

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Jackie Allen

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

Occupation: Police Constable 1503

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 22/04/14

I am Police Constable 1503 Allen of the North Yorkshire Police presently stationed at York. I am currently the Police Licensing Officer covering the Selby District Council area. One of my roles includes ensuring that licensed premises do not undermine the four licensing objectives, namely:-

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of crime and disorder
- d) the protection of children from harm.

I have recently carried out research into J T Mellanby's, Finkle Street, Selby which has a premises licence issued by Selby District Council (Premises licence – LN/000005074). This research came about because I was made aware of incidents directly linked to the venue, particularly a violent incident that had occurred at the premises on 1st April 2014.

There has been ongoing issues with this particular Licensed Premise, going back to 2011 when my predecessor, PC 952 WILKINSON of North Yorkshire Police Licensing Team covered Selby.



As a result of this research I have established the following:-

On the 6th January 2011 the premises were formally placed on a formal "Action Plan" following concerns that the licensing objectives were being undermined. This was the first time a venue in the Selby District Council area had been placed on an "Action Plan". (Exhibit JMA/1).

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

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

On the 25th March 2013 PC WILKINSON sent a letter to the Premises Licence Holder, Mr Ian CAMPEY, to document that a meeting had previously taken place on Friday 1st March at Selby Police Station in company with Tim Grogan (Selby District Council). This letter documented that

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Continuation statement of: Jackie Allen

Police had raised concerns that the Licensing Objectives were being undermined:-

- 1) Customers constantly leaving the venue holding partially full glass vessels and drinking on the street.
- 2) Individuals subject of Pubwatch bans being allowed entry into the venue.
- 3) Allegations of unlicensed activities which are further to the court proceedings facing their current DPS Tracey Young for similar allegations.
- 4) Customers leaving their venue in an extremely intoxicated state and getting involved in disturbances in the Town Centre.(Exhibit JMA/2)

A note in the attached letter from PC WILKINSON describes an incident by Night Marshalls that at 03.00am on Friday 19th April 2013 they observed a member of bar staff come running out of J T Mellanby's screaming for help. The Night Marshalls ran into the venue and witnessed four males fighting. They observed broken tables and broken glass on the floor whilst trying to break up the fight and separate the various parties. One of the offenders picked up a bar chair and started swinging it about, just missing the Night Marshall. The Night Marshalls then took the decision to retreat out of the venue and radio for urgent police assistance. The police arrived within four minutes and took charge of the situation. (Exhibit JMA/3).

For the purpose of the first formal licensing review in 2013 PC Wilkinson produced a schedule of incidents at the premises for the timescale January 2011 to 18th May 2013 , (Exhibit JMA/4).

The Determination Notice following the conclusion of the formal review proceedings I exhibit as (Exhibit JMA/5).

On the 7th February 2014 I arranged to meet Tracey Young, the Designated Premises Supervisor for J T Mellanby's after receiving reports from local Safer Neighbourhood Police Officers that the premises were not able to download cctv footage into a format the police could use to progress its enquiries, and that as the system was not working properly it was in breach of the conditions on its premises licence. I include statements from PC Baker (Exhibit JMA/6) and PC Fox (Exhibit JMA/7) to illustrate this point.

Further regular meetings were held with the Designated Premises Supervisor, Tracey YOUNG, to offer our full support and guidance where appropriate.

On 5th April 2014 PC EARL attended J T Mellanbys to conduct a check of the premises and found that the female SIA door supervisor working in a security capacity at the premises was not in possession of her SIA badge. She told the officer that it was either loast / stolen from her whilst on the train to work or that she'd picked up the wrong bag which didn't have her badge in it .

To assist the licensing sub-committee with its decision making process I have created a new incident schedule for the premises to cover the period following the first formal review hearing in 2013 to the present date which I exhibit as JMA/8

Exhibit JMA/9 Statement from PC Graham SMITH on his attendance at J T Mellanbys on the 1st April.

Signature:.....

Signature witnessed by:

2010/11



Continuation statement of: Jackie Allen

Exhibit JMA/10 Statement from PC David CLARK on his attendance at J T Mellanbys on the 1st April.

Exhibit JMA/11 Statement from Sgt CAMPBELL on his attendane at J T Mellanbys on the 2nd April.

Exhibit JMA/12 Statement from Insp FALKINGHAM who provides a Community Impact Statement.

CCTV - Exhibit ELD/1

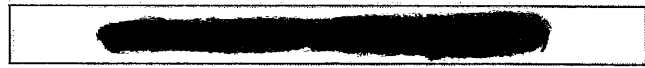
On the 17/04/14 at Selby Police Station I was handed by PC 641 WHITE, -Exhibit ELD/1, Blue Optima USB stick which I booked into York, property other than found store, reference number CY2197-14. On the 22 April I handed exhibit ELD/1 to PC 1314 DUNN where three working copies were made, one for the Premises Licence Holder of J T Mellanbys, one for the Licensing Committee and a Police copy.

12140051345- update of incident - X2 charged with an Affray. X1 charged with Section 18 wounding and affray, he appeared at York Magistrates Court on the 22/04/14, where no plea was entered. He is due in for a Plea and case Management Hearing in June this year and the trial has been provisionally set for September. He is still Remanded In Custody.

Signature: 

Signature witnessed by:

2010/11



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Signed 

Date 23/11/14

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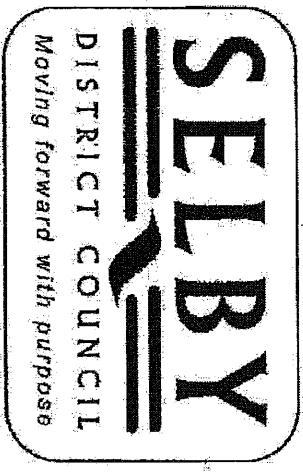
JT Mellanby's - Exhibit List

Exhibit No	Location	Description
JMA-1	On file	Selby District Council Action Plan
JMA-2	On file	Letter to Personal Licence Holder, Ian Campey: Police raise concerns that licensing objectives were being undermined
JMA-3	On file	A note in attached letter from PC Wilkinson – incident Reported by Night Marshalls
JMA-4	On file	PC Wilkinson – Schedule of incidents
JMA-5	On file	Determination Notice
JMA-6	On file	Statement of PC Baker
JMA-7	On file	Statement of PC Fox
JMA-8	On file	Incident Schedule January 2014 to date
JMA-9	On file	<i>Additional Info</i> Statement of PC Smith
JMA-10	On file	Statement of PC Clark
JMA-11	On file	Statement of PC Campbell
JMA-12	On file	Insp Falkingham (Community Impact Statement)

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JMA 1.

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Agreed Action Plan to address issues of concern

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

Designated Premises Supervisor: Tracey Young

Premises Licence Holder: Ian Campsey

The above premise has been identified as likely to be reviewed under the Licensing Act 2003 in that it has potentially failed to comply with one or more of the Licensing objectives:
Prevention of crime and disorder, Public Safety, Prevention of public nuisance and Protection of children from harm

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

Summary of Risk.

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

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

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

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

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

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

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

Action plan review date.....25th April 2011.....

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JMA 2

Safer
Neighbourhoods



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

Our Ref: NYP/952/JTMellanbys/010313

E-mail: yorklicensing@northyorkshire.pnn.police.uk

Date: 25th March 2013

Dear Mr Campey,

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

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

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

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

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

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Those issues being:-

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

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

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

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

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

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

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

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Telephone 0845 60 60 24 7
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Should you have any queries about this, or any other licensing matter, then please don't hesitate to contact me.

Yours sincerely,



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

CC Licensing Services, Selby District Council

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

[redacted]

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JMA 4

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

Jan 2011 to present day

Premises Licence – LN/000005704

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

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PC952 Wilkinson
Licensing Unit
06/06/2013

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

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

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

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PC952 Wilkinson
Licensing Unit
06/06/2013

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

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

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

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PC952 Wilkinson
Licensing Unit
06/06/2013

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

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

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

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Access Selby

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SELBY

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JMA 5

Please ask for : Miss K Hamblin Your Ref :
Direct Dial No : 01757 292206 Our Ref : KH/10565
Direct Fax No : 01757 292229 E-Mail : khamblin@selby.gov.uk

22 July 2013

North Yorkshire Police

Dear Sirs

Premises Licence Review Hearing – 19 July 2013

Further to the above hearing at which the Licensing Sub-Committee resolved to reduce the hours of operation and modify the conditions of the licence please find enclosed a copy of the Decision Notice. The decision of the Sub-Committee only takes effect after the period of appealing against the decision has expired.

An appeal may be made against that decision by—

- (a) the applicant for the review,
- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application.

Accordingly you have the right to appeal against the decision of the Licensing Sub-Committee within 21 days of receipt of the Decision Notice, any appeal should be made to:

York Magistrates Court, The Law Courts, Clifford Street, York, YO1 9RE.

Yours sincerely

Kelly Hamblin
Senior Solicitor

SELBY DISTRICT COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING:	Friday 19 July 2013
SUB-COMMITTEE MEMBERS PRESENT:	Councillor S Duckett Councillor S Ryder Councillor R Sayner (chair)
OFFICERS PRESENT:	Palbinder Mann (Democratic Services) Rachel Howden (Senior Enforcement Officer) Kelly Hamblin (Senior Solicitor)
DISCLOSURE OF INTEREST BY MEMBERS PRESENT:	None
PREMISES:	J T Mellanby's Finkle Street Selby North Yorkshire YO8 4DS
PREMISES LICENCE HOLDER:	Mr Ian Campey
DESIGNATED PREMISES SUPERVISOR:	Tracey Ann Young
TYPE OF APPLICATION:	Application under section 51 of the Licensing Act 2003 for a review of premises licence LN/000005074 by North Yorkshire Police Authority. Grounds for review: North Yorkshire Police applied for a review of premises licence LN/000005074 as all of the licensing objectives have been undermined.

	<p>Over recent years there has been a number of alcohol related incidents directly associated with the venue that clearly show mismanagement of the premises by the Premises Licence Holder (Mr Ian Campey) and the Designated Premises Supervisor (Ms Tracey Young). The most recent serious incident involved a mass brawl inside the premises where bar stools were thrown resulting in Night Marshalls who attended having to withdraw for their safety.</p> <p>Tracey Young has also recently been convicted of two offences of unlawful licensable activities at the premises relating to "drinking after hours".</p> <p>The history of incidents shows the nature of issues that the Police have had to deal with include:-</p> <ul style="list-style-type: none"> • Reports of people drinking outside in the street • Ambulance Services having to attend to drunken customers falling out of the venue and injuring themselves whilst heavily in drink • Criminal damage in the vicinity caused by drunken customers • Large scale disturbance resulting in three offenders being arrested
<p>APPLICANT:</p> <p>RESPONSIBLE AUTHORITIES:</p>	<p>PC952 Michael Wilkinson, Police Licensing Officer, North Yorkshire Police</p> <p>North Yorkshire Police: Jayne Wintermire, Solicitor North Yorkshire Police PC Wilkinson, Police Licensing Officer PC Falkingham, Police Inspector Adam Harvey, Night Marshal</p> <p>Selby District Council – Licensing Authority: Tim Grogan, Senior Enforcement Officer</p> <p>North Yorkshire County Council – Trading Standards: Greg Chapman (attended but not required as proposed conditions accepted by Premise Licence holder)</p>

<p><u>OTHER PERSONS IN ATTENDANCE:</u></p> <p><u>For the Premise Licence Holder:</u> Mr Paddy Whur, Solicitor acting for the Mr Campey Mr Campey Tracey Young</p> <p><u>Interested Parties:</u> None</p> <p><u>Public Gallery:</u> One</p>	<p><u>DETAILS OF DECISION TAKEN:</u></p> <p>The Sub-Committee considered an application from the North Yorkshire Police for a review of the premise licence in respect of J T Mellanby's, Finkle Street, Selby. Representations were also received subsequently received from Trading Standards and the Licensing Authority as Responsible Authorities.</p> <p>Discussions between the Mr Whur for the Premises Licence Holder, the Licensing Authority, Trading Standards and the Police had taken place prior to the Sub-Committee hearing and some agreement as to additional conditions for inclusion had been reached. The three remaining matters in dispute between the Premises Licence Holder and the Responsible Authorities related to: the request for a reduction in hours; the use of SIA door staff; and whether Tracey Young should be removed as Designated Premises Supervisor for the premises.</p> <p>The Sub-Committee heard representations from the Police Authority, Licensing Authority, and the Mr Whur for the Premise Licence Holder on the proposed conditions which had been put forward by the Police to deal with the areas of concern highlighted in the review application particular on the points in dispute between the parties.</p> <p>Members of the Sub-Committee and the parties present asked questions and received replies. The members of the Sub-Committee retired together with the Democratic Services Officer and Legal Adviser to consider the application for review, written submissions, verbal representations and proposals that had been made.</p> <p>In reviewing the Premises Licence, the Sub-Committee:</p> <ul style="list-style-type: none"> (i) Noted the serious nature of the incident which led to the Review Application together with the schedule of incidents and the representations made concerning the schedule. (ii) Noted the agreement reached between the Premise Licence Holder and Responsible Authorities on the majority of the proposed conditions to ensure future problems did not re-occur.
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(iii) Took into account the relevant representations submitted both in writing and at the hearing, the relevant sections of the Council's Licensing Policy, and the revised guidance issued under section 182 of the Licensing Act 2003 (as amended).

Resolved:

That, in view of the serious nature of the incident leading to the Review and other incidents of disorder and evidence of mismanagement of the Premises by the Premise Licence Holder and Designated Premises Supervisor, the Sub-Committee resolved to:

- (i) Reduce the opening hours for licensable activities Monday to Sunday to 10:00 to 01:30
- (ii) Reduce the hours for other licensable activities Monday to Sunday to 10:00 to 02:00
- (iii) To impose the following additional conditions to overcome the concerns:
 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.

21. For 6 months from the date of the decision of the Sub-Committee comes into effect an A3 sized poster with a luminous yellow background with black lettering covering the entire size of the poster stating:
"THESE PREMISES HAVE RECENTLY BEEN THE SUBJECT OF A LICENSING REVIEW. FURTHER ISSUES COULD RESULT IN THE PREMISES BEING CALLED TO REVIEW ON A SECOND OCCASION. PATRONS SHOULD BE MINDFUL OF THEIR BEHAVIOUR. TO BE DISPLAYED UNTIL DATE"
Shall be displayed within the premises.

22. One SIA Door Supervisor from a Door Company that has "Approved Contractor" status (ACS as authorised and defined by the SIA) shall be provided at the venue from 21:00hrs and the 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

REASONS FOR DECISION:

To promote the following licensing objectives:

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

Signature of Chairman:



Dated:

22/7/13

JMA 6

NOT PROTECTIVELY MARKED

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

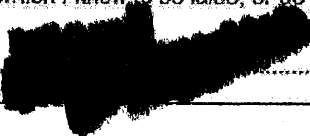
URN



Statement of: Colin Baker

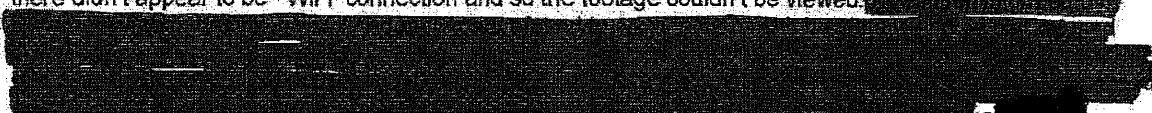

Age if under 18: + 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.


Signature:  (witness) Date: 15/01/14

I am PC 1921 Colin Baker of North Yorkshire Police based at Selby Police Station. On Saturday 11th January 2014 I was on duty in full uniform in company with PCSO 3539 Karen Rich. At approximately 22:10hrs I responded to a report of a fight in Progress at JT Mallanbys Public House on Finkle St, Selby. As I arrived outside the address an unknown female approached me and informed me that there was a male inside the pub who had a hand injury. This female refused to provide any details and was in drink. I looked through the front window of the pub and could see that nothing was ongoing and so myself and PCSO Karen Rich entered the building. Upon entering the pub I immediately noticed that the floor was wet through. Water was visible on the floor. I recognised Tracey YOUNG  who was mopping the floor. I believe Tracey YOUNG is the manageress. I know Tracey YOUNG as I have dealt with her previously in a police capacity. I approached Tracey YOUNG and asked her what had occurred, she stated that she wasn't sure as she was behind the bar and didn't witness anything. There were approximately 20 people inside the pub at this time, I made attempts to speak with various people to ascertain what had occurred and where the injured casualty was. No one inside the pub was at all helpful, no one was forthcoming with any information and no one would provide me with their details. I formed the opinion that they were all drunk. There was no obvious injured male within the main area of the bar and so I began to check the customer toilet area, at this point I was alerted to a male in the female toilets. The male was sat in a toilet cubicle he had a cut to the palm of his right hand and had a cut to his right cheek. He refused to provide me with any information, he wouldn't tell me his name or what had occurred. I tended to the unknown males cuts by placing a bandage in his hand to grasp and a bandage to his cheek. I obtained these from a first aid box within the toilet area. I would describe this male as being white British and approximately 6 feet tall of medium build. He had short blond hair which was combed in front of his face. Paramedics then attended the scene and escorted the male into the rear of their vehicle which was parked outside on Finkle Street. As we walked back through the bar area to the Ambulance all but a couple of customers had left. At this point I liaised with Tracey YOUNG re the possibility of viewing CCTV within the pub. Whilst in company with PCSO Karen Rich, Tracey YOUNG escorted us to a back room behind the bar where the CCTV monitor was visible. Tracey YOUNG pressed various buttons on the system but informed me that there didn't appear to be "WIFI" connection and so the footage couldn't be viewed. 

NOT PROTECTIVELY MARKED

2010/11



JMA 7

[REDACTED]

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: **MARK ANDREW FOX**

Age if under 18: **0/18** (if over 18 insert 'over 18')

Occupation: **POLICE OFFICER**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 14/1/14

I am PC79 OF North Yorkshire Police Force and I am Stationed at Selby Police Station.

At 16.45 hours on Tuesday 14 th January 2014 at Selby Police Station i spoke with a female i know to be called Tracy Young who is the licensee J T Mellonbys Public house Finkle Street ,Selby.

I spoke with Young regarding the Security system within the the Public House and images which may be contained within the Hard drive of the system from a incident that took place on 11th January 2014.

Young stated that the Security System remained in operative and the engineer [REDACTED] who fitted the system was currently working to repair the security machinery within the Pub.

I informed Young that due to the security systems within the Pub were currently inoperative she was in Breach of her license and i would be informing the Licensing Officer . [REDACTED]

Signature: Signature witnessed by:

2010/11

[REDACTED]

This document is the property of the North Yorkshire Police and should be returned to the issuing officer if it is not required.

NOT PROTECTIVELY MARKED

JMA 8

Incident Reports (Crime & ASB)

JT Mellanbys, Finkle Street, Selby

Between 18 January – 15 April 2014

Premises Licence JT Mellanbys

No	Incident Time	Incident Date	Day	NYP Ref No	Occurrence Details	Outcome/Result	Document
1	01.31	02/04/14	Wed	IN1214015310	On 02/04/14 at 0055hrs officers attended a large disturbance at Mellanbys. Officers noticed a quantity of white powder on the floor and some of the tables at the premises.	Due to officers being called to a large scale fight it was not feasible to try and investigate further.	NICHE
2	23.53	01/04/14	Tues	12140051345	Large scale disturbance in Mellanbys. X 1 male arrested Sec 18 causing grievous bodily harm with intent and affray. X 2 3 males arrested for affray. Victim still critical but stable in Hospital.	X1 male Sec 18 at Crown Court today on the 22/04. X2 males charged with affray.	STORM NICHE
3	22.56	14/02/14	Fri	12140024810	There are a number of people fighting, they were in the pub but are now outside. It is believed the male started the fight due to being underage and asked to leave.	Upon police arrival an officer stated there was a male who was loud, but there was no fighting. The police issued the male with a Section 27 Direction to Leave notice to the geographical area for at least 12	STORM

NOT PROTECTIVELY MARKED

PC1503 ALLEN
Licensing Unit
22/04/2014

NOT PROTECTIVELY MARKED

5	02.53	27/01/14	Mon	12140014047	Staff at J T Mellanbys report to the police that they have ejected 3 males from the venue as they had been fighting and that these males were now fighting outside the premises in the street.	Upon police arrival five minutes later the fighting had ceased therefore no further action taken.	STORM
6	21.07	18/01/14	Sat	12140009609	Staff report to the police that a male was refusing to leave the premises. He had been refused a drink however staff believed he was on something though they didn't think that this was alcohol.	Upon Police arrival they speak to male who agrees to leave the premises to go home.	STORM

NOT PROTECTIVELY MARKED

PC1503 ALLEN
Licensing Unit
22/04/2014

JMA 9

NOT PROTECTIVELY MARKED



MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: PC527 Graham SMITH

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

Occupation: POLICE OFFICER

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date: 19/04/2014

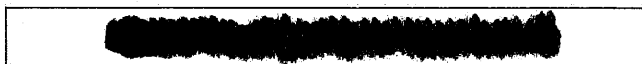
On Tuesday the 1st of April 2014 at around 23:50 hours, I was on duty in full police uniform, in a marked police vehicle in company with PC 749 CLARKE when I received information via my police radio of an ongoing fight numbering approximately 20 people at J T MELLANBYS public house situated on FINKLE STREET in SELBY. I was urgently requested to attend and arrived on the scene at around 00:00hours. On my arrival I quickly exited the police vehicle and could see the odd person walking up and down FINKLE STREET who appeared very agitated, it was clear there was problems within the premises. As I approached the door to J T MELLANBYS I noted there were no door staff, so presumed they were within the pub dealing with the ongoing fight.

On entering the premises I can only describe the scene which I was presented with as "HORRENDOUS and OUT OF CONTROL". There was a single male lying unconscious on the floor in the recovery position with a female crying at his side and pockets of people around this male and the bar area being aggressive and shouting abuse at each other. Numbers were around 15 to 20. Whilst I immediately tried to attend to the unconscious male and gain all valuable information available with a view to getting more help and the Ambulance, some trouble erupted in front of me whilst I was on the floor. There were some individuals near the entrance to the pub shouting abuse towards some other males near the bar area where I was positioned. This situation started to escalate further despite a police presence and the obviously injured male lying on the floor. Fortunately both PC 749 CLARKE was able to put hands on the individuals and eject them out of the pub whilst I had to leave the male on the floor and prevent another male following them outside which would have only resulted in more disorder. At this point I passed an urgent update to the police control room and requested for more police assistance.

I was alarmed and worried that there was no help or control offered from staff at J T MELLANBYS. I looked around and could not see or identify any door staff wearing badges or bar staff apart from a single female who I know to be a Tracy YOUNG dob 14/06/1966 stood at the other side of the bar where drinks are served. Tracy was not presenting herself to me or offering any guidance as to what had happened on the premises in which she was responsible for. I did ask Tracy directly what had occurred and she could only say "IT HAS JUST GONE CRAZY, IT WAS A MASS BRAWL". I couldn't get any more information from Tracy as my attentions were now on the casualty on the floor and members of the public who wanted to tell me information. Tracy YOUNG did not speak to me after this or approach me with any information which would assist. I did find myself looking round for any staff that worked there with the hope of help and support to control all the people walking round in drink and shouting and swearing however, none was offered. It was the police numbers which took control and managed to calm the situation. One member of public who I do not know, told me that Miss Tracy YOUNG told them not to telephone the police despite a male being knocked unconscious on the floor during the large fight as she didn't want police attending. Due to the numbers of people and my attentions being drawn all over the premises I honestly cannot recall the persons details however, this comment did stick in my mind as clearly this member of public was annoyed enough to tell me.



NOT PROTECTIVELY MARKED



MG11

There was a mixture of male and female members of the public within the premises crying and in need of help and support however, to my frustration I could not offer any they deserved due to the seriousness of the situation. This in my opinion could have been aided by staff who worked at the pub and guided people to a safer location instead of allowing them to wonder around. I assisted the Ambulance staff to remove the unconscious male out of the premises into the rear of there vehicle where I then followed them directly to YORK DISTRICT HOSPITAL.

Signature:

Signature witnessed by:

NOT PROTECTIVELY MARKED



Witness contact details	URN				
Name of witness:					
Home Address:		Postcode:			
E-mail address:		Mobile:			
Home Telephone Number:		Work Telephone Number:			
Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):					
Gender:		Date and place of birth:			
Former name:		Ethnicity Code (16 + 1):			

DATES OF WITNESS NON-AVAILABILITY:

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Witness care

a) Is the witness willing to attend court?	If 'No', include reason(s) on form MG6 .
b) What can be done to ensure attendance?	
c) Victims Only – does the victim fall into one of the 3 priority categories who are eligible for enhanced care under the Code of Practice for Victims of Crime? 1) Victims of most serious crimes <input type="checkbox"/> 2) Persistently targeted victims <input type="checkbox"/> 3) Vulnerable and intimidated <input type="checkbox"/> If any of the boxes are checked then Inform CPS at pre-charge stage on MG3, and on MG11 at all other stages and/or where necessary MG2	
d) Witness Only - Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? <input type="checkbox"/> (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If they do submit MG2 with file in anticipated not guilty, contested or indictable only cases.	
e) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).	

Witness Consent (for witness completion)

a) The Victim Personal Statement scheme (victims only) has been explained to me	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
b) I have been given the Victim Personal Statement leaflet	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
c) I have been given the leaflet "Giving a witness statement to the police..."	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
g) Child witness cases only. I have had the provision regarding reporting restrictions explained to me.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
I would like CPS to apply for reporting restrictions on my behalf.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness:	PRINT NAME:
Signature of parent/guardian/appropriate adult:	PRINT NAME:
Address and telephone number (of parent etc.), if different from above:	
Statement taken by:	Time and place statement taken:

JMA 10

[REDACTED]

MG11

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

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Statement of: David CLARK

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

Occupation: Police Constable

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

[REDACTED SIGNATURE]

Date: 20/04/14

I am PC 749 CLARK of North Yorkshire Police, currently stationed at Selby Police Station. On Tuesday 1st April 2014 I was on mobile patrol in full uniform and in company with PC 527 Graham SMITH when acting on information received we attended a report of disturbance at J T MELLANBY'S Bar on Finkle Street in Selby Town. Despite being some distance away we made haste from Eggborough with the aid of blue police flashing lights. PC SMITH was requesting that other units join us but despite this we were first at the scene. I alighted from my vehicle, the time was around midnight, there was a number of people in the street outside MELLANBY'S most of which appeared to be heavily in drink and there was a lot of shouting and swearing among a group very irate and agitated people.

Several people were directing us to go inside the pub because that was where the trouble was and also informed that there was a male laid out on the floor in the bar area. Both myself and PC SMITH made our way inside the pub and were shocked to find the bar in an uproar. Both myself and PC SMITH were continually asking for further units. Inside we were met by many irate males and females, there was a lot of shouting, pushing and shoving as well as punches still being thrown, I would estimate there being at least 20 people still inside the pub with many other carrying out side. PC SMITH made his way towards where I could see that there was a male laid out on the floor opposite the bar, I tried to tackle and usher the aggressors out of the pub and was conscious that the situation was out of hand and more officers were needed to fully gain control. I noted that there had been some white powder spilt on the wooded floor just to the left when coming through the entrance door close to the seated area as you walk into the bar, I could only suspect it to have been possibly an illegal substance but I was unable to deal with it.

Signature:

[REDACTED SIGNATURE]

Signature witnessed by:

NOT PROTECTIVELY MARKED

[REDACTED]

MG11

2

Cont.....

DAVID CLARK

An ambulance crew arrived to attend the injured male. I was having to constantly push people away so that the paramedics could do their job without the fear of violence. I had to try prevent other violent episodes breaking out as the atmosphere was very volatile.

Both myself and PC SMITH were ejecting person from the bar area outside whilst still requesting back-up units to attend the scene.

I was surprised that there did not appear to be any door staff on duty at the time. I would describe the scene as chaotic and totally out of control. I noticed that there was a female behind the bar who I now know to be Tracy YOUNG, I believe she had been in charge of the bar at that time. I wasn't approached by any staff members who could clearly introduce themselves to me and assist in providing any information surrounding the circumstances of the events.

At that point were joined by other colleagues and bother myself and PC SMITH then aided the Ambulance crew to carry out the injured male on a stretcher and into the ambulance.

Signature: [REDACTED]

Signature witnessed by:

JMA 11

NOT PROTECTIVELY MARKED



WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Robert Joseph Campbell

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

Occupation: PS 166

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ (witness)

Date: _____

I am the above named person and I am a police sergeant in North Yorkshire Police currently stationed at Selby.

On 2nd April 2014 I was on duty and in full uniform as the duty sergeant covering the Selby district.

At approximately 0005hrs I attended a report of a large scale fight at JT MELLANBY'S, FINKLE STREET, SELBY. On my arrival there was a number of officers and a paramedic present at the scene. I entered the public house I saw a male unconscious on the floor being treated by a paramedic. I noted that the bar appeared to be clear of drinks glasses as if it had been cleared up and other than the DPS I could see no other members of staff. The DPS, Tracey YOUNG was standing behind the bar. I spoke with YOUNG who appeared to be dazed or shocked by the incident and asked to view the CCTV of the incident. She escorted me to a storage area behind the bar where the CCTV recorder was located however after a few minutes of attempting to play back the incident she informed me that she would go and get someone that could use it. I got the impression from this conversation that another member of staff on the premises would come down and show me the footage but after waiting a few minutes I returned to the bar area and was informed she had left the premises and that she was the only member of staff working that night.

At approximately 0015hrs I spoke with 2 males I now know to be _____ born _____ and _____ born _____. Both _____ and _____ were unsteady on their

NOT PROTECTIVELY MARKED





feet, had glazed eyes, loud, slurred speech and smelt strongly of intoxicants. They were clearly drunk.

I then left the pub and was given some information that a male wearing a hi vis jacket I now know to be [REDACTED] born [REDACTED] had been involved in the assault. Due to this I arrested him on suspicion of assault and cautioned him. I also informed him that his arrest was necessary to allow a prompt and effective investigation of the offence.

[REDACTED] did not appear to be intoxicated and was calm and complaint during my interaction with him. I searched him and placed him in the rear of a marked police vehicle to be transported to a custody area.

I remained at the scene of the incident where at 0100hrs Ian DICKINSON, the partner of the DPS of the pub, attended and produced a copy of the CCTV of the incident as exhibit ID1 which I took possession of. I checked the time on the CCTV against my watch and confirmed it was 1 hour behind.

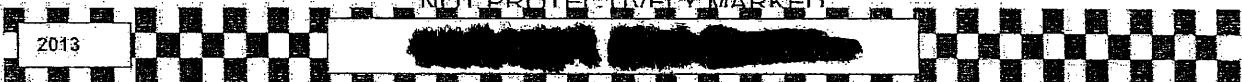
I returned to Selby police station where I produced a copy of the CCTV onto a DVD and placed exhibit ID1 in the property store.

I would describe [REDACTED] as a white male, 5'8" medium build wearing a flat cap, thick rimmed black glasses, a light coloured hooded top and a splint on his right hand.

[REDACTED] as a white male, 5'10" stocky build with dark hair wearing a padded body warmer tyre jacket and blue jeans

[REDACTED] as a white male 6'2" slim build with short fair hair and wearing a hi visibility jacket and blue work trousers.

Signature:



Safer Neighbourhoods



Dear Premises Licence Holder,
Responsible Authority,

J T Mellanbys – Licensing Review Hearing

The DVD disk mentioned within North Yorkshire Police's review submission (ELD/1) contains CCTV footage from J T Mellanbys, Selby which shows violence and disorder.

North Yorkshire Police has provided a copy of the disk to Selby District Council's Licensing Department for the sole purpose of its use as part of the licensing hearing procedure.

Due to the sensitivity of this evidence North Yorkshire Police will not be circulating copies to the Premises Licence Holder / Responsible Authorities. However, should you wish to view a copy of the footage please contact me at York Police Station (01904 669848) and I will arrange a supervised viewing at a North Yorkshire Police Station.



**PC 1503 Allen
Force Alcohol Licensing Officer
York Police Station
Fulford Road
York
YO10 4BY**

Jackie.allen@northyorkshire.pnn.police.uk

NOT PROTECTIVELY MARKED

1

Community Safety – North Yorkshire Police

NOT PROTECTIVELY MARKED

North Yorkshire Police – J T Mellanbys, Selby – Review Application Material

WARNING
Violence and Disorder / Sensitive material

The DVD disk attached to this document contain CCTV footage from: J T Mellanbys, Selby which shows violence and disorder.

This disk has been provided by North Yorkshire Police to Selby District Council 's Licensing Department for the sole purpose of being used as evidence to support the police's review application and the material must not be released into the public domain.

It has been submitted by North Yorkshire Police on the understanding that it will only be viewed by persons (Selby District Council Officers and Licensing Sub-Committee Members) directly connected to the proceedings, that the material is not copied or stored on any other electronic medium and that the council's Data Protection protocols are adhered to whilst the material is under its custody and control.

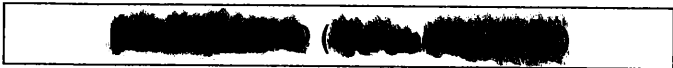
As the footage shows significant movements of large numbers of people within the public areas at the licensed premises it would be difficult to disguise the identities of either the performers or participants without rendering the footage meaningless.

Whilst it was the Premises Licence Holder who provided North Yorkshire Police with the CCTV footage we will personally write to them and all Responsible Authorities to see whether they wish to have supervised access to the material on North Yorkshire Police premises at a time, date and location of their choice.

North Yorkshire Police requests that the material remains in the custody of Selby District Council Legal Services Department at all times when not being used for the purposes of preparing for, or undertaking licensing hearing procedures.

PC 1503 Jackie Allen
Force Alcohol Licensing Officer

NOT PROTECTIVELY MARKED



WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Michelle Mary FALKINGHAM

Age if under 18: o'18 (if over 18 insert 'over 18') Occupation: Police officer

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date:

I am Inspector 804 Michelle FALKINGHAM of North Yorkshire Police currently stationed at Selby. I am the Safer Neighbourhood Inspector for Selby Town . As part of this role I am responsible for policing provisions and the planning of events and staffing within Selby Town. A large proportion of this work includes the management of the night time economy on behalf of the police. I have been involved in the management of this for approximately 4 years . I take part in regular meetings in respect of the night time economy with local stakeholder partners. As a result of this role, I am fully briefed on any issues that have been encountered with a licensed premises in Selby and I also go out on patrol myself on an evening and experience the policing of the night time economy personally.

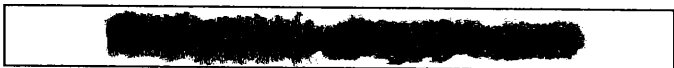
I was present at a previous licensing review on the 19th July 2013; where representations were made in respect of the management of T J Mellanby's, previously known as The Elizabethan.

In addition to the incidents made reference to at this review, I also raised the following concerns on behalf of the police at this review

" Due to how the premises are currently managed and the fact that there is no control on access and egress to the premises, we face the following main issues on a weekly basis. Members of the public freely come and go from the premises with glassware in their hands. There is a lack of control in terms of refusals for drunks into the premises. As there is no smoking area and again no control over the doorway; the corridor which allows entry into the premises from the doorway, often gets over congregated with people smoking, causing difficulty getting in and out of the premises and posing a risk. Due to these issues and the way it is managed this means that my staff have to engage with members of public in the street and ask them to return into the premises with their glassware. It also raises the level of risk when violence erupts"

I was present when the determination was made by the licensing committee on the 19th July 2013, when new conditions were placed on the licence of this premises. As a result of an appeal lodged on behalf of the premises licence holder I was aware that these conditions were not enforceable until the result of this appeal. I was notified by staff from Selby District Council; as the licesing authority; in Mid December 2013 that this matter had been resolved by means of a consent order and that some of the conditions that the licensing committee had put in place had now been agreed and were in effect enforceable.

Signature:..... Signature witnessed by:





Continuation statement of: Michelle Mary FALKINGHAM

I am aware that since these conditions became enforceable, that Pc Allen as the licensing officer for Selby, had been working closely with the management of this premises. Having regular meetings at the premises. A number of issues had arisen over the management of the premises since December 2013 and that it was not meeting with these new conditions. I am aware that Pc Allen had tried to work with the management in respect of issues as they arose trying to ensure compliance and use education rather than enforcement. For example I was aware of issues with gaining access to CCTV and how it was operated, Pc Allen has had to work hard with both Tracey YOUNG the designated premises supervisor and the Premises Licence Holder Ian CAMPEY with regards to the CCTV system as they were finding difficulty in operating the system and in downloading footage when needed. Advice was also given regarding scene management when someone had been injured in the bar and the scene cleaned up prior to police attendance.

When I came on duty on the afternoon of Wednesday the 2nd of April; I was briefed in respect of a serious incident of violence that had happened late on the evening of Tuesday the 1st April at JT Mellanby's. I was advised that a number of people had been assaulted and that one male was in hospital with potential life threatening injuries; at this time there were two of the offenders in custody and that the main offender was still outstanding and had not been present at the scene on police arrival. The focus of the investigation at this time centred on seeking the arrest of this outstanding offender and dealing with the two detainees already in custody and securing evidence from witnesses. Due to police efforts the outstanding offender was arrested early in the afternoon of the 2nd of April in Castleford. I was aware that the CCTV footage from this incident had been secured from the scene by Ps 133 Campbell.

I then began a review of this incident with Pc ALLEN from a licensing perspective. The following were some of the main concerns that I identified :

The main offender was ejected due to his conduct but was then allowed to re-enter the premises only 2 minutes later and remain inside the premises which then afforded him this opportunity to use the violence that led to the current situation.

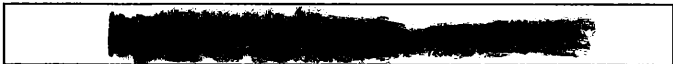
The violence erupted at 2349hrs and very shortly afterwards the main victim was knocked unconscious, he was clearly unconscious from being struck and before he hit the floor . The first call the police received was at 2353hrs, 5 minutes from when the violence started. This call was from the partner of the unconscious male, who states in her witness statement that she was told by the designated premises supervisor not to ring the police, that the injured party would be ok. The first police officers then arrived at the scene at 0001hrs having travelled at speed from some distance and immediately requested further assistance as the violence was ongoing. I refer to the statements of Pc Smith and Pc Clarke. There was no call to the police from the management of the premises and this caused a significant delay in police attendance and most importantly in medical attention to the unconscious male. I am advised that the phone for the premises is in a separate room away from the bar.

That despite people being clearly drunk, that the CCTV still shows them being served alcohol.

Signature: Signature witnessed by:

2010/11





Continuation statement of: Michelle Mary FALKINGHAM

That this situation could have been avoided if police intervention had been requested sooner and the designated premises supervisor had managed the situation or if she had ejected the relevant parties earlier and kept them out of the premises.

That the victim was not protected and violence continued to erupt around him and people were standing on him whilst he was unconscious on the floor. No first aid was offered to him from the designated premises supervisor.

That the designated premises supervisor turned the lights off prior to police/emergency services arrival whilst the victim was unconscious on the floor putting him and others at further risk.

That the designated premises supervisor cleared glasses away when this was scene of serious crime and that those glasses should have been left in situ until a scene assessment had been undertaken by police.

As a result of this investigation all 3 men were later charged with affray and one of the men with an assault of intentionally causing grievous bodily harm. This male was remanded into custody and remains in custody at this time pending trial. The other two men remain on bail pending trial and have an intial hearing on the 1st of May 2014. They have the following bail conditions 1. NOT TO ENTER SELBY TOWN CENTRE AT ANY TIME AS BOUNDED BY THE RING ROAD 2. NOT TO ENTER ANY ON LICENCED PREMSIES

Following this incident the community tensions that have been reported to myself are that local patrons of this premise had made threats of violence to any contractors who entered the premises. This is because the offenders were contractors from away and they wanted vengeance.

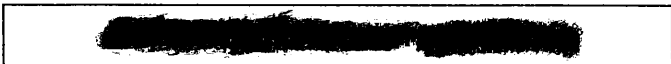
The feeling of the public as demonstrated in letters sent to the local MP, in meetings I have attended with the public and from personal conversations I have with members of the public and with other licencees; is that this premise were not being managed properly which ultimately lead to this incident; therefore there is great resistance against it continuing to trade. The feeling is that this premises is where you would go if you were refused entry elsewhere and there policy on entry and serving when drunk was lax.

This incident has created a fear of violence within the night time economy and has shocked the public. There is a fear that should this venue maintain its licence that violence will continue to happen at this premises as it is synominus with it.

At the time of writing, the victim in this case, remains in a critical and potentially life threatening condition. He is still unconscious and when efforts have been made to wake him he starts to have seizures and he has been placed back into a drug induced coma. If he does survive the prediction at this time, is that he will have life changing brain injuries due to the damage to the frontal lobe of his brain and he would require rehabilitation in hospital for in excess of a year and it is unknown what his physical condition will be longterm.

Signature:

Signature witnessed by:



Not Disclosable

Witness contact details

Full Name:

Home address:

Postcode:

Home telephone No:

Work telephone No:

Mobile:

E-mail address:

Preferred means of contact (*specify details*):

Best time to contact:

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken: