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Licensing Sub Committee

Held at Meeting Room 1, Ryedale House, Malton
on Wednesday 26 September 2012

Present

Councillors Clark, Richardson and Walker

In Attendance

Mr M O'Brien, Ms D Lee, Ms J Wintermyer, Inspector A Everitt and Police Constable D Cooper

Fiona Brown and Nicki Lishman

Minutes

3 **Declarations of Interest**

There were no declarations of interest.

4 **To determine an application from North Yorkshire Police to review a Premises License for the King's Head, 5 Market Place, Malton YO17 7LP**

The Chairman welcomed representatives to the meeting and appropriate introductions were made.

The Chairman reported that the hearing was subject to the prescribed procedure, a copy of which had been circulated with the agenda. Representatives were reminded that opening statements were to be brief as all parties had been afforded the opportunity to make detailed written submissions and to consider the submissions from other parties. The Chairman also advised those present that additional information produced at the hearing without prior disclosure might not be heard if, following objections to its submissions, the Sub-Committee so determined.

With the agreement of all parties, additional information was presented by the applicant to the Sub-Committee which included;

- A copy of the current plan of the Licensed Premise
- A copy of a plan of a proposed variation to the Licensed Premise
- A Joint Position Statement prepared by the Licensee and the Police
- Photographs and an index of improvements undertaken to the outside areas of the premise

The Chairman reminded those present that their representations should be relevant to the licensing objectives under the Licensing Act 2003, namely:

- The prevention of crime & disorder

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

The Council's Licensing Officer then presented the report, which had been circulated with the agenda and referred to the relevant points contained in the guidance.

The purpose of the report was enable the Licensing Sub-Committee to determine an application for a review of the Premises License for the premises known as the King's Head, 5 Market Place, Malton YO17 7LP taking into account the relevant representations received, amendments / conditions proposed, the four licensing objectives, the Licensing Act 2003, Government Guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy and after hearing from both the applicant and any persons who have submitted relevant representations.

North Yorkshire Police's application related to the following Licensing Objectives:

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

and stated the following as grounds for review;

- A significant increase in the frequency, nature and gravity of assaults, anti-social behaviour and disorder emanating from this premise
- Three serious assaults involving glassware at the premise in that last 12 months resulting in significant and permanent injuries to victims
- Report and incidents of young people using the premises, being intoxicated and being involved in assaults
- Failure by the owner, management and staff to positively promote the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives

Mr O'Brien, for the Licensed Premise, explained to the Committee that since the application for review had been submitted, a new Premises License holder and new Designated Premises Supervisor had been appointed. They had been working closely with the Police Licensing Officer and a Joint Position Statement dealing with all but two of the matters of concern to North Yorkshire Police had been agreed.

The remaining areas of concern were the use of Door Supervisors and the opening hours.

Ms Wintermeyer, solicitor for North Yorkshire Police, reported that the Police had been heartened by the co-operation received and the pro-active attitude of the premise's management. However, she stated that the Police remained concerned about the number of incidents that took place after midnight and that there appeared to be confusion over the existing conditions relating to the use of Door Supervisors.

Mr O'Brien responded that the issue of people taking drinks from the rear of the Licensed Premise had been resolved by the erection of a fence around the area and that management would exercise due diligence to ensure that drinks were not taken from the front of the premise. Other efforts to ensure that the License Conditions were met were described in the staff terms and conditions and new working practices document provided.

Following discussion of the provision of Door Supervisors, it was proposed by Mr O'Brien and accepted by the Police that the following arrangement was acceptable;

- Two Door Supervisors on duty every Saturday evening from 8.30 pm
- One Door Supervisor on duty every Friday from 9.30 pm, unless there is regulated entertainment in which case there will be two Door Supervisors on duty from 8.30 pm

Ms Wintermeyer urged that any wording of such a condition be future proof and worded to ensure that any Door Supervisor was not expected to undertake other roles while on duty.

Mr O'Brien requested clarification of what was regulated entertainment and thus when Door Supervisors were required.

Inspector Everitt, North Yorkshire Police, then described the context and type of incidents allegedly connected with the premises and the demands put on Police resources. He emphasised that, although he recognised the importance of the current licensing hours to the commercial success of the business, he had a duty to the wider community.

Inspector Everitt was questioned by Committee Members about the effects that the new working practices had had and whether the problems and issues would be moved to another premise if the licensed hours were reduced.

Inspector Everitt replied that he was positive about staff awareness at the premise but that he had to consider the wider community and the provision of a safe environment. Historically, the premise had been last on the circuit and he questioned whether this culture was appropriate for the night time economy in Malton.

Mr O'Brien responded that he believed that the new measures imposed by the managements would work and that there had already been a noticeable improvement in the clientele at the premise and that one of the effects of this would be that customers would visit the premises earlier in the evening rather than it being the last establishment visited.

Although he had issues with some of the incidents reported in the Police Incident Record, he viewed positively the recent meetings with all partners. He saw the steps taken by the premises management as a prescription to stop any trouble and that the Police were having a positive effect on the culture of the town.

The Chairman then proposed a 15 minute adjournment for both sides to consider whether any compromise could be reached regarding the licensing hours of the premises, including consideration of the use of a trial period.

Following resumption of the meeting, Mr O'Brien responded that he considered that the last six weeks, since the new measures had put in place at the premise, should be considered as a trial period and that reducing the opening hours to 12 midnight would have dramatic effect on the business.

Ms Wintermeyer responded that the improvements at the premise had been accompanied by a stronger Police presence in the town and it was therefore not possible to conclude that improvements in behaviour were solely as a result of the improved management at the premise. She suggested that the Police would not oppose a reduction in opening hours to 12.30 am.

The interested parties and the applicant were then asked to make a final statement which they did and the Committees legal advisor then asked through the chairman if everyone was happy and had they said everything they wanted to say.

The Chairman requested that, while the Sub Committee was retired to consider the application, both parties compiled an agreed wording for the revised condition on the use of Door Supervisors and a definition of regulated entertainment. An agreed condition was then presented to the Sub Committee for consideration.

Following this the Sub Committee retired to consider the application accompanied by the Committee's legal advisor, to advise on points of law and clerk, after which the following decision was announced:

DECISION

After reading all the papers, including evidence statements and having heard and taken into account all statements and evidence, the Sub Committee feels that all conditions put forward and agreed by both parties were appropriate for the promotion of the licensing objectives.

It was agreed to accept the conditions as laid out in the Joint Position Statement, with the exception of Point 10. This would be the subject of a separate application for variation.

The Sub Committee welcomed the Joint Statement on door supervisors and it was confirmed that the existing conditions would be modified accordingly.

On balance, the Sub Committee did not consider it appropriate or proportionate to reduce the hours and decide to leave the opening hours as stated on the current license.

The Sub Committee reminded the parties that the Licensing Authority had the ability to apply for a review. If the solutions amicably agreed were not adequate and that problems continued to be reported, then such a review could follow.

A written copy of the decision would be sent to all parties.

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