

Licensing Hearing

To: Councillors Horton, Moore and Runciman

Date: Monday, 22 September 2008

Time: 10.00 am

Venue: The Guildhall, York

A G E N D A

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

4. Exclusion of Press and Public

To consider excluding the public and press from the meeting prior to consideration of the personal data contained in Annexes 3 and 5 to Agenda Item 5 as provided by the Data Protection Act 1998.

5. The Determination of an Application by PC952 Mick Wilkinson for a Review of a Premises Licence [Section 52(2)] in respect of The Junction, Leeman Road, York. (CYC-008929)

**If you require any further information, please contact
Laura Bootland on Tel 01904 552062 or Fax 01904 551035 or
email laura.bootland@york.gov.uk**

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

Press, Libraries, Council Receptions



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REVIEW HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Review Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant for the Review, Ward Councillors, the Licence Holder(s) and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At any hearing of an application for a Review, the Applicant for the Review, the Licence Holder(s) and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give**

any further information, and call any witnesses. If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant for the Review and the Licence Holder(s). In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant for the Review, the Licence Holder(s) and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant for the Review, the Licence Holder(s) and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

The Applicant for the Review or any Representor **may not** introduce any new ground or objection not referred to in the written submission. Amplification of the original representation may be made but any additional or new representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor. Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application for a Review, the Licensing Officer, the Applicant for the Review, the Licence Holder(s) and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.

2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee and the Licensing Officer*], welcomes the Applicant for the Review, the Licence Holder(s) and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant for the Review, the Licence Holder(s) and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will invite the Applicant for the Review (or their representative) to present their case and call any witnesses to support their case [*maximum 15 minutes*].
9. The Chair will invite the Licence Holder(s) and Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties in support of the Review
 - (iv) Interested Parties opposing the Review
 - (v) Licence Holder(s)
10. The Chair will invite the Committee Members to ask questions of the Applicant for the Review (or their representative) and/or witnesses.
11. The Chair will invite the Representors in support of the review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
12. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors opposing the review to ask questions of each Representor in support of the review (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].

13. The Chair will invite the Committee Members to ask questions of each Representor in support of the review (or their representative) and/or their witnesses after each presentation.
14. The Chair will invite the Licence Holder(s) (or their representative) to present their case and call any witnesses to support their case *[maximum 15 minutes]*.
15. The Chair will invite the Applicant for the Review and Representors (or their representative) in the following order to ask questions of the Licence Holder(s) (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Applicant for the Review
 - (ii) Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties in support of the Review
 - (v) Interested Parties opposing the Review
16. The Chair will invite the Representors opposing the review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
17. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors in support of the review to ask questions of each Representor opposing the review (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
18. The Chair will invite the Committee Members to ask questions of each Representor opposing the review (or their representative) and/or their witnesses after each presentation.
19. The Chair will invite the Licence Holder(s) (or their representative) to summarise their case *[maximum 5 minutes]*.
20. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties opposing the Review
 - (iv) Interested Parties in support of the Review
21. The Chair will invite the Applicant for the Review (or their representative) to summarise their case *[maximum 5 minutes]*.

22. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.
23. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant for the Review, the Licence Holder(s) and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

24. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
25. If possible, and always in the case of a Review of a premises licence following a Closure Order, the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.
26. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 3 working days of the hearing. There can be no further questions or statements.
27. If the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 3 working days of the decision being made.
28. The notification will include information about the rights of appeal against the determination made.

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If you have any further access requirements such as parking close by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to; and
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- Applicant
- Representors & the relevant Responsible Authorities

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Licensing Act 2003 Sub Committee

22 September 2008

Report of the Director of Neighbourhood Services

Section 52(2) review of premise licence for The Junction, Leeman Road, York, YO26 4XH**Summary**

1. This report seeks Members determination of an application for a review of a premise licence which has been made under the Licensing Act 2003 in respect of The Junction, Leeman Road, York.
2. Name of applicant: PC952 Mick Wilkinson, North Yorkshire Police
3. Summary of review: This application to review relates to the following licensing objectives: Prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
4. A copy of the application to review is attached at Annex 1 and is summarised as follows: This application for review is based on numerous incidents at the premise over the last year which undermine the four licensing objectives. It is accompanied by case notes, letters, incident reports, inspection reports, letters, witness statements and downloads from the internet.
5. A copy of the premises licence is attached at Annex 2. Which resulted from the simultaneous conversion and variation of an existing licence. The variation of the licence was determined and granted at a hearing of the licensing sub-committee held on 11 August 2005.

Background

6. The applicant, in the capacity of 'responsible authority', has requested a review of the premises licence.
7. Members are reminded that a representation is only "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. This is in accordance with S52(7) and (8) of the Act.

8. 6 local residents are supporting the application listed at Annex 3 (confidential), Copies of their representations are attached at Annex 4. They live within the vicinity of the premise and their addresses are indicated on the map attached at Annex 5 (confidential) and Annex 6.
9. A further representation supporting the application has been received which is unsigned and no street number is given in the address, this is attached at Annex 7. This representation has been included for members information. In view of the final paragraph of the letter Officers understand why the letter is unsigned. Members are advised to be cautious when giving weight to this representation.

Other Relevant Information

10. There are no planning implications in relation to this application.
11. Copies of letters sent to the licence holder dated 4 December 2007, 5 February and 24 July 2008 from the Licensing Section are attached at Annex 8. These letters are in relation to alleged breaches of licence conditions and noise.
12. A copy of a letter sent to the premise dated 29 March 2007 from the City of York Council Environmental Protection Unit is attached at Annex 9. This letter is in relation to noise.

Consultation

13. Consultation was carried out by the Applicant and Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the notification of a review and the advertisement of review by licensing authority. Copies of the application were served on all responsible authorities and the premise licence holder. Notice of the application was displayed on the premises and on the exterior noticeboard at the Guildhall. In addition relevant Ward Councillors and Parish Councillors were informed by way of register.
14. As a result of the consultation 7 representations have been received from local residents, including the unsigned representation.
15. All procedural aspects of this review application have been complied with.

Options

16. By virtue of S52(4) of the Act, the Committee have the following options available to them in making their decision:-
17. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
18. Option 2: To exclude a licensable activity from the scope of the licence.

19. Option 3: To remove the designated premises supervisor.
20. Option 4: To suspend the licence for a period not exceeding three months.
21. Option 5: To revoke the licence.

Analysis

22. The following could be the result of any decision made this Sub Committee:-
23. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
24. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
25. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
26. Option 4: This decision could be appealed by the premises licence holder.
27. Option 5: This decision could be appealed by the premises licence holder.

Corporate Priorities

28. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
29. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

30.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant, the holder of the premise licence or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder

implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.

- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

31. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
32. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

33. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

John Lacy
Licensing Manager

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhood Services

Report Approved



Date 08/09/08

Specialist Implications Officer(s)

Quentin Baker
Head of Legal & Democratic Legal Services

Ext: 1004

Wards Affected: Holgate

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of review application
- Annex 2** - Copy of existing premises licence
- Annex 3 (Confidential)** - List of Interested Parties making representation
- Annex 4** - Representations from Interested Parties supporting the application
- Annex 5 (Confidential)** - Map of area indicating addresses of Interested Parties
- Annex 6** - Map showing general area from which representations received
- Annex 7** - Unsigned representation from Interested Party
- Annex 8** - Copies of letters from Licensing Section
- Annex 9** - Copy of letter from CYC Environmental Protection Unit
- Annex 10** - Legislation and Policy Considerations

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

RECEIVED

04 AUG 2008

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 this 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.

You may wish to keep a copy of the completed form for your records.

I PC952 Mick Wilkinson

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 52~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Junction ph
Leeman Road

Post town York

Post code (if known) YO26 4XH

Name of premises licence holder or club holding club premises certificate (if known)

Enterprise Inns PLC

Number of premises licence or club premises certificate (if known)

CYC - 008929

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises ☐

b) a body representing persons living in the vicinity of the premises ☐

c) a person involved in business in the vicinity of the premises ☐

d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC952 Mick Wilkinson Police Licensing Officer York Licensing Unit York Centre for Safer Communities Lower Friargate York YO1 9SL
Telephone number (if any) 01904 551833
E-mail address (optional) mick.wilkinson@northyorkshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☒
☒
☒
☒
Please state the ground(s) for review (please read guidance note 1)

There have been numerous incidents at the premises over the last year which undermine the four Licensing Objectives:-

1. Prevention of Crime and Disorder

The Police have received reports involving drugs, theft, violence, anti-social behaviour, allegations of possession of a stungun and vehicle crime outside the venue.

2. Public Safety

There has been a recent incident of a fire exit door being bolted locked whilst the venue had a large group of customers on site. North Yorkshire Fire and Rescue Service discovered this on a recent Joint Agency Enforcement Visit.

3. Public Nuisance

Complaints have been received from local residents regarding the amount of people gathering outside the venue along with reports of fights spilling out into the street.

4. Protection of Children from harm

Concerns have been raised regarding an event held in Nov '07 aimed at customers aged under the age of 18yrs

In addition to the above there have been, over the last 9 months, direct breaches of the current licensing conditions attached to the Premises Licence. These breaches involve the following issues:-

- i) lack of CCTV
- ii) no Door Supervisors deployed when live amplified music is played
- iii) entrance doors wedged open
- iv) opening after permitted hours
- v) off sales in unsealed containers
- vi) live music after permitted hours

Please provide as much information as possible to support the application

(please read guidance note 2)

Details of the incidents undermining the four Licensing Objectives are contained in a summary report prepared by PC952 Mick Wilkinson (attached).

Details of the breaches of the conditions attached to the Premises Licence and the subsequent actions taken are contained in statements from the following people (attached):-

PC952 Mick Wilkinson - North Yorkshire Police

Mr Nigel Woodhead - City of York Council

Miss Hilary Hustwick - North Yorkshire Fire & Rescue Service

Details of apparent breaches of conditions are contained in "flyers" obtained from the internet (attached).

The applicant wishes to suggest that in the event of a successful review application certain conditions should be attached to the licence to prevent such incidents and breaches re-occurring. The proposed new conditions are as follows:-

1. At all times that the venue operates after 1900hrs there shall be a Personal Licence Holder at the premises until the venue closes.
2. CCTV will be installed to cover the premises. It will be maintained, working and recording at all times that the premises are open. The recordings should be of sufficient quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any Responsible Authority for 14 days.
3. The "Challenge 21" procedure shall be actively used. The only acceptable proof of age identification being a current Passport, photocard Driving Licence or identification carrying the PASS logo.
4. On nights when live music is being held such identification checks will take place on the entrance door prior to entry. Persons who produce such identification and are over the age of 18yrs will then be required to wear an identifiable non-removable wristband for use inside the premises.
5. Should the venue operate an "under-age" night aimed at persons under the age of 18yrs alcohol will not be served to anyone whether persons over the age of 18yrs are allowed or not.
6. When live amplified music is being played at the venue there shall be no less than five Door Supervisors at the venue from the time the venue opens until close of business (this will include the period after which the live amplified music has ceased until the venue closes). If the venue has chosen to open earlier than such time when the live amplified music starts then Door Supervisors will be deployed at the venue from no later than 1900hrs (or earlier if the live amplified music starts earlier than 1900hrs).
7. When deployed Door Supervisors will wear high visibility tabards or coats and their SIA Licences will be displayed in high visibility armbands.

8. Documented records will be kept of all Door Supervisors deployed. These records will be available for inspection by any Responsible Authority upon request and will include the following details:-
 - i) full SIA Licence number of Door Supervisors deployed.
 - ii) full name and date of birth of each Door Supervisor deployed.
 - iii) full details of the Security Company providing the Door Supervisors.
 - iv) the times the Door Supervisors were deployed.
9. The management of the venue will comply with any written reasonable and justified request made by North Yorkshire Police regarding the provision of Door Supervisors at other times should the need arise.
10. Live music shall only be licensed on Friday, Saturday and Sunday evenings, Bank Holidays evenings and the evening preceding a Bank Holiday.
11. The venue will close for business at 2400hrs on nights when live music is held.
12. The exception to conditions 10 & 11 shall be New Years Eve when live music shall only be licensed to 0100hrs on New Years Day. Normal New Years Eve licensed opening hours shall apply.
13. Documented patrols by members of staff shall be undertaken at no less than hourly intervals outside the premises to check for noise issues and any other issues associated with customers standing outside the venue.
14. One pint capacity, half pint capacity and "highball" 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.
15. Drinking glasses of any type shall not be allowed to enter or leave the premises whilst under the customers care.
16. Staff training will be given, and documented, regarding the retail of alcohol. Records of such training shall be kept for 12 months.
17. The venue shall operate a random (at least 1 in 30) search policy for patrons using the Function Room (whether for live music or not). Notices should be displayed informing patrons of this fact.
18. Documented records shall be made of the searches undertaken.
19. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Both documents will be made available upon a reasonable request from any Responsible Authority.
20. 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.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

04/08/08

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Michael Leslie WilkinsonAge if under 18: Over 18yrs (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 4 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 anything in it, which I know to be false, or do not believe to be true.

Signature: ll Wilkinson 952Date: 31st July 2008

I am Police Constable 952 of the North Yorkshire Police presently stationed at York. I am presently the York Police Licensing Officer and have been in this role for over 2 years. My duties include the monitoring and analysis of incidents in and around licensed premises in the York area to ensure that they comply with legislation contained in the Licensing Act 2003 as well as ensuring that the four Licensing Objectives are not undermined.

Over the last year there has been numerous reported incidents at The Junction public house, Leeman Road, York. I have monitored these incidents and upon further analysis, along with numerous visits to the premises, as I have stated in the grounds for the review application, I feel that all four Licensing Objectives have been undermined. In addition to this, some of the incidents have shown there to be a clear breach of the conditions attached to the venue's Premises Licence.

I have prepared a report summarising these incidents (Exhibit MLW1) which I attach to this statement. All original North Yorkshire Police computer reports will be brought to the licensing hearing.

On Monday 12th November 2007 I was on duty when, as part of my duties, I was made aware of an incident that had occurred at The Junction public house, Leeman Road, York on the evening of Thursday 8th November 2007. The incident involved an affray in Leeman Road following an event aimed at youths under the age of 18yrs. The offenders involved in the affray had been involved in a disturbance inside the venue, where punches had been thrown. Upon leaving the venue the youths assaulted a man by stamping on his head causing the injured party to be admitted to York District Hospital.

As a result of reports received from Officers involved in the incident along with studying the details contained on the North Yorkshire Police computer systems, at 1340hrs on Thursday 20th November 2007 I made a phone to the Designated Premises Supervisor of The Junction ph, Mr Dave Jones.

I spoke to Mr Jones at length about the allegations made in relation to the incident that had occurred on 8th November 2007 and he assured me that he "won't hold another one". I recorded this conversation in my pocket note book immediately after the phone conversation. I also advised him that the Police undertake joint agency enforcement visits specifically looking at the compliance with legislation and conditions attached to Premises Licences.

Signature: ll Wilkinson 952

Signature witnessed by:

Continuation of Statement of: Michael Leslie Wilkinson

At 2145hrs on Friday 30th November 2007 I was on duty in full uniform when I visited The Junction ph in company with Mr Nigel Woodhead (City of York Council Licensing Enforcement Officer) and Miss Hilary Hustwick (North Yorkshire Fire & Rescue Service). Upon arrival at the venue I noticed that there was a live music band playing live amplified music in the rear function room of the premises. I also noticed that there were no Door Supervisors in attendance at the venue.

I spoke to the Mr Dave Jones (DPS) and asked him if I could view the Premises Licence Summary which should be on display within the venue. The Premises Licence Summary was eventually located behind the bar but was not displayed correctly. I made notes at the time of the visit (Exhibit MLW2) which both Mr Jones and I signed at the conclusion of our visit to the venue and I attach these notes to this statement.

Prior to me leaving the venue Mr Jones was verbally warned about the mandatory condition to display his Premises Licence Summary and the use of Door Supervisors as per the conditions of his Premises Licence. Failure to prominently display the summary of the licence, or a certified copy of that summary, is an offence contrary to Sect 57 Licensing Act 2003.

On Monday 23rd June 2008 I was on duty when I was made aware of a number of incidents that had occurred at The Junction public house in the early hours of Sunday 22nd June 2008. These incidents involved a number of reports of disorder both of which were reported after the venue's licensed opening times. The second of these reports had been made by the duty manager, at 0135hrs, stating that there were over 150 people still in the venue and that there had been problems at the premises.

The Junction public house is licensed to open on a Saturday from 0900hrs to 0100hrs.

Annex 2 of the venue's Premises Licence states the following condition:-

d) the maximum occupancy of the licensed premises shall not exceed the following numbers at any time:


Lounge area – 150 persons.

Over the next few days I made numerous efforts to contact the venue by phone to talk to the DPS or Duty Manager about these incidents.

On Wednesday 25th June 2008 I sent a letter (Exhibit MLW3) to Mr Jones asking for a written response in relation to a number of apparent licensing breaches that would appear to have occurred in the early hours of Sunday 22nd June 2008. I attach a copy of that letter to this statement.

On Tuesday 8th July 2008 Mr Jones's written response was received in the Police Licensing Office. He stated that there had been two groups fighting in the venue and one group had been held back in order to give the second group time to disperse. I attach a copy of Mr Jones's letter (Exhibit MLW4) to this statement.

At 2305hrs on Saturday 19th July 2008 I was on duty in full uniform when I visited The Junction ph in company with Mr Nigel Woodhead (City of York Council Licensing Enforcement Officer) and Miss Hilary Hustwick (North Yorkshire Fire & Rescue Service).

Signature:  Signature witnessed by: _____

Continuation of Statement of: Michael Leslie Wilkinson

As I approached the venue from the car park in Carlisle Street I noticed that the main entrance door in to the premises, from Carlisle Street, was open. I entered the venue by this open door and, as I did so, a number of customers were egressing the premises clearly holding open glass vessels (pint glasses) containing what I believed to be alcohol. This would constitute a breach of licensing conditions due to the following reason:-

Annex 3 of the venue's Premises Licence states the following condition:-

7. All off-licence sales shall be made in sealed containers.

I could also hear what appeared to be live amplified music coming from the rear function room. I then walked into the rear function room and saw that there was a band on stage playing live amplified music. I would also say that at this time the room contained about 80 customers. Up to this point I had seen no signs of Door Supervisors being deployed at the venue. This would constitute a breach of licensing conditions due to the following reason:-

Annex 3 of the venue's Premises Licence states the following condition:-

6. That when live amplified music is played on Friday, Saturday and Sunday, certified door supervisors be employed.

I then entered the front bar of the venue and saw that the doorway connecting the bar serverly area of the rear function room and bar serverly area of the front bar was wide open. I also saw that the entrance door to Carleton Street was not only wide open but wedged open. This would constitute a breach of licensing conditions due to the following reason:-

Annex 3 of the venue's Premises Licence states the following condition:-

2. All doors and windows shall be kept closed and any other means of ventilation used during any function or entertainment.

I then spoke to a male behind the bar who identified himself as the duty manager, Andy Quinn b.12/01/84. I immediately cautioned Quinn and pointed out the breaches of the licensing conditions that I had witnessed. Quinn intimated to me that there were no Door Supervisors deployed at the venue at the time of our visit and that the DPS, Mr Jones, wasn't on site at the present time. I requested that Quinn contact Mr Jones and ask if it would be convenient for him to attend the venue.

At 2315hrs that same day Mr Dave Jones arrived at the venue. I asked Jones if he would step out of the venue and I spoke to him outside the venue on the junction with Carleton Street and Leeman Road where it was quiet enough to talk. I cautioned Jones and pointed out to him the licensing breaches that I had witnessed. I then informed Jones that I would be contacting him at a later date regarding the action I would be taking about this matter.

I then walked along the front of the venue, along Leeman Road, and returned to the Carlisle Street car parking area. As I did so I could clearly see approximately 20 people who were stood in the mouth of junction of Carlisle Street and Leeman Road, as well as on the Carlisle Street footpath directly outside the venue. There were about 4 of these people who were holding and drinking from glass bottles as well as one male stood holding an open glass vessel (a pint glass) drinking what I believed to be alcohol.

Signature: Michael Leslie Wilkinson 952

Signature witnessed by: _____

Continuation of Statement of: Michael Leslie Wilkinson

The above facts, along with the attached summary of incidents, highlight the fact that the four Licensing Objectives are being undermined at this venue. As this statement shows there have also been clear serious breaches of the conditions attached to the venue's Premises Licence.

I would conclude that adding further amended conditions to the venue's Premises Licence (as proposed in the licensing review application) would help in ensuring that the venue is operated in a manner that would ensure that the Licensing Objectives are not undermined and assist the management in having a tighter control of how they operate.

Michael Wilkinson 952

Signature:

Michael Wilkinson 952

Signature witnessed by:

Incident Reports (Crime & ASB) – Junction ph, Leeman Road**July 2007 to present day**

No	Time	Date	Day	NYP Ref No	Occurrence Details
1	2300hrs	19/07/07	Thur	INDE 1072000544	Theft of pedal cycle from outside the venue.
2	0012hrs	18/08/07	Sat	INDE 1072300014	Report of fight at the venue. No complaints forthcoming when Police arrive.
3	2200hrs	23/09/07	Sun	INDE 1072660306	Loss or theft of mobile phone whilst complainant at the venue.
4	1330hrs	01/10/07	Mon	INDE 1072740310	Interference with a motor vehicle parked on venue's car park, adjacent to the venue, overnight.
5	1051hrs	02/11/07	Fri	INDE 1073060214	Concerned parent reporting the fact that her 13 yr old daughter has received a flyer for an under-age event on 08/11/07.
6	2124hrs	08/11/07	Thur	INDE 1073120486	Report of large group "smashing up" the venue. Police attend but no complaints forthcoming.
7	2257hrs	08/11/07	Thur	INDE 1073120518	Affray at a nearby venue. Offenders believed to have attended an "under-age" event prior to taking part in the affray which occurred between the nearby venue and subject premises.
8	1340hrs	20/11/07		Police Licensing Unit Phone Conversation	Contacted by Police Licensing Unit. Mr Jones (DPS) gave a verbal assurance that these sorts of events wouldn't be held again. Copies of E mails received from Officers in case filed.
9	0300hrs	20/11/07	Tues	INDE 1073240288	Theft from unattended motor vehicle (TUMV) on venue's car park, adjacent to the venue.
10	2145hrs	30/11/07	Fri	Joint Agency Enforcement Visit	Joint Enforcement Visit by Police Licensing, Council Licensing and North Yorkshire Fire & Rescue. Numerous licensing breaches uncovered:- i) No Door Supervisors in attendance when live music playing. ii) Premises Licence not displayed. Verbally warned re-Premises Licence and letter by Licensing Unit (CYC) re-breaching licence conditions.

11	0115hrs	08/12/07	Sun	INDE 1073420065	Disturbance at the venue called in by duty manager. Offenders leave area by vehicle but stopped and one male arrested nearby in possession of controlled drug. Male later cautioned by Police for the offence of possession of a controlled drug whilst at the venue.
12	0017hrs	16/12/07	Sun	INDE 1073500017	Alleged abuse by staff to transsexual male customer.
13	2336hrs	21/12/07	Fri	INDE 1073550806	Landlord reporting disturbance. Male offender left prior to Police arrival.
14	0103hrs	22/12/07	Sat	INDE 1073560063	Large fight inside the venue spilling in to the street. Male subsequently arrested nearby for theft of charity box from the venue.
15		05/02/08		Licensing Unit (CYC) Letter	Warning letter sent by Licensing Unit (CYC) following allegations from a Ward Councillor regarding noise and litter from the venue. It was alleged that emergency exit doors from the Function Room were held open making music audible in residents homes and that there were noise and litter from smokers on the public highway.
16	2300hrs	05/02/08	Tues	INDE 1080380458	Alleged assault by doorstaff. No CCTV available. Decision made to "No Crime" the incident.
17	2130hrs	22/02/08	Fri	INDE 1080530643	Fight inside the venue spilling out in to the street. Offenders left prior to Police arrival.
18	2217hrs	23/02/08	Sat	INDE 1080540697	Serious disturbance reported at the venue. Male offender ejected upon Police attendance.
19	0125hrs	24/02/08	Sun	INDE 1080550060	Report by duty manager of over 50 people fighting inside the venue. Allegations of stun gun being used. Large crowd dispersed upon Police attendance from both inside and outside the venue. Same trading period as previous incident (Inc No 18).
20	0148hrs	24/02/08	Sun	INDE 1080550072	Male arrested for D&D following above disturbance (Inc No 19). Male had been in venue but arrested on the street. Later found to be in possession of over 30 ecstasy tablets and subsequently charged with possession with intent to supply.

21	2200hrs	07/03/08	Fri	INDE 1080680245	16yr old female has mobile phone stolen whilst in venue. CCTV in darkness.
22	2226hrs	08/05/08	Thur	NICHE 12080023606	Landlord reports drunk male refusing to leave. Re-contacts Police as he is concerned as to welfare of drunk male. Male left on Police attendance.
23	1141hrs	14/06/08	Sat	NICHE 12080045423	Motor vehicle turned on to it's side whilst parked overnight on venue's car park adjacent to the venue.
24	0133hrs	22/06/08	Sun	NICHE 12080050149	Female customer inside venue alleging assault. Left prior to Police attendance.
25	0135hrs	22/06/08	Sun	NICHE 12080050111	Duty manager requesting Police attendance due to 150+ customers being unhappy at the fact the venue is closing. Police attend and disperse crowd.
26		25/06/08		Police Licensing Unit Letter	Written to by Police Licensing Unit requesting an explanation about the disorder problems in the early hours of 22/06/08. Venue's licensing conditions pointed out in the letter and a request was made for a written response. Response received from Mr Jones (DPS) claiming that there had been a fight between two groups and a decision had been made to keep one group back so as not to aggravate the situation.
27	0013hrs	28/06/08	Sat	NICHE 12080053767	Male customer alleging assault inside venue. Police attend and disperse large crowd outside the venue. No complaint re-assault.
28	0123hrs	28/06/08	Sat	NICHE 12080053811	Complaint from local resident that a large group are outside the venue "smashing things up". Police attend and issue group with "Directions To Leave". Same trading period as previous incident (Inc No 27).

29	2305hrs	19/07/08	Sat	Joint Agency Enforcement Visit NICHE 12080066512	Joint Enforcement Visit by Police Licensing, Council Licensing and North Yorkshire Fire & Rescue. Numerous licensing breaches uncovered:- i) Live music playing past 2300hrs ii) No Door Supervisors in attendance when live music playing iii) Open containers containing alcohol allowed to leave the venue iv) Doors open whilst live music playing Also double fire exit at rear of premises was bolted locked.
30	0935hrs	26/07/08	Sat	NICHE 12080070401	Damage to unattended motor vehicle whilst parked overnight on venue's car park adjacent to the venue. Local residents witness offence at 2300hrs the previous evening and believe offenders are under-age drinking in the venue.
31	0935hrs	26/07/08	Sat	NICHE 12080070552	Damage to unattended motor vehicle whilst parked overnight on venue's car park adjacent to the venue. Local residents believe youths congregating in vicinity of venue are responsible.



North Yorkshire Police

Licensed Premise Visit Check Sheet (Licensing)

Premises *The Junction, Leeman Road*DPS *David Jones*Time/Date *2145hr 30/11/07*

DPS present & on premises

Yes / No

If NO - name of person in charge at time of visit

Premises Licence summary displayed

Yes / No

If YES - where?

If NO - advise that offence is committed and Council may be informed

*Behind bar
but not displayed
properly*

Do you partake in the "York Pubwatch Pager Scheme"?

Yes / No

If YES - Pager Serial Number

Vodafone Account Number

Are Staff authorised by the DPS to serve alcohol?

Yes / No

If NO - advise staff should be authorised, preferably in writing

If YES - is there a written record of such authorisation?

Yes / NoIf YES - *Record Of Authorisation* examined?

(consider signing the record to show it's been examined)

Yes / NoAre Staff aware of their liabilities under the Licensing Act?
(i.e. under-age sales/serving drunks)

Yes / No

If NO – advise that staff are liable to fine/PND re-any offences committed

Do you undertake regular Staff Training?

Yes/No

If YES – are there written/signed records?

Yes/No

If YES – *Staff Training Records* examined?

Yes/No

If NO – advise that written records should be kept to prove “due diligence”

How often do you refresh your Staff training?
(advise that 3 months is best practice)

Ongoing.....

Do you have a Drugs Policy?

Yes/No

If YES – is it available to read?

Yes/No

If YES – read & examine

If NO – advise that policies should be in writing for Staff to read and follow

Do you have a “Refusals Book”?

Yes/No

If YES – is it available to examine?

Yes/No

If YES – *Refusal Book* examined?
(consider signing to show it’s been examined)

Yes/No

If NO – where is it?
(advise that book should be readily to hand for Staff to enter details of refusals)

.....

Do you have a Challenge 21 Policy?

Yes/No

If NO – what steps do you take to avoid under-age sales?

£.....

If YES – are there posters displayed?

Yes/No

If YES – where & how many?

2 behind bar

If NO – advise to get some printed or contact Licensing Dept to obtain

Do you have CCTV?

Yes/No

If NO – advise that it is good practise to have facility installed
OR

If NO – is it a condition of the licence to have it?

Yes/No

If YES – why don't you have it?

(advise that offence is committed and Council may be informed)

If YES (to do you have CCTV?) – is it working?

Yes/No

If NO – why not? Are steps being taken to rectify?

If YES – Officer visiting checked to ensure working?

Yes/No

Do you employ doorstaff?

Yes/No

If YES – are they registered?

Yes/No

If YES – with whom?

which firm do you use?

day/time of deployment?

do you check SIA badges?

Yes/No

If NO – advise that keeping written records is best practice to ensure doorstaff are properly registered with the SIA

If YES – do you keep written records?

Yes/No

If NO – see above advice

If YES – *Doorstaff Records* examined?

(consider signing to show they've been examined)

Yes/No

Details of doorstaff working at time of visit:-

Name

DoB

Badge Number

.....

.....

.....

.....

.....

.....

Details of any bar staff spoken to at time of visit:-

Name

DoB

Aware of liabilities?

.....

.....

.....

.....

Are the Fire Exits clear?

Yes/No

If NO – details of obstruction(s)

Are Fire Exit signs illuminated?

Yes/No

If NO – details of signs

(any problems with Fire Exit signage – advise that Fire Service may be informed)

Do you have the recent “Coppers Tale?
(advise accordingly)

N/A

Yes/No

How many patrons are on premises at the moment?

DPS assessment

30-35

Your assessment

u

What processes do you put in place to monitor your capacity?

Door Ticket collection on gig night

Time spent on premises

20 min

Any offences disclosed?

Yes No -

If YES – consider summons or PND

Serving alcohol to a person under the age of 18 (Contrary to Sct 146 (1) Licensing Act 2003)

PND Offence Code DA07

Selling alcohol to a person who is drunk (Contrary to Sct 141 Licensing Act)

PND Offence Code DA16

Any comments by DPS or Officer visiting (including details of any customers spoken to or challenged re-under-age sales)

Wanted re Premises Licence display

Wanted re Door Supervisor being used

Signed

Officer Visiting
952

DPS Manager

Our Ref: NYP/952/Junction/220608

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

Date: 25th June 2008

Mr D Jones
The Junction ph
Leeman Road
York
YO26 4XH



Dear Mr Jones,

Public Order Issues – Junction ph 22/06/08

I am writing to you as Designated Premises Supervisor (DPS) of the above venue following recent disorder problems in the early hours of Sunday 22nd June 2008. The letter also follows numerous phone calls and voicemail messages that I have left for either you, or the duty manager, to contact me about the above matter. Despite these voicemail messages, and the fact I spoke personally with a member of staff called Paul, at the time of writing I have received no contact from anyone at the premises.

The matter I am referring to was recorded on the Police log as follows: one of your staff members phoned the Police at 0135hrs on Sunday 22nd June 2008 reporting *"problems at the club and they are now closing it down. There will be 150+ unhappy people out on the street soon"*.

As DPS may I take this opportunity to remind you of your responsibility to uphold the four Licensing Objectives, those being:-

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

Secondly, I would like to take this opportunity to remind you of the hours that are attached to the Licensable Activities on your licence. Those hours being:-

Facility for making music	Sat 0900 – 0000
Live music (indoors)	Sat 0900 – 2300
Late night refreshment	Sat 2300 – 0045
Supply of alcohol	Sat 1000 – 0030
Opening hours	Sat 0900 – 0100



Thirdly, I would like to point out certain conditions attached to your licence:-

Annex 2 – Conditions consistent with the operating schedule

d) The maximum occupancy of the licensed premises shall not exceed the following numbers at any time:-

Lounge area – 150 persons

Annex 3 – Conditions attached after a hearing by the Licensing Authority

4. Notices should be displayed and be highly visible at all exits, requesting that patrons leave quietly and to respect neighbours and their property.

6. That when live amplified music is played on any Friday, Saturday and Sunday, certified Door Supervisors shall be employed.

Given the circumstances that have been reported I have serious concerns that certain Licensing Objectives were not being upheld and that you could have been breaching the conditions attached to your Premises Licence.

I would, therefore, welcome a written response from you answering the following points:-

- i) why the premises were still open at 0135hrs in the morning.
- ii) why there were (allegedly) 150+ patrons on site.
- ii) whether there were adequate numbers of Door Supervisors deployed at the venue, and if (in your opinion) there were adequate numbers deployed, why they were unable to disperse the crowd.
- iii) what steps you intend taking to ensure there isn't a repeat of this situation.

I would also like to point out to you new powers that the Police now have under the Violent Crime Reduction Act 2006. This Act gives the Police the power to seek a review of a premises (subject to certain conditions) without resorting to the normal 28 day review period. Such reviews *could* be brought within 48 hours. This option, as well as normal review procedures, are still open to the Police pending your written response.

As well as a review of your Premises Licence you could also face prosecution under the Licensing Act for breaching any conditions of your Premises Licence which, upon conviction, carries a maximum penalty of a £20,000 fine and/or 6 months imprisonment.

I look forward to hearing from you at your earliest convenience.

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

Central Area Licensing Unit

01904 551833

07802 385220

CC Licensing Unit, City of York Council

YORK POLICE
- 8 JUL 2006
LICENSING UNIT

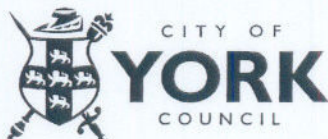
D. Jones
The Section
Return Re
ble
626 4XN.

Dear PC Wilkinson,
With reference to our TEL.
Conversation yesterday I am writing
to explain the incident which
occurred here on 22/6/08.

As the evening was coming to
an end a fight broke out and
the door staff separated the
incidents and removed the aggression.
This then resulted in a large
group of whites leaving the
building as "whites" for
another group to leave, it
would have escalated the
situation to have forced the
other group out so the decision

was made to hand the group
inside with the outside group
had dispersed but this took
longer than expected.
I apologise for any
breach this may have caused
to my license.

Yours Sincerely
D Jones



Environmental Health,
Trading Standards
and Licensing

Statement of Witness

(Criminal Procedure Rules 2005, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of Nigel Philip Woodhead

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation Licence Enforcement
Officer

This statement (consisting of 1 pages 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 it to be true.

Dated the 29th day of July 2008

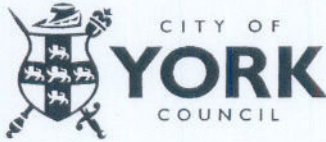
Signature

I am employed by the City of York Council as a Licensing Enforcement Officer within the Directorate of the Neighbourhood Services. Part of my duties are to enforce all legislation under the Licensing Act 2003 in relation to premises licensed by the Authority.

At 2140hrs on Friday 30th November 2007 in company with Pc Mick Wilkinson of the North Yorkshire Police and Hilary Hustwick of the North Yorkshire Fire and Rescue Service I attended The Junction on Leeman Road, York. On my arrival I noted that a live music band was playing in the rear concert room. No door staff were present at the premises. Licence Condition 6 in Annex 3 of the Premise Licence states: 'That when live amplified music is played on any Friday, Saturday and Sunday, certified door supervisors be employed'

The Designated Premise Supervisor, Mr David Jones, was present during the visit and was spoken to regarding the breach of his licence condition. I made notes at the time of the visit which I can produce as an exhibit marked NPW1. He was given a verbal warning at that time and on 4th December 2007 I followed up with a letter outlining the breach. I can produce a copy of this letter marked NPW2.

Signature Signature witnessed by Page 1



Environmental Health,
Trading Standards
and Licensing

Continuation statement of

NIGEL PHILIP WOODHEADS

About 2305hrs on Saturday 19th July 2008 again in company with Pc Mick Wilkinson and Hilary Hustwick I attended at The Junction on Leeman Road. On arrival I could hear live music being played from the rear concert room. The premises are licensed for live music up until 2300hrs. I walked round to the front entrance of the premises and found that there were no door staff present. This was again a breach of the licence conditions as before. The front door was wedged open with a piece of wood. This is in breach of licence condition 2 of annex 3 which states that 'All doors and windows shall be kept closed and any other means of ventilation used during any function or entertainment.' The bar manager Mr Andy Quinn was spoken to and he was asked to contact Mr Jones with a view to him attending the venue.

About 2315hrs Mr Jones attended the premises and was spoken to by Pc Wilkinson and myself. The breaches in his licence conditions were pointed out to him and he was told that he would be spoken to at a later date.

On leaving the premises a short time later it was noted that about 20 persons were milling about in Carlisle Street next to the venue, about four of which were drinking from bottles and one from a pint glass in which appeared to be alcohol. Condition 8 of Annex 3 states 'This licence does not apply to the outside drinking area as identified on the application' and condition 7 'states 'All off-licence sales shall be made in sealed containers'.

Signature Signature witnessed by Page 2

24946

9.40 pm

Enforcement Visits

Premises	THE JUNCTION, LEEHAN ROAD.
DPS	MR O. JONES
Alcohol Hours	
Opening Hours	
Conditions	NOISE INAUDIBLE AT NEAREST POINT, DOORST WINDOWS TO BE CLOSED. IF LIVE MUSIC ON FRI, SAT, SUN, DOOR SUPERVISORS NEEDED.

DPS on premises?

☒ YES/NO

Person in charge if not DPS

No. of staff on premises 3 + DPS

No. of personal licence holders on premises

No. of doorstaff Supplied by O. JONES (owner) usually
employed by premises.

Badges checked?

YES/NO

Written authorisation in place for sale of alcohol?

☒ YES/NO

Premise Licence Summary displayed?

☒ YES/NO

Copy of Premise Licence kept on premises?

☒ YES/NOKeeper of Premise Licence authorised in writing
(if not Personal Licence Holder)?

YES/NO

Proof of Age Scheme in Operation?
(signs displayed)☒ YES/NO

Refusals Book on premises?

☒ YES/NO

York Pubwatch page scheme in operation?

YES/NO

Are staff aware of their liabilities under the LA03
(offences – underage sales/serving drunks)☒ YES/NODoes staff training take place?
(records kept, how often does training take place)☒ YES/NO

Is a drugs policy in place?

☒ YES/NO

CCTV in operation?

☒ YES/NO

Enforcement visit

Number of customers on premises 30 max.

System in place to monitor capacity check + check sign

Does emergency exit signage comply with current regs? ☒ YES/NO

Is fire fighting equipment available and tested?
(extinguisher, fire blankets in kitchens) ☒ YES/NO

Are all emergency escape routes clear? ☒ YES/NO

Is the fire alarm and emergency lighting tested regularly?
(log book records, advise that should be tested weekly) ☒ YES/NO

Comments:

Live Music being played

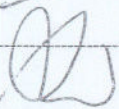
No door shut in place.

Shrine that organ of event was
doing all id.

Porter out that were coats were there +
that we were close to door as it was.

On the occasion a verbal warning to be followed
by with little.

Side of door open but inner door closed.



Nika Woodhead.

Ext: 2520.....01904 552520
E-mail: nigel.woodhead@york.gov.uk
Ask for: Nigel Woodhead
Our Ref: NPW/041207/CYC008929

4 December 2007

Enterprise Inns Plc
3 Monkspath Hall Road
Shirley
Solihull
B90 4SJ

Dear Sir / Madam

Licensing Act 2003

Premise Licence

The Junction, Leeman Road, York

On the evening of Friday 30 November 2007, officers from the City of York Council, North Yorkshire Police and North Yorkshire Fire and Rescue Service visited the above premises to undertake a during work performance inspection.

Mr David Jones is the Designated Premises Supervisor for this premise and was present during the inspection.

During the visit it was ascertained that 'live' music was being played in the function room where approximately 25 persons were present. It was noted that the event organiser was checking numbers and identification.

Condition 6 in Annex 3 of the premise licence states:

- That when live amplified music is played on any Friday, Saturday and Sunday, certified door supervisors be employed.

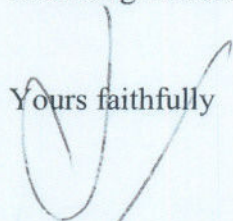
There were no door supervisors present during this visit which is therefore in breach of the premise licence. This could result in a prosecution, the maximum penalty of which is currently a fine of £20,000 and/or six months imprisonment.

On this occasion I do not intend to take any further action regarding this matter other than to warn you that any further breaches of your licence conditions could result in prosecution. It is the

responsibility of the Premise Licence Holder and Designated Premise Supervisor to ensure that all conditions attached to a Premise Licence are adhered too.

Should you wish to discuss this matter any further then please do not hesitate to contact the Licensing Office on 01904 552512.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'Nigel Woodhead', written over the words 'Yours faithfully'.

Nigel Woodhead
Licence Enforcement Officer

Cc: Mr D Jones, The Junction, Leeman Road, York



FIR 1.1

NORTH YORKSHIRE FIRE AND RESCUE SERVICE

STATEMENT OF WITNESS

POLICE AND CRIMINAL EVIDENCE ACT 1984

STATEMENT OF:.....Miss Hilary Hustwick..... AGE32..... (If over 21 enter 'over 21)

OCCUPATION ..Fire Safety Officer.....

ADDRESS ...North Yorkshire Fire & Rescue Clifford Street York YO1 9RD.....

This statement (consisting of .1.. page 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.

I Hilary Hustwick am employed as a Fire Safety Officer for North Yorkshire Fire & Rescue and stationed at York Fire Safety Department Clifford Street York.

On the 19th July 2008 at 23:05hrs I attended The Junction Public House on Leeman Road York, along with PC Mick Wilkinson Police Licensing Officer, Nigel Woodhead City of York Council, and Colin Hunter Fire Safety Manager North Yorkshire Fire & Rescue Service.

On arriving at the premises we informed the bar manager that myself and Colin Hunter would carry out an inspection of the means of escape. When inspecting the public bar area it was found that the fire exit door leading onto Carlisle Street was bolted locked. The occupancy at the time in this room was around 70 persons

After speaking with the licensee he informed me that they may have been locked by mistake by some of the band members who were playing live on stage. I informed him that all bolts should be removed from these door immediately so that this does not happen again.

SIGNED.....*Hilary Hustwick*..... 00860..... DATE 29th July 2008

NORTH YORKSHIRE POLICE
Central Area
Licensing Unit



JUNCTION REVIEW – LIST OF FLYERS

The below listed flyers, extracts of which are attached, have been obtained from the internet.

They all advertise live music events at the The Junction public house, Leeman Road, York and also advertise licensing breaches.

The Junction public house is licensed for recorded music during the following hours:-
Friday 0900hrs – 0000hrs.

Flyer No 1 – Facebook | Tinnitus vs Central Beatz

Advertises a “Drum and Bass” event on Friday 21st May 2008 until 0100hrs on Saturday 22nd May 2008.

There is a “set” by *Dirty Lee Roi* between “12-1”.

Flyer No 2 – Leeds Drum & Bass and

Flyer No 3 – Tinnitus ft Original Sin

Advertises a “Drum and Bass” event on Friday 20th June 2008.

There is a “set” by *Browsa* between “12-1”.

Flyer No 4 – Tinnitus vs Radio Frequency

Advertises a “resident free night” on Friday 25th July 2008.

There is a “set” by *ShOck* between “12-1”

Signed *ll O'Kien 982*

Date *31/07/08*

TINNITUS Vs CENTRAL BEATZ

Dirty dark industrail beatz

Search

Applications



more

edit

Information

Event Info

Host:

Type:

TINNITUS

Party - Club Party

Time and Place

Start Time:

End Time:

Location:

Street:

City/Town:

Friday, May 30, 2008 at 8:00pm

Saturday, May 31, 2008 at 1:00am

The Junction

Leeman Road

York, United Kingdom

[View Map](#)

DATE

VENUE

Hot Summer Look



Coloured lenses only £11.90. Change your look dramatically. Now makeup kit free of charge.

[More Ads](#) | [Advertise](#)

Contact Info

Phone:

Email:

07870490880

tinnitusyork@hotmail.co.uk

Description

TINNITUS Vs CENTRAL BEATZ

Friday 30th May 2008

The Junction Leeman Road, York.

TINNITUS Returns with your monthly dose of Drum and Bass.....

Continuing on with our theme of Vs events this year we step away from York and head a few miles down the A64 to the ever growing Leeds, To bring you CENTRAL BEATZ, The Leeds based club night and heavy weight sound system brings there residents to York.

We are Pleased to bring you LD50 and Dirty Lee roi, photographer and

TINNITUS

LD50

CENTRAL BEATZ

DIRTY LEE ROI

BROWNSOUNDZ

EL MUNDO

SHIFTAH

MIC'S ROBBIE E PYRO, SECOND NATURE

FRIDAY 30TH MAY 2008

THE JUNCTION

LEEMAN ROAD, YORK

8PM TILL LATE

£4 QTD, ID MAY BE REQUIRED 2.O.A.R

WWW.MYSPACE.COM/TINNITUSYORK

Share

Export

Your RSVP

☐ Attending

☐ Maybe Attending

☐ Not Attending

RSVP

Other Information

engineer of the diverse central beatz to represent the darker dirtier industrial style of drum and bass.

Brownsoundz will be warming up for our special guests.

El Mundo will be digging thru the crates to kick off the dnb.

Shiftah is kicking off the evening with his dubstep selection

Set Times:

- 11-12 LD50
- 12-1 Dirty Lee Roi
- 10-11 Brownsoundz
- 9-10 El Mundo
- 8-9 Shiftah

POSSIBLE BLENDED

Doors open 8pm - LATE!!!!

£4 O.T.D, over 18's ID may be required...

June Event – Original Sin, Brownsoundz, Browza, Elmundo, Khoo. Friday 20th June (one week early)

Photos

Displaying 2 photos



See All

Videos

No one has uploaded any videos.

Posted Items

Displaying 1 posted item



See All

- Guests are allowed to bring friends to this event.

Other Invites

Maybe Attending (43)

See All



Not Attending (82)

See All



Awaiting Reply (61)

See All



Event Type

This is an open event. Anyone can join and invite others to join.



TINNITUS Featuring ORIGINAL SIN

DATE →

Friday 20th June 2008

VENUE →

The Junction Leeman Road, York.

TINNITUS Returns with your monthly dose of Drum and Bass..... and it's that jump up sound.

Returning after his storming set as part of G-Dub last year, this time with a hemp of solo produced material which has seen recent release's on Ganja records and a forthcoming release on Properganda, TINNITUS are pleased to see Original

sin gace the decks this time round.

Browsa will be ending the night with his debut set at TINNITUS afetr impressive sets at cranky live and other events running in York.

Brownsoundz and el mundo will be digging thru the crates to kick off the dnb in the residents sets.

Khoo is also having hie debut at TINNITUS kicking off the evening's entertainment with..... well, expect anything, haha, funk, hip hop and who knows what.

Set Times:

11-12 ORIGINAL SIN

12-1 Brownsa

10-11 El Mundo

9-10 Brownsoundz

8-9 Khoo

POSSIBLE
BREATH

Doors open 8pm - 1am. so get down earlie

£5 O.T.D, over 18's ID may be required...

DONT STAY IN

dontstayin.com

Search...

Discussions

Inbox

Favourites

Watching

My comments

All chat

My groups

Options

This topic was posted in the **TINNITUS Ft ORIGINAL SIN** forum

Watch this topic

Add this topic to my favourites

Subject

TINNITUS Ft ORIGINAL SIN @ The Junction in York

Fri 20 Jun

Comments

Back to topics list

Subject

TINNITUS Ft Original Sin - Friday 20 June

Returning after his storming set as part of G-Digb last year, this is the first time he's been back in the UK since his recent release of solo produced material which has seen recent releases on Ganja records and a forthcoming release on Properganda, TINNITUS are pleased to see Original sin gace the decks this time round.

DTI

Chat rooms

General chat

56

Random comments

56

TINNITUS Ft Original Sin @ The Junction in York

TINNITUS Ft Original Sin - Friday 20 June

General chat

You're in a chat room

Log on or create a FREE account

http://www.dontstayin.com/uk/york/the-junction/chat/k-2679157

Page 50

POSTED FRI 10 JUN



Set Times:

- 11-12 ORIGINAL SIN
- 12-1 Browsa
- 10-11 El Mundo
- 9-10 Brownsoundz
- 8-9 Khoo



POSTIVE
BROWSA

Reply Quote
Posted Tue 17 Jun

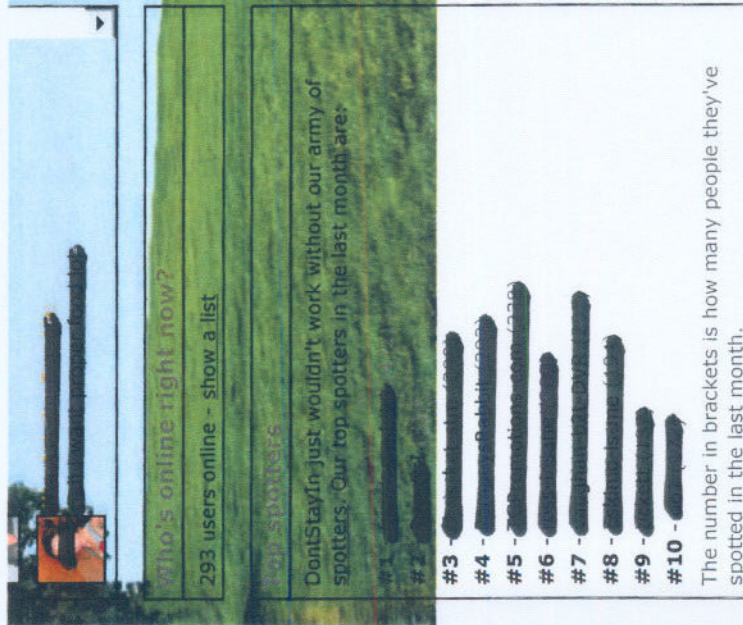


Reply Quote
Posted Thu 19 Jun



Reply Quote
Posted Fri 20 Jun

keover to bring some diversity into the



Who's online right now?

293 users online - show a list

Top spotters

DontStayIn just wouldn't work without our army of spotters. Our top spotters in the last month are:

#1 - [redacted]
#2 - [redacted]
#3 - [redacted]
#4 - [redacted]
#5 - [redacted]
#6 - [redacted]
#7 - [redacted]
#8 - [redacted]
#9 - [redacted]
#10 - [redacted]

The number in brackets is how many people they've spotted in the last month.



pleased to bring to York, for the first time, radio frequency dj's Essence Artifex and Blesid.

Anyone interested in catching these dj's week shows, or checking out the wonders of Leeds Radio frequency check out [www.leedsdrunradio.co.uk](#) for all info and direct live streaming.

coming up this friday!

Posted Thu 10 Jul

Reply Quote

Posted last Tue

This is a resident free night so expect some new faces behind the decks, tinnitus showcaseing some of the best talent coming outa Leeds right now!

Set Times

- 8-9 Blesid
- 9-10 Artifex
- 10-11 Essence
- 11-12 Steppa
- 12-1 ShOck

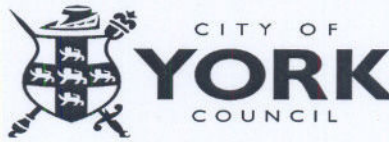
Door tax is £5, doors open at 8pm.

Also a quick heads up on next months second birthday bash, line up to feature Zen part of Twisted individuals Grid camp, with Sarah Tonin playing her debut at tinnitus, and the first female dj to grace the decks at tinnitus. So Keep an eye out for that!

See you tomorrow people!

POSSIBLE
JUNCTION

This page is intentionally left blank



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 008929

Postal address of premises:

**The Junction
Leeman Road**

Post town: **York**

Post code: **YO26 4XH**

Telephone number: 01904 639979

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Indoor Sporting Events
Live Music
Recorded Music
Performances of Dance
Activity like Music/Dance
Facility for making music
Facilities for dancing
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

FILMS
Indoors

Monday
09:00-23:00

Tuesday
09:00-23:00

Wednesday
09:00-23:00

Thursday
09:00-23:00

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
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INDOOR SPORTING EVENTS

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00	

RECORDED MUSIC
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00	

PERFORMANCES OF DANCE
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00	

ACTIVITY LIKE MUSIC/DANCE
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00	

FACILITY FOR MAKING MUSIC
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00	

FACILITIES FOR DANCING
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00	

Non Standard Timings for FILMS, INDOOR SPORTING EVENTS, RECORDED MUSIC, PERFORMANCES OF DANCE, ACTIVITY LIKE MUSIC/DANCE, FACILITY FOR MAKING MUSIC, and FACILITIES FOR DANCING:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-00:00

Bank Holiday Monday 09:00-23:00

Christmas Eve 09:00-00:00

Boxing Day 09:00-00:00

Christmas Day 12:00-15:00 and 19:00-21:30

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

LIVE MUSIC

Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-23:00	Saturday 09:00-23:00	Sunday 09:00-23:00	

Non Standard Timings for LIVE MUSIC:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-23:00

Bank Holiday Monday 09:00-23:00

Christmas Eve 09:00-23:00

Boxing Day 09:00-23:00

Christmas Day 12:00-15:00 and 19:00-22:30

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00-23:45	Tuesday 23:00-23:45	Wednesday 23:00-23:45	Thursday 23:00-23:45
Friday 23:00-00:45	Saturday 23:00-00:45	Sunday 23:00-23:45	

Non Standard Timings for LATE NIGHT REFRESHMENT:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-00:45

Bank Holiday Monday 09:00-23:45

Christmas Eve 09:00-00:45

Boxing Day 09:00-00:45

Christmas Day 12:00-15:00 and 19:00-22:15

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

SUPPLY OF ALCOHOL

Monday 10:00-23:30	Tuesday 10:00-23:30	Wednesday 10:00-23:30	Thursday 10:00-23:30
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Friday	Saturday	Sunday
10:00-00:30	10:00-00:30	10:00-23:30

Non Standard Timings of the SUPPLY OF ALCOHOL:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-00:30
 Bank Holiday Monday 09:00-23:30
 Christmas Eve 09:00-00:30
 Boxing Day 09:00-00:30
 Christmas Day 12:00-15:00 and 19:00-22:00

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

The Opening Hours of the Premises

Monday	Tuesday	Wednesday	Thursday
09:00-00:00	09:00-00:00	09:00-00:00	09:00-00:00
Friday	Saturday	Sunday	
09:00-01:00	09:00-01:00	09:00-00:00	

Non Standard Timings:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-01:00
 Bank Holiday Monday 09:00-00:00
 Christmas Eve 09:00-01:00
 Boxing Day 09:00-01:00
 Christmas Day 12:00-15:00 and 19:00-21:30

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Enterprise Inns Plc

Address: 3 Monkspath Hall Road
 Shirley
 Solihull
 B90 4SJ

Telephone number: 0121 733 7700

Email address: None

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Mr D Jones

Address: 9 Langholme Drive
York
YO26 6AH

Telephone number: None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC-011350

Annex 1 – Mandatory conditions

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.

MANDATORY CONDITION: EXHIBITION OF FILMS

(1) In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

For Regulated Entertainment consisting of Music and Dancing

a) The licence holder shall attach a copy of the City Council's Rules for the Management of Places of Public Entertainment to the valid licence. This document shall form part of the licence.

b) The licence holder shall ensure prompt compliance with any written report received from the City Council.

c) The licence holder shall ensure prompt compliance with any written report received from North Yorkshire Fire and Rescue Service.

d) The maximum occupancy of the licensed premises shall not exceed the following numbers at any time:

Lounge area - 150 persons

NB: No part of the premises other than the area(s) specified above shall be used for purposes permitted by this licence.

Licensing Objectives

Prevention of Crime & Disorder

1. CCTV will be operational on the premises.
2. When door staff are employed on the premises they shall be registered with the Security Industry Agency (SIA).

Public Safety

3. Function bookings will be limited to 150 persons in accordance with the Fire Officer's recommendation.
4. All fire alarms and emergency lighting shall be checked on a monthly basis.

Public Nuisance

5. The windows to the function room will remain closed after 23:00.
6. Notices should be positioned and highly visible, near car park exits to discourage horn blowing, playing of loud music, slamming of car doors, revving of engines and to be considerate towards local residents.

Protection of Children from Harm

7. The restrictions set out in the Licensing Act 2003 will apply.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Noise originating from within the premises shall be inaudible at the nearest noise sensitive premises.
2. All doors and windows shall be kept closed and any other means of ventilation used during any function or entertainment.
3. The entrance/exit doors from the function room leading to Carlisle Street shall be used as emergency fire exits only and alarmed appropriately.
4. Notices should be displayed and be highly visible at all exits, requesting that patrons leave quietly and to respect neighbours and their property.
5. That air conditioning be installed within 6 months of this licence coming into effect.
6. That when live amplified music is played on any Friday, Saturday and Sunday, certified door supervisors be employed.
7. All off-licence sales shall be made in sealed containers.
8. This licence does not apply to the outside drinking area as identified on the application.

For and on behalf of
The Director of Neighbourhood Services

Licensing & Regulatory Services
9 St Leonard's Place
York
YO1 7ET

Date: 11/08/2005
06/11/2006 (Transfer & DPS Variation)

Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Premises licence number:
CYC - 008929

Premises details

Postal address of premises: The Junction Leeman Road	
Post town: York	Post code: YO26 4XH
Telephone number: 01904 639979	

Where the licence is time limited the date

This licence has no expiry date

Licensable activities authorised by the licence:

Films
Indoor Sporting Events
Live Music
Recorded Music
Performances of Dance
Activity like Music/Dance
Facility for making music
Facilities for dancing
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

FILMS
Indoors

Monday
09:00-23:00

Tuesday
09:00-23:00

Wednesday
09:00-23:00

Thursday
09:00-23:00

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
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INDOOR SPORTING EVENTS

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
-----------------------	------------------------	--------------------------	-------------------------

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
-----------------------	-------------------------	-----------------------

RECORDED MUSIC
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
-----------------------	------------------------	--------------------------	-------------------------

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
-----------------------	-------------------------	-----------------------

PERFORMANCES OF DANCE
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
-----------------------	------------------------	--------------------------	-------------------------

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
-----------------------	-------------------------	-----------------------

ACTIVITY LIKE MUSIC/DANCE
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
-----------------------	------------------------	--------------------------	-------------------------

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
-----------------------	-------------------------	-----------------------

FACILITY FOR MAKING MUSIC
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
-----------------------	------------------------	--------------------------	-------------------------

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
-----------------------	-------------------------	-----------------------

FACILITIES FOR DANCING
Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
-----------------------	------------------------	--------------------------	-------------------------

Friday 09:00-00:00	Saturday 09:00-00:00	Sunday 09:00-23:00
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Non Standard Timings for FILMS, INDOOR SPORTING EVENTS, RECORDED MUSIC, PERFORMANCES OF DANCE, ACTIVITY LIKE MUSIC/DANCE, FACILITY FOR MAKING MUSIC, and FACILITIES FOR DANCING:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-00:00
 Bank Holiday Monday 09:00-23:00
 Christmas Eve 09:00-00:00
 Boxing Day 09:00-00:00
 Christmas Day 12:00-15:00 and 19:00-21:30

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

LIVE MUSIC

Indoors

Monday 09:00-23:00	Tuesday 09:00-23:00	Wednesday 09:00-23:00	Thursday 09:00-23:00
Friday 09:00-23:00	Saturday 09:00-23:00	Sunday 09:00-23:00	

Non Standard Timings for LIVE MUSIC:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-23:00
 Bank Holiday Monday 09:00-23:00
 Christmas Eve 09:00-23:00
 Boxing Day 09:00-23:00
 Christmas Day 12:00-15:00 and 19:00-22:30

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00-23:45	Tuesday 23:00-23:45	Wednesday 23:00-23:45	Thursday 23:00-23:45
Friday 23:00-00:45	Saturday 23:00-00:45	Sunday 23:00-23:45	

Non Standard Timings for LATE NIGHT REFRESHMENT:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-00:45
 Bank Holiday Monday 09:00-23:45
 Christmas Eve 09:00-00:45
 Boxing Day 09:00-00:45
 Christmas Day 12:00-15:00 and 19:00-22:15

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

SUPPLY OF ALCOHOL

Monday 10:00-23:30	Tuesday 10:00-23:30	Wednesday 10:00-23:30	Thursday 10:00-23:30
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Friday	Saturday	Sunday
10:00-00:30	10:00-00:30	10:00-23:30

Non Standard Timings for the SUPPLY OF ALCOHOL:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-00:30
 Bank Holiday Monday 09:00-23:30
 Christmas Eve 09:00-00:30
 Boxing Day 09:00-00:30
 Christmas Day 12:00-15:00 and 19:00-22:00

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

The Opening Hours of the Premises

Monday	Tuesday	Wednesday	Thursday
09:00-00:00	09:00-00:00	09:00-00:00	09:00-00:00
Friday	Saturday	Sunday	
09:00-01:00	09:00-01:00	09:00-00:00	

Non Standard Timings:

Bank Holiday weekends; Friday, Saturday and Sunday 09:00-01:00
 Bank Holiday Monday 09:00-00:00
 Christmas Eve 09:00-01:00
 Boxing Day 09:00-01:00
 Christmas Day 12:00-15:00 and 19:00-21:30

From end of permitted hours on New Year's Eve until the beginning of permitted hours on New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Name and (registered) address of holder of premises licence

Name: Enterprise Inns Plc

Address: 3 Monkspath Hall Road
 Shirley
 Solihull
 B90 4SJ

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr D Jones

State whether access to the premises by children is restricted or prohibited

In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

The restrictions set out in the Licensing Act 2003 will apply.

For and on behalf of
The Director of Neighbourhood Services

Licensing & Regulatory Services
9 St Leonard's Place
York
YO1 7ET

Date: 11/08/2005
06/11/2006 (Transfer & DPS Variation)

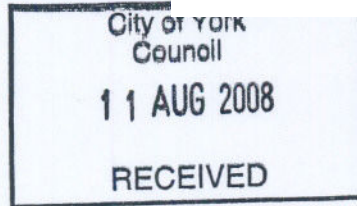
Phone: 01904 551521
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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ANNEX 4



Carleton Street
Leeman Road
York
YO26 4XN

07/08/2008

Lesley Cook
Senior Licensing Officer
City Of York Council
9 St. Leonard's Place
York
YO1 7ET

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE: 11/8/08	Le

120657

Dear Lesley Cook

RE: The Junction Pub

I am writing following the article published in The Press on 06/08/2008. I am a resident of the local area & my house faces onto Carleton Street & backs onto Carlisle Street & Since the current landlord took over we have experienced many problems caused by the pub & its patrons. On several occasions we ourselves have had to go out to its customers & ask for the noise to be reduced, that they move from the vicinity of our house or that they turn down their music. We have also called the police to many disturbances. Both my housemate & I work at the hospital & therefore both work shifts so we are often disturbed by noise & trouble from youngsters particularly when bands are on. Our house has been vandalised, cars vandalised, window boxes ripped up etc. Below is a list of problems:

- Young adults/teenagers gathering in the park on Carlisle street drinking alcohol, being noisy.
- Young Adults/teenagers gathering at the front & rear of our property at late hours, again drinking.
- Youngsters in their vehicles sat drinking & playing loud music in the Junction pub Car park or in front or behind our property.
- Youngsters fighting between themselves.
- No bouncers' on door to control excessive number of youngsters.
- Youngsters urinating against our rear gate & wall or the hedgerow opposite our house or against vehicles.
- Broken glass & cans litter the street most mornings after Bands. Also take away boxes & cigarette butts. Also thrown over our garden walls. The pub does usually clean the immediate area outside pub but this does not solve the problem of the rest of Carleton Street or Carlisle Street where it is littered especially the children's play area. We have complained to council about the state of the streets on a few occasions & this has eventually been sorted by the council.
- Often lots noise from either large amount of youngsters loitering in street or the bands themselves often played up until 1am.

- Increased traffic on the two streets & lack of parking for residents due to people parking for pub. Also the younger drivers tend to drive very fast & sometimes clip cars as they go past.
- There is a wide pavement area directly behind No 30 (my property) & 31 (my neighbours) & we often find the bands vans or camper vans parked here blocking access to our back garden & on occasion this has made us late for work where we could not get out of the rear of the property with bikes. We have had to go to the pub to find the owner to ask them to move.
- We have tried to ring the pub several times when things have been particularly bad but there is no answer.
- I have video evidence of the noise levels down the street. The picture is not clear as lighting is bad on Carlisle Street, but the noise level is clear.
- Youngsters often leave glasses or litter on our windowsills & have been seen on occasion using the sills to take drugs.
- Recent occasion of a woman kicking the pub door in, screaming & crying, the pub lights were still on & we assumed they were having a lock in as there appeared to be customers still in the pub despite doors being locked. We called the police on this occasion.
- We have been verbally abused when trying to exit Carlisle Street in our car as the youngsters often congregate in the road & are reluctant to move so if you use your horn or try to move forward we are met with abuse.
- Youngsters seen sitting on or leaning on cars.
- We spoke to a young man one night when the noise was really bad & he stated there were too many people in the pub and there was not enough room to fit everyone in hence there being so many in the street, he also stated there were no doormen. He said he fully understood why we were so annoyed & didn't know how we put up with it.
- Bands parking their campervans in front of our houses & sleeping in them.
- Washing stolen from our back yard.
- Illegal parking at the top of Carlisle Street & Carleton street. Several times have nearly hit cars parked directly outside pub from his patrons.
- My house mate has had several sexual comments when walking past pub in her TA uniform.

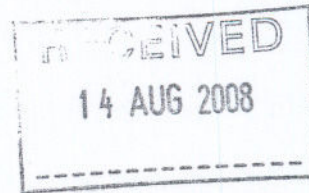
We feel as just two local residents we would consider moving if we could afford it. The stress and anxiety caused by some of the behaviour & noise levels at bedtime is appalling. We are so angered by the problems caused by the pub we refuse to go in it.

I'm sure the landlord could police his band nights far better than he is by employing good door staff who will stop the youngsters spilling all the way down the street & stop them drinking in the street. I'm sure also that his customer numbers are higher than his pub can actually support. The article in The Press also stated problems were not in the day time but noise levels often start when the bands arrive early in the afternoon to set up, often with band members sat in car park drinking or listening to loud music in vans or rehearsing in the pub with the fire doors open so it can be heard down the street. We feel that the licence for The Junction should be stricter & more specific to maximum numbers allowed, how many nights he is allowed loud music & this checked up on. Also he should be regularly audited for underage drinkers. What

the landlord describes as 'petty issues' are not for us & I feel anger that he views the antisocial behaviour as such, but I'm sure he only cares about his profit.
I am happy to provide the videos of noise levels & photographs of litter & broken glass to support our view. We look forward to hearing the outcome of the meeting.

Yours Sincerely

A redacted signature, appearing as a horizontal grey bar with black ends.



12.8.08

Carleton Street
Leeman Road
YORK
YO26 4XN

Re: The Junction, Leeman Road

I would like to comment on the pub with regard to the forthcoming assessment of the licence.

I have been a resident of Carleton Street for ten years, which is normally a quiet residential street. I feel that the Junction has been given an inappropriate licence for a residential area. It is not a suitable location for a 7-nights-a-week live music venue. The noise, both from the music and the customers is considerable, particularly in the summer, when it is impossible to have the window open and sleep. The music often continues long after a reasonable closing time (which I would consider 11pm) - the pub is evidently open until 12 or 1am. The type of entertainment offered attracts hordes of rowdy teenagers on some occasions and screaming and shouting in the street is an additional problem. I have also witnessed a significant litter problem and urinating in the street. I am aware that there has been car crime on several occasions as well.

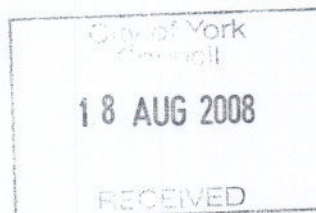
I would like to see the Council reconsider the terms of the licence with regard to what type of venue is appropriate to a quiet residential area.

Yours sincerely,

CITY OF YORK COUNCIL APPLICATION ACKNOWLEDGED	
DATE 15/8/08	LC

[REDACTED]
Martins Court
York
YO26 4WS

14 August 2008



Dear Sir/Madam,

I wish to make a representation in favour of the review application pertaining to The Junction public house on Leeman Road.

The premise licence number is: CYC-008929.

My wife and I moved into our flat about 19 months ago. We live approximately 150 yards from The Junction pub. Every night we are disturbed by rowdy behaviour from groups of people leaving the pub. At weekends this frequently continues into the early hours. The type of noise varies from shouting and singing to shouts of verbal abuse and foul language. Litter is a real nuisance too including broken glass on the footpath and grass verges. I know of two fights which have taken place outside our flat after closing time.

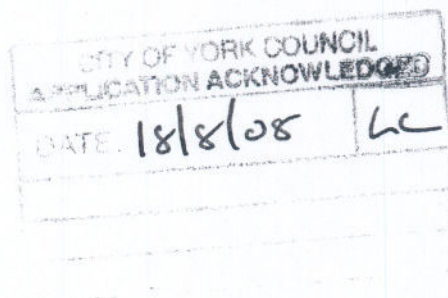
We have a small fenced off green area with trees, shrubs and seats at the front of our block, which appears to be a particularly attractive place for some groups to stand around, joking, and disposing of paper litter, glass bottles, cans etc. Also, the railings are great for dragging sticks and bottles along, to create more noise. We are frequently awoken by all this.

There are frequently large groups of young people congregating on the pavements and grounds around the pub, drinking and smoking etc, which is intimidating, and my wife won't walk past them to get to our local shop.

Generally, our quality of life is diminished by the behaviour of the people who frequent this establishment, bearing in mind that there is live "entertainment" advertised 7 nights per week. Personally, I would like to see it closed down.

Yours faithfully,

[REDACTED]
[REDACTED]



7 13.8.2008

RECEIVED

18 AUG 2008

CHARLETON ST
LEEMAN RD

Dear Sir or Madam

Yours

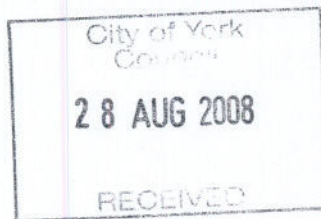
As regards the application for a further license for the Junction public house, as a resident at Charlton St I would like to say a few words, I have lived in the area for thirty five years and have never had a problem with the licensed premises over the previous years, but in the last few months things have grown, steadily worse, more playing loud music 1.30 am people congregating in crowds outside the pub and also in the car park, I have also seen young people smoking in groups in the

childrens car park out of my bedroom window, where cars and broken glass I have seen whilst taking my grandchildren into play, there are also glasses and cans left in the street apart from usual litter, associated with outdoor drinking. The noise from the bands and the people outside is excessive to say the least. Possibly things could improve with door staff, I don't know but I do hope things improve if a license is granted.

Yours faithfully

CITY OF YORK COUNCIL	
APPLICATION ACKNOWLEDGED	
DATE: 18/8/08	LC

5



Carleton Street
York
YO26 4XN

26 August 2008

Dear Ms Cooke

120709

Re: Junction, Leeman Road, York

I understand that the council have at last agreed to review the suitability of the above premises to hold a late / entertainment licence.

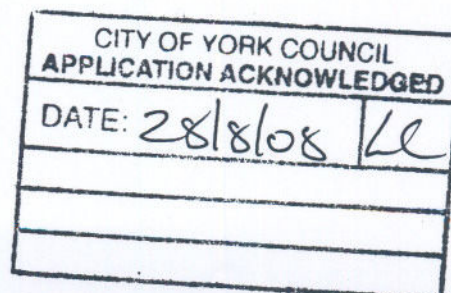
I did attend a meeting to object to the issuing of the late licence as I felt that the pub had not been managed responsibly under the previous opening hours. At this meeting I was advised by the landlord that the late licence would be helpful in reducing the disturbance at the end of each evening as it would enable him to keep all his customers in the pub whilst waiting for taxis etc to take them home. This has clearly not been the case. On many occasions there are crowds of teenagers hanging around in the street and on the children's play area from as early as 6pm until the early hours of the morning. During this time they throw rubbish around, smash bottles, shout and generally cause a nuisance.

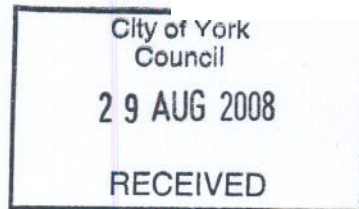
Since the extended licence has been granted I, and several of my neighbours, have had window boxes and planters smashed, graffiti sprayed on our gates. My caravan had abusive and threatening messages written on it, which the police investigated. On several occasions I have arrived home to find my planters being used as urinals. Cars are regularly damaged and recently a young couple had their car tipped over in the car park.

On evenings when there are gigs on at the Junction I spend the evening worrying about what damage will be caused and listening to their music along with the shouting and screaming etc from their customers. The following morning having not been able to get enough sleep I get up to find the street looking like a tip, covered in rubbish, glasses, cans, bottles and take away cartons which have been discarded. Not to mention the fact the both corners of the street regularly look like the contents of an ashtray. It makes living in Carleton Street a very unpleasant experience.

I sincerely hope that you will give consideration to the quality of life of the residents of Carleton Street and the suitability of a venue of this kind in a residential area when making your decision.

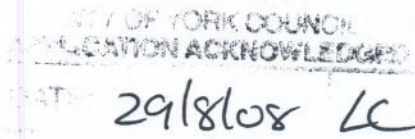
Yours sincerely





Carleton Street
York
YO26 4XN

FAO Licensing Officer
Licensing Section
City of York Council
9 St. Leonard's Place
York
YO1 7ET



120311
Thursday 28th August, 2008

Dear Sir/Madam

I am writing in response to the article featured in the York Evening Press, dated 06/08/08 in relation to the Junction Pub. I understand that the council are inviting comments until September 1st.

I am a resident of Carleton Street and have lived here for over two years. There have previously been very few incidents of anti-social behaviour that I have been aware of. However in recent months I have become increasingly concerned with what appears to be an escalating problem with the behaviour of some of the patrons who are attending the regular music events.

I recently contacted the Police to report that my wing mirror had been broken. My car was parked next to the children's play area near the pub on Friday 25th July. I know that it was a young male responsible for the damage. I know that he was attending an event at the pub because I witnessed him 'striking' my car as it was parked in full view of my bedroom window which faces the play area. In the last 3-4 months there have been two further incidents where my car has been damaged (car and passenger door was 'keyed' which cost me £150 excess on my insurance. My car bonnet was also written on with a black marker pen). I did not report these incidents at the time to the Police because I was uncertain where the damage had occurred. My car was parked by the play area on both the occasions where I was initially made aware of what had happened.

My overall general concerns about the pub are listed below;

- There appears to be no supervision **outside** the pub to control numbers that can quite often be in excess of up to 50-60 people at one time. This has quite often resulted in large groups of youths sitting outside peoples houses in Carleton Street
- After the pub has closed there are a number of youths hanging around in the car park and the surrounding area. They are normally extremely noisy and on

numerous instances I have been woken up by loud music being played in cars in the pub's car park. There again appears to be no action taken by the pub to move them away from the area

- There is quite often a great deal of 'mess' left on the mornings after, especially broken glass and empty beer cans being left in the children's play area. I have also witnessed individuals drinking out of pint glasses next to the play area
- The age of some of the people who are in the vicinity of the pub at the events is also questionable

I am a Crown Prosecution Service employee and I also work on behalf of North Yorkshire Police. I am very much aware of the names of some of the individuals who frequent the pub when these events are on. In large groups that are being attracted to the events I find it highly worrying that these types of people could be left unsupervised in a residential area with such easy access to alcohol. I have spoken to numerous other residents in the street and the surrounding area and they also have expressed the same concerns. I understand that it is a small minority who have caused problems; the vast majority are respectful and well behaved. The pub is an excellent venue for 'upcoming' bands and it would be a shame for that to stop, especially with the lack of activities/events for young people being so prevalent in the news. If the pub could make more of a visible effort to supervise its customers and show more respect to the local residents then this is all I could ask.

My last point however, concerns what I believe to be a moronic and arrogant attitude shown by the landlord, Mr Jones as per his comments in the article, showing what I have interpreted as him having little empathy for the local residents. These comments have done little to appease the situation. We quite often have to tolerate being unable to park our cars on a night as the street parking can be taken up by people attending events at his pub. This means that we run the risk of being given a parking ticket the following morning if our cars are not moved by 8am, this has almost happened to me on two separate occasions. Mr Jones states that he knows of no problems with the residents. My response is that I know of at least two residents who have previously openly voiced their concerns to the pub which has resulted in the pub 'barring' them because they have complained. It is highly likely that Mr Jones was not the Landlord at the time which I do take into account. With reference to the comment by him which states 'There have been petty issues with anti-social behaviour but that is synonymous with any lively pub'. My response to this is quite simple, I am sure that if Mr Jones had to pay out £80 to get his car repaired or other 'petty' damage to his property, for example if his car was parked outside somebody else's pub then he would no doubt have a different stance. I do not understand as a hard working tax payer why I have to tolerate any form of anti-social behaviour irrespective if I live near a 'lively' pub or not.

I look forward to your response

Yours Sincerely

7



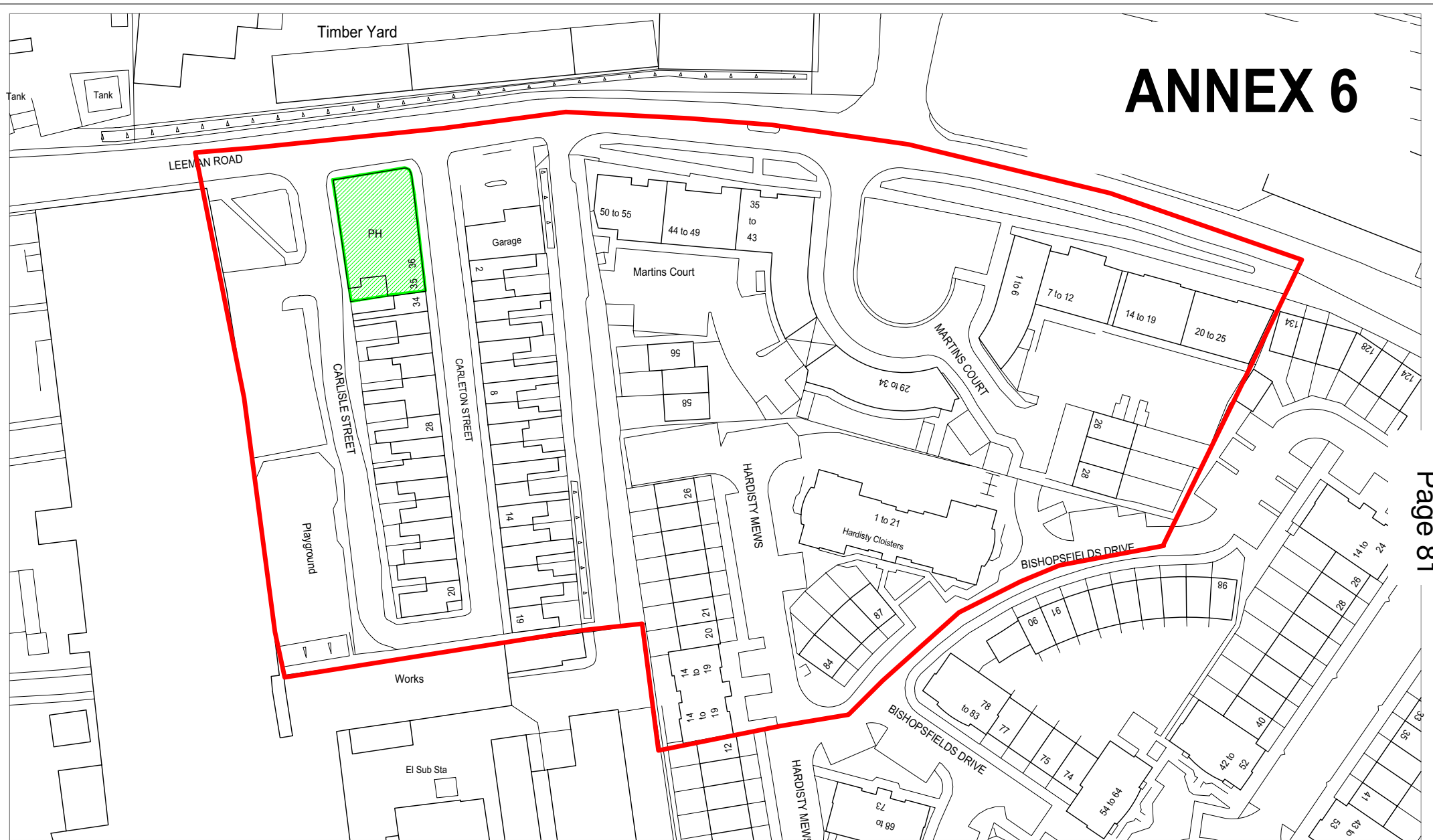
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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CITY OF
YORK
COUNCIL

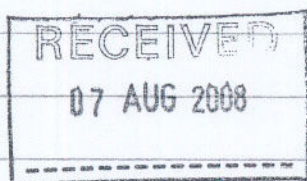
9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

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Project

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City of York Council LA 1000 20818

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RESIDENTS OF CARLETON
STREET,
LEEMAN RD.
YORK
RE JUNCTION PUB.

Dear Sir/Madam,

Having lived in Carleton St. for 28 years we feel we would like our views heard regarding the review of the Junctions Licence. We did come into the Council offices to voice our complaints but were told to put them in writing so we have listed below what we feel to be key points:-

People come out of side door to smoke and shout and scream at each other and into mobile phones.

Then wander down the street to urinate on peoples doors, in front of houses or on parked cars.

Drug deal outside peoples house selling as we heard at the weekend

"Crystal + Baggies?" and joking about putting car windows in!

Taking drugs in street on some occasions off peoples window sills.

Parking in street leaving cans and bottles lying around when leaving and returning to cars.

Shouting and screaming up and down street and giving verbal abuse when asked not to do so.

Residents wing mirrors bent back
and Aerials stolen off cars.

Reversing and driving at speed
in and out of street at all hours.

Music loud and late

Childrens park full of glass and
unsafe to use.

We feel unable to go to bed until
the pub closes because of noise
and fear of damage to property
and cars.

We do Realize that the Junction
is a business and has a living to
make but find it hard to justify
it should do so at the expense of
our right to live in peace in our
own home.

A Concerned Resident

Carleton Street.

P.S

We do not wish to leave our name
and address we have been threatened
before when we approached the former
Bar staff about intimidation.

Ext: 2520.....01904 552520
E-mail: nigel.woodhead@york.gov.uk
Ask for: Nigel Woodhead
Our Ref: NPW/041207/CYC008929

ORIGINAL IN

REVIEW FILE

29/7/08.

4 December 2007

Enterprise Inns Plc
3 Monkspath Hall Road
Shirley
Solihull
B90 4SJ

Dear Sir / Madam

Licensing Act 2003

Premise Licence

The Junction, Leeman Road, York

On the evening of Friday 30 November 2007, officers from the City of York Council, North Yorkshire Police and North Yorkshire Fire and Rescue Service visited the above premises to undertake a during work performance inspection.

Mr David Jones is the Designated Premises Supervisor for this premise and was present during the inspection.

During the visit it was ascertained that 'live' music was being played in the function room where approximately 25 persons were present. It was noted that the event organiser was checking numbers and identification.

Condition 6 in Annex 3 of the premise licence states:

- That when live amplified music is played on any Friday, Saturday and Sunday, certified door supervisors be employed.

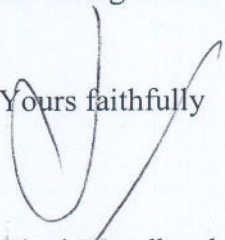
There were no door supervisors present during this visit which is therefore in breach of the premise licence. This could result in a prosecution, the maximum penalty of which is currently a fine of £20,000 and/or six months imprisonment.

On this occasion I do not intend to take any further action regarding this matter other than to warn you that any further breaches of your licence conditions could result in prosecution. It is the

responsibility of the Premise Licence Holder and Designated Premise Supervisor to ensure that all conditions attached to a Premise Licence are adhered too.

Should you wish to discuss this matter any further then please do not hesitate to contact the Licensing Office on 01904 552512.

Yours faithfully



Nigel Woodhead
Licence Enforcement Officer

Cc: Mr D Jones, The Junction, Leeman Road, York

Extn: 2512
Ask for: Lesley Cooke
Our ref: LJC/CYC008929
e-mail: licensing.unit@york.gov.uk

5 February 2008

Enterprise Inns Plc
3 Monkspath Hall Road
Shirley
Solihull
B90 4SJ

Dear Sir or Madam

Licensing Act 2003

Premise Licence

The Junction, Leeman Road, York

It has being brought to my attention by a Ward Councillor for City of York Council that they have received a noise and litter complaint about the above premise.

It is alleged that the emergency exit doors from the function room are been held open making music audible in locate residents homes and noise and litter from smokers outside on the public highway.

As you are aware the following conditions are attached to the premise licence:

1. Noise originating from the premises shall be inaudible at the nearest noise sensitive premise.
2. All doors and windows shall be kept closed and other means of ventilation used during any function or entertainment.
3. The entrance/exit doors from the function room leading to Carlisle Street shall be used as emergency fire exits only and alarmed appropriately.

It is an offence under the above legislation to breach any of the conditions attached to your premise licence. Any breaches of the conditions may result in prosecution, the maximum penalty of which is currently a fine of £20,000 and/or six months imprisonment.

You should be aware that the complainant, as a local resident, and the City of York Council Environmental Protection Units, as a responsible authority who deals with noise nuisance, could at any time request that the Licensing Authority reviews your premise licence.

Measures must be put in place without delay to prevent any further noise nuisance. Measures should also be put in place to prevent your customers from littering the area.

If you wish to discuss this matter further please contact the Licensing Unit on York (01904) 552512.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Lesley Cooke', written over the closing 'Yours faithfully'.

Lesley Cooke
Senior Licensing Officer

Cc: Mr D Jones, The Junction, Leeman Road, York, YO26 4XH
Environmental Protection Unit, City of York Council

Ext: 2520.....01904 552520
E-mail: nigel.woodhead@york.gov.uk
Ask for: Nigel Woodhead
Our Ref: NPW/240708/CYC008929

David Jones,
The Junction,
Leeman Road,
YORK.
YO26 4XH

Dear Mr Jones

Licensing Act 2003
Fire Precautions (Workplace) Regulations 1997
The Junction, Leeman Road, York.

On the evening of Saturday 19th July 2008, officers from City of York Council Licensing Section, North Yorkshire Police and North Yorkshire Fire and Rescue Service visited the above premises to undertake a during performance inspection.

You are the Designated Premise Supervisor for this premise, you were not present during the inspection and officers spoke with Mr Andy Quinn.

The following matters were identified as requiring attention for which you were contacted at the time and attended the premise

Licensing

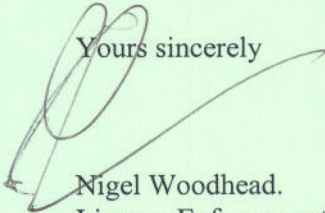
1. Live music was still being played on arrival of the officers at 2305hrs, Licence condition states that all live music shall cease at 2300hrs.
2. Front door was wedged open. Licence condition states that all doors and windows shall be kept closed and any other means of ventilation used during any function or entertainment.
3. No door staff were present. Licence condition states that that when live music is played on any Friday, Saturday and Sunday, certified door supervisors be employed.
4. On both arrival and departure of officers, patrons were seen to be drinking out of bottles and pint glasses outside the premise. Licence condition states that the licence does not apply to the outside drinking area as identified on the application.

Fire Safety

1. Emergency exit locked with two bolts. Bolts should be removed from this door to prevent any further locking of this door.

I trust these matters will be attended to. If you wish to discuss any of these points or any matters relating to your licence please contact this office on York (01904) 552512.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Nigel Woodhead', written over the closing 'Yours sincerely'.

Nigel Woodhead.
Licence Enforcement Officer.
City of York Council.

Direct Line: 01904 551572
e-mail : debbie.metcalf@york.gov.uk
Ask For: Debbie Metcalfe
Our Ref: DMM\Leeman Road\119012

29/03/2007

Dear Mr Jones

Alleged noise nuisance from The Junction PH , Leeman Road, York, YO26 4XH
Environmental Protection Act 1990

Following our meeting today, I write to inform you that the Environmental Protection Unit is currently in receipt of complaints regarding noise emanating from your premises, which allegedly causes a nuisance to neighbouring residents. The noise is alleged to be that of loud music from live entertainment at your premises.

Legislation

As discussed in our meeting, the Environmental Protection Unit has a duty to investigate all allegations of noise nuisance. Should we continue to receive complaints a formal noise investigation will be carried out and this will involve the use of noise monitoring equipment and surveillance by officers over the next four months (from the date of this letter). Should further monitoring be required after this period, you will be notified.

Should the noise continue to constitute a statutory noise nuisance under the Environmental Protection Act 1990, a Noise Abatement Notice may be served. Failure to comply with the terms of the legal notice could result in prosecution in the Magistrates' Court and a fine of up to £20,000.

I would also remind you of the following conditions of annex 3, of your premises license:

1. Noise originating from within the premises shall be inaudible at the nearest noise sensitive premises.
2. All doors and windows shall be kept closed and any other means of ventilation used during any function or entertainment.
3. The entrance/exit doors from the function room leading to Carlisle Street shall be used as emergency fire exits only and alarmed appropriately.
4. Notices should be displayed and be highly visible at all exits, requesting that patrons leave quietly and to respect neighbours and their property.
5. That air conditioning be installed within 6 months of this licence coming into effect.

Cont/.....

The Junction Public House
Leeman Road
York
YO26 4XH

6. That when live amplified music is played on any Friday, Saturday and Sunday, certified door supervisors be employed.

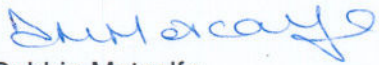
Should an officer witness a breach of any of these conditions, we may recommend a review of your current license.

Recommendations

I am keen to ensure that further action does not become necessary and would advise you to take immediate action upon receipt of this letter to ensure that a noise nuisance, is not caused to neighbouring residents in the future.

Should you wish to discuss this matter further, please feel free to contact me on 01904 551572 or call in at the above address.

Yours sincerely



Debbie Metcalfe
Environment Protection Officer

→ CC Nigel Woodhead, Licensing Enforcement Officer, City of York Council.