROAD,
SELBY
YO8 4QQ

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorders.

**JT MELLANBYS, 12 FINKLE STREET, SELBY**

Premises licence number : **LN/000005074**
Name of premises supervisor : TRACEY ANNE YOUNG
I am a SUPERINTENDENT in the NORTH YORKSHIRE police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because

This premises is associated with serious crime and in particular in relation to a violent affray occurring on the 1st April 2014. this serious assault has resulted in the hospitalisation of the victim with a bleed to his brain which is life threatening.

The licensed premises has been subject of a licensing review on the 190713 and condition were placed on the licence, there have been a number of violent incident at these premise from January 2014 to present day which have demonstrated the licensing conditions not being adhered to despite repeated interventions and support from both the local police licensing officer and local officers.

A standard licensing review has been considered however following the violent affray of 1st April2014 and serious injury to the victim, local community tensions are running high and whilst the respective offenders have been remanded/bailed there is significant concern that regular patrons of this premises are considering using violence against other local persons who may drink there as retribution for the injuries sustained by the victim.

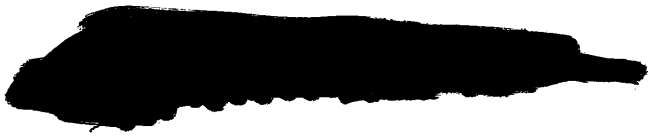
The investigation into this incident has involved the review of CCTV footage clearly showing the DPS's action during the affray and subsequently in respect of the in injured party, this involved failing to call police and also failing to call the ambulance. The DPS is seen collecting glasses and tidying whilst the victim lies unconscious on the floor of the premises this continues for some time.

The investigation of this crime and the issues it highlight in respect of the DPS's action in maintaining order, ensuring licensing conditions and objectives are met and

failing to ensure the safety of those present, specifically the injured party leads to the conclusion that the DPS is not a fit and proper person to undertake this role.

The DPS is the lone member of staff in this premises during the affray there is significant police concern as to her own personal safety and well being in managing as a lone member of staff.

The expedited process will bring benefits in relation to ensuring a reduction in the likelihood of repeated violence in relation to this incident and at the premises in general and in the wider night time economy of Selby.
There is also very real community concerns and tensions in relation to this incident and the community expectation that this matter be dealt with expeditiously by both the licensing authority and police in partnership to maintain public safety and confidence



Superintendent Andy McMillan

Date – Friday 4th April 2014

# APPENDIX C

**Decision Notice.**

Access Selby
A new approach to public service

SELBY
DISTRICT COUNCIL
Moving forward with purpose

[redacted]
Mr I Campey
JT Mellanbys
Finkle Street
Selby

**Please Ask For:** Miss K Hamblin
**Telephone No:** 01757 292206
**Fax No:** 01757 292229
**Email Address:** khamblin@selby.gov.uk
**Our Ref:**
**Your Ref:**

8 April 2014

Dear Sirs

**Expedited Summary Review – Decision Notice**
**JT Mellanbys**

On 7 April 2014 the Licensing Hearings Sub Committee met to consider whether Interim Steps were necessary following a police request for an Expedited Summary Review of the premises licence for J T Mellanbys under s53A of the Licensing Act 2003.
Although it is not necessary to consider interim steps at a formal hearing the Sub Committee did so in order to consider representations from North Yorkshire Police and the premises licence holder before making its decision.
The Sub Committee heard from North Yorkshire Police who provided evidence of an incident occurring at the premises on 1 April 2014 in which a male customer sustained serious and potentially life threatening injuries. The police asked the Sub Committee to consider suspending the licence pending the full review hearing or, if that were not accepted, to impose strict conditions on the licence.
The premise licence holder (through his solicitor) submitted that suspension was not necessary and offered a number of conditions which he would comply with if imposed as interim steps. These conditions mirrored in large part those put forward by the police.
After considering the matter the Sub Committee resolved that as an interim step the licence should be suspended pending the review hearing which must take place within 28 days. In deciding that suspension was necessary the Committee noted that this was a very serious incident indeed. The DPS had failed to deal with and manage the incident in a manner that would reasonably be expected of a responsible manager of licensed premises. On the evidence before the Sub Committee at this

stage the Licence Holder had not ensured that there were safe systems, training for staff and equipment in order to promote the licensing objectives. In addition to this serious incident the Sub Committee noted evidence of a previous licensing review and other further incidents occurring since. As a result the Sub Committee had no confidence in the ability of the management of the premises and suspension was therefore necessary. This suspension is to take immediate effect and arrangements would now be made for the full review hearing to take place.

Yours faithfully,

**Mrs Gillian Marshall**
Solicitor to the Council

Cc Woods Whur LLP; North Yorkshire Police

Lexcel
Practice Management Standard
Law Society Accredited

# APPENDIX D

**Premises Licence of J T Mellanby's, Finkle Street, Selby.**

# SELBY DISTRICT COUNCIL

## LICENSING ACT 2003

### Premises Licence Summary

---

| **Premises licence number:** | **LN/000005074** |
|---|---|

**Premises details**

| Postal address of premises: |
|---|
| **J T Mellanby's, 12 Finkle Street, Selby, North Yorkshire, YO8 4DT** |
| 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 / 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 and (registered) address of holder of premises licence:
**Ian Campey**
**J T Mellanby's, 12 Finkle Street, Selby, North Yorkshire, YO8 4DT**

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 6th January 2014 Conditions review**

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

**Phone: 01757 705101**
**Fax: 01757 292229**
**Email: licensing@selby.gov.uk**

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

# 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, 12 Finkle Street, Selby, North Yorkshire, YO8 4DT** |
| 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**
**J T Mellanby's, 12 Finkle Street, Selby, North Yorkshire, YO8 4DT**

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

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:**
**Licensed by: Selby District Council**

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

**Phone: 01757 705101**
**Fax: 01757 292229**
**Email: licensing@selby.gov.uk**

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

**LN/000005074**

## 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.

1. A digital colour CCTV system will be installed to cover the premises and recorded coverage which includes 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 hearings.

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 on 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, photo card driving licence or identification carrying the PASS logo.

8. A Challenge 21 policy (minimum) shall be adopted.

9. All staff should receive training in the policy and 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 Responsible Authorities.

10. All refusals are to be recorded in an appropriate format, namely a refusal log, which is to be made available for inspection at the request of the Responsible Authorities.

11. Standard one pint capacity, two third capacity, half pint capacity and high ball 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.

12. The venue shall partake in the Selby night time economy radio system.

13. 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.

14. All members of staff will receive training and successfully complete the award in responsible alcohol retailing within 6 weeks of incorporating this condition on the premise licence or be the holder of a personal licence.

15. Any new members of staff will receive training and successfully complete the award in responsible alcohol retailing or be a personal licence holder within 6 weeks of commencing work at the premises, for that 6 week period they will not work unsupervised after 19:30 by a person who has the award or is a personal licence holder.

16. Such records (referred to in condition 9) shall be kept for at least one year and they will be made available immediately upon a reasonable request from the Responsible Authority.

17. **There should be a personal licence holder working at the premises from 20:00 hours to close of business on a Thursday, Friday, Saturday, Sunday and the night before a bank holiday.**

18. **For the purpose of clarity 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.**

19. **An incident 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 personal licence holders when deployed as per condition 14,15 and 17.**
    **(ii) Details of all instances where staff have refused service to customers at the venue for any reason.**
    **(iii) 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 venue.**
    **(c) Names of staff members involved in the incident**
    **(d) Details of any Police Officer who attended the incident (the main officer in the case should there by a number of officers attending)**
    **(e) Full details of any witnesses to the incident**
    **(f) Full details/report of the incident in question**

20. **The above document referred to in condition 19 will be kept for at least one year.**

---

**Solicitor To The Council**

**Date licence granted 24 November 2005**

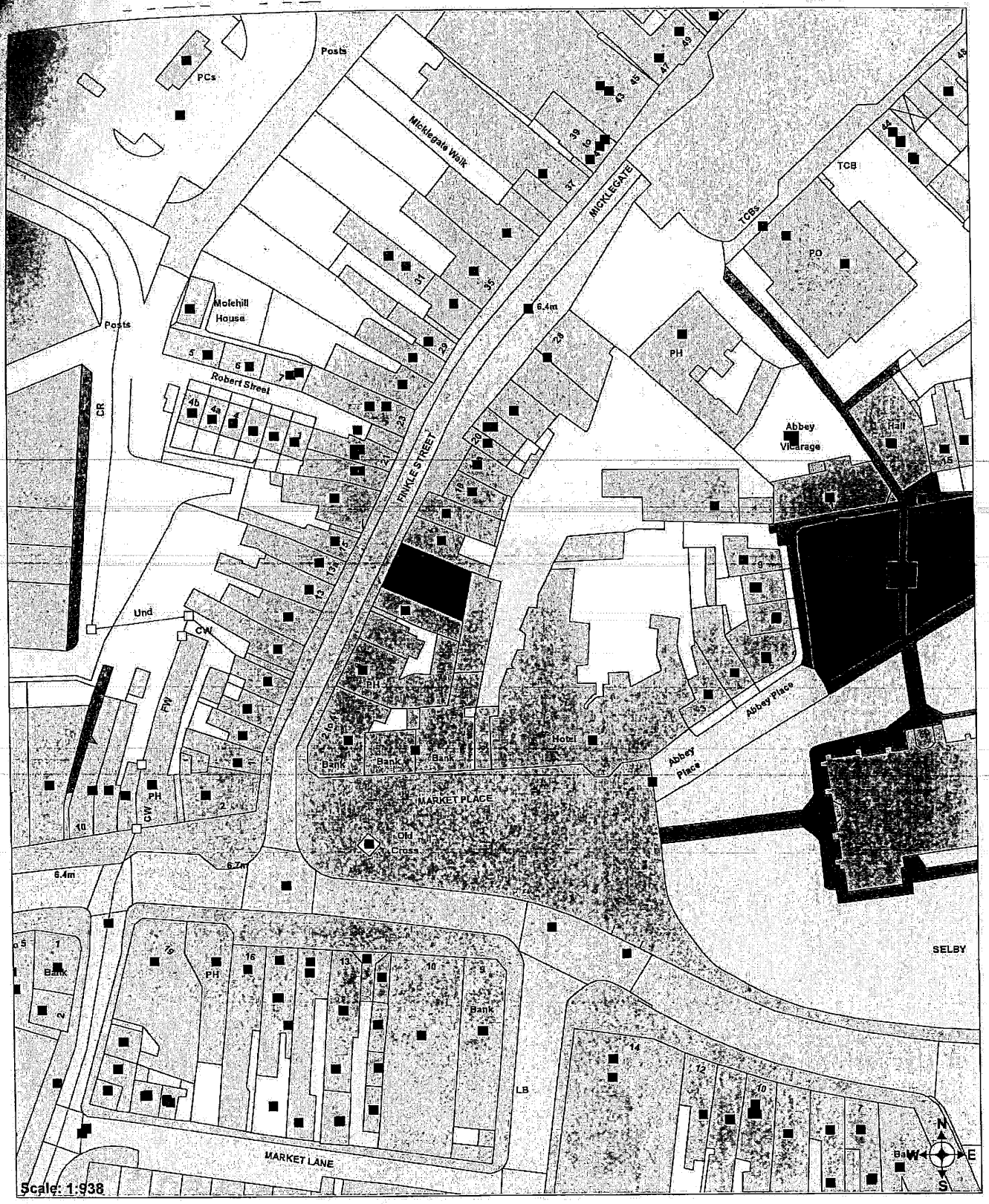
**Date licence issued 6th January 2014 Conditions review**

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

**Phone: 01757 705101**
**Fax: 01757 292229**
**Email: licensing@selby.gov.uk**

# APPENDIX E

**Map**




J T Mellanby's

# APPENDIX F

**Representation from the Licensing Authority**

# LICENSING AUTHORITY ENFORCEMENT SECTION

## REPRESENTATION

| | | | |
|---|---|---|---|
| **TO:** | Rachel Howden<br>Senior Enforcement Officer | **FROM:** | Tim Grogan<br>Senior Enforcement Officer |
| **YOUR REF:** | 5074 | **OUR REF** | 5074 |
| **DATE:** | 7 April 2014 | **TEL:** | 01757 292027 |

**RE: Application for a summary review of a Premises Licence, JT Mellanby's, Finkle Street, Selby, YO8 4DS.**

I refer to the application for a summary review of the Premises Licence of the above premises by North Yorkshire Police.

Upon examination of the information held by the Enforcement Section of Selby District Council, I can confirm that the following is a summary of the background and issues concerning the management of JT Mellanby's and embodies a representation following the application of North Yorkshire Police.

JT Mellanby's is a small independent Public House situated in the centre of Selby. It comprises a ground-floor area which is serviced by a single bar.

On 24 November 2005 the Elizabethan Public House, Finkle Street, Selby was granted a Premises Licence under the terms of the Licensing Act 2003. 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). Prior to this it had operated as well established Public House without issue.

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).

On 21 December 2009 the Premises Licence was transferred to Ian Campey who, in addition, became the Designated Premises Supervisor.

On 2 July 2010 Ian Campey was warned by the Police and the Council regarding his allowing persons barred on pubwatch to enter the premises.

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

On 6 January 2011 Tracey Young was given a FORMAL WARNING by the Police and the Council regarding: serving drunks, serving under 18s, drug use, smoking, pubwatch and staff hostility towards the Police.

On 11 January 2011 the name of the establishment was changed to J T Mellanby's.

In January 2011 Tracey Young reported being assaulted within the premises by a customer after premises had been closed. At the time she was found to be heavily intoxicated. The offender was later convicted at court.

On 19 February 2011 there was a request for the Police to attend a brawl at the premises to deal with a customer who had been assaulted by being punched in the head. However, the complainant refused to complain but despite this the offender was arrested and received a suspended prison sentence.

On 25 February 2011 the premises was put on an ACTION PLAN by the Police and the Council, acting in concert, following the disorder shown above and a report of Tracey Young being alleged to have been drunk. Tracey Young was given a FINAL FORMAL WARNING.

On 25 April 2011 the ACTION PLAN was withdrawn following some improvement in the behaviour at the premises.

On 6 June 2011 the Council received a report of a breach of conditions at the premises and a staff member being drunk. The staff member terminated her employment at the premises and though it was established that Tracey Young had exercised due diligence she was advised as to her future conduct.

24 March 2012 the Police reported that Tracey Young was at the premises and drunk. In addition, that the premises was being operated beyond its authorised hours.

1 March 2013 the Police and Council interviewed Ian Campey regarding allegations of: breaches of conditions, serving drunks, serving persons barred on pubwatch. Mr Campey was advised as to future conduct and sent a letter by the Police.

On 16 May 2013 Tracey Young was convicted at York Magistrates Court after pleading guilty to a breach of conditions at the premises.

On 17 July 2013 the premises was the subject of a STANDARD PREMISES REVIEW which was initiated following approximately 2 years of issues concerning excessive reports of crime and disorder together with evidence of excessive drinking. The crime involved a large number of fights and assaults, the majority of which were not reported to the Police. Certain conditions were imposed, some of which were challenged by way of appeal.

On 11 December 2013 certain conditions were imposed, whereas others were dropped. This was dealt with by way of a consent order at York Magistrates Court. Conditions imposed included an effective CCTV system but problems continued, which concerned difficulties the police encountered in trying to retrieve CCTV images of various incidents. In addition, the Police Licensing Officer was directed to work closely with the DPS to ensure she is supported in her role to promote the Licensing

Objectives. However, despite the time and resource expended by the Police and Local Authority incidents have continued to occur.

On 11 January 2014 the Police were requested to attend the premises by Ambulance Control following the report of a fight. Police found a male customer in the female toilets with cuts to his hand and cheek. He refused to make a complaint and the CCTV failed to record the incident. **The DPS did not report this matter as previously advised and did not preserve what was a crime scene**.

On 19 January 2014 a serious assault took place between customers from the premises. The matter was reported by doormen operating from a nearby establishment and **not from JT Mellanby's**. The Police were initially informed that CCTV showed some images of the matter but this was later retracted and images of the incident were not forthcoming.

On 9 February 2014 the Police received a report from Ambulance Control of a fight at the premises and the presence of an unconscious male. The call had been made by an anonymous person and **not from the premises**.

On 1 April 2014 the Police attended the report of a serious assault and an affray which has triggered this SUMMARY REVIEW.

**It is the belief of the Enforcement Section that all the evidence points to a Public House whose customers, on regular occasions; appear to be beyond the effective control of a responsible and competent DPS. The situation is exacerbated by the fact that the PLH has done little to address the shortcomings manifested by the mismanagement of the premises. In less than 4 years JT Mellanby's has not only become a locus of regular violent attacks but it is also unsafe venue as patrons receiving injuries cannot rely on the prompt reporting of such matters in order that they are able to be given the necessary care and attention.**

# ANNEX G

**Additional Information from North Yorkshire Police**

# APPENDIX H

**Summary Review Guidance**

# Section 53A Licensing Act 2003

## Summary Review Guidance

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1. Introduction

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4. Making representations against the Interim Steps

5. The Review of the Premises Licence

6. Right of Appeal

# ANNEX A

1. Certificate Under section 53A(1)(b) of the Licensing Act 2003

# ANNEX B

2. Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

## INTRODUCTION

1.1 This guidance explains how to use the provisions in the Licensing Act 2003 ("the 2003 Act"), inserted by section 21 of the Violent Crime Reduction Act 2006, which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

1.2 This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the procedures.

1.3 The powers are set out in sections 53A to 53C of the 2003 Act and apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The purpose of these powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises. Existing powers in Part 8 of the 2003 Act provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance) and the consequent review of premises licences by the licensing authority. The powers under sections 53A to 53C, which are in Part 3 of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.4 The powers allow:

- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and

- the licensing authority to respond by taking interim steps quickly, **where appropriate,** pending a full review.

1.5 In summary, the process is:

- the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);

- on receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days after the day of receipt of the application.

1.6 The options open to the licensing authority at the interim steps stage include:

- modification of the conditions of the premises licence;

- the exclusion of the sale of alcohol by retail from the scope of the licence;

- removal of the designated premises supervisor from the licence; and

- suspension of the licence.

1.7 Following the full licence review, the licensing authority may do any of the above or may revoke the licence.

1.8 The purpose of this guidance is to:

- set out the circumstances where the power can be used; and
- outline the process and the steps at each stage.

**THE STEPS**

**2. Triggering the expedited review**

2.1 Section 53A of the Licensing Act 2003 sets out who may apply for an expedited review and the circumstances in which it can be used.

**Application for expedited review**

2.2 The chief officer of police for the area in which the premises are situated may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both).**

2.3 The key definitions used above are:

- **Senior member of the force:** This must be an officer of the rank of superintendent or above.

- **Certificate:** This is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex A to this guidance.**

- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:

(a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and
(b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

- **Serious disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

- **The application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under section 53A of the

2003 Act. **The application must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). The completed application must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex B of this guidance.**

2.4 In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.

- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?

- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).

- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 3.6 and 3.7 below).

2.8 However, it should continue to be borne in mind that these are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective

tool, to be used proportionately, to limit this condition to those pubs that are at risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises.

**3. The Licensing Authority and the interim steps**

3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.[1]

3.2 The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act (available at: www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing ).

3.5 If the licensing authority decides to take steps at the interim stage:

[1] This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but

- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

3.6 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

## 4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend

at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

**5. The review of the premises licence**

5.1 The licensing authority must hold a review of the premises licence within 28 days after the day of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must:

- consider what steps it considers appropriate for the promotion of the licensing objectives; and
- decide which interim steps (if there are any) cease to have effect altogether or become the subject of any steps which it considers are appropriate when making its determination on the review.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance under section 182 of the 2003 Act.

5.3 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.

- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.

- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority[2].

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;

- whether he considers a hearing to be unnecessary.

- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 4.2 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

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[2] Responsible authorities are defined under sections 13(4) and 69(4) of the 2003 Act.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

**6. Right of Appeal**

6.1 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

[insert name and address of police force]

**Example Form** **Annex A**

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder[3].

*Premises*[4]:

Premises licence number (if known):

Name of premises supervisor (if known):

I am a [5] in the police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because[6]:

.....

[3] Delete as applicable.
[4] Include business name and address and any other relevant identifying details.
[5] Insert rank of officer giving the certificate, which must be superintendent or above.
[6] Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

(Signed) (Date)

**Statutory Form For Applying For A Summary Licence Review** **Annex B**

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

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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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 the 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.**

| |
|---|
| I [on behalf of] the chief officer of police for the police area apply for the review of a premises licence under section 53A of the Licensing Act 2003. |

**1. Premises details:**

| |
|---|
| Postal address of premises, or if none or not known, ordnance survey map reference or description:<br><br>Post town:<br><br>Post code (if known): |

**2. Premises licence details:**

| |
|---|
| Name of premises licence holder (if known): |
| Number of premises licence holder (if known): |

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

*(Please tick the box to confirm)* ☐

**4. Details of association of the above premises with serious crime, serious disorder or both:**
[Please read guidance note 2]

Signature of applicant:
Date:
Capacity:

**Contact details for matters concerning this application:**
Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Home Office

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