

MEETING	LICENSING HEARING
DATE	26 SEPTEMBER 2011
PRESENT	COUNCILLORS GILLIES, JEFFRIES AND TAYLOR

16. CHAIR

RESOLVED: That Councillor Gillies be elected as Chair of the meeting.

17. INTRODUCTIONS

18. DECLARATIONS OF INTEREST

At this point, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

19. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 30 August 2011 be approved and signed by the Chair as a correct record.

20. THE DETERMINATION OF AN APPLICATION BY PC 952 MICK WILKINSON FOR THE REVIEW OF PREMISES LICENCE SECTION 52(2) IN RESPECT OF THE LITTLE JOHN, CASTLEGATE, YORK YO1 9RN). (CYC-009023)

Members considered an application by PC 952 Mick Wilkinson for the Review of a Premises Licence in respect of The Little John, Castlegate, York YO1 9RN.

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised through the licensing objectives.

The following were taken into account:

1. The application form, in particular the existing licence conditions.
2. The Licensing Officer's report and her comments made at the Hearing, including the fact that the review relates to the premises licence holder and designated premise supervisor, Mr Ransome, having been convicted of the possession of a controlled drug on the premises. Furthermore it relates to a Harassment Warning issued to Mr Ransome together with alleged breaches of the premise licence conditions. The update to her report in relation to the analysis of Options 4 and 5 (page 21) confirmed that these decisions could also be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors/interested parties.
3. The representations by the Review Applicant and his witnesses at the hearing, including the fact that the premises licence had already been reviewed and the licence modified, that Mr Ransome had twice been arrested under the Misuse of Drugs Act 1971 and subsequently charged with possession of a controlled drug and that North Yorkshire Police had also issued a Harassment Warning to Mr Ransome in respect of a complaint by a neighbour, Ms Robinson. Additional evidence in the form of CCTV recordings were also shown at the hearing relating to an incident involving a member of staff throwing a bottle in Castlegate and a customer smoking in the alley adjacent to the premises shared with Jack's Cafe (DVD discs JR1 and JR2).
4. The representations made by Mr Ransome, holder of the premises licence, including that the drugs found on the premises had been for purely personal use during a period of depression and that they were found in the residential area of the premises. That he felt victimised following a number of false allegations and homophobic comments

and having had no previous problems at the premises. He went on to refer to the employment and good conduct of his door staff and marshals and detailed his membership policy. He also confirmed that he had been under the impression that smoking was allowed in the adjacent alley although a designated smoking area had been provided at the rear of the premises. He also stated that the member of staff involved in the bottle throwing incident was no longer in his employment and that the incident had arisen when a customer had produced false ID and had subsequently not given up his drink on request.

5. The representations made by Mr McCloy, an employee and friend of Mr Ransome. He made comments in support of the premises, its customers and the community they formed. He confirmed that customers were able to visit the premises without fear of persecution and that they had the support of the LGBT community. He stated that he had never seen any drugs on the premises and that the Little John had a strict policy relating to drugs and their use and possession.
6. The representations made by the City of York Council's Principal Environmental Officer who advised that since receipt of the licence review the Council had received no noise complaints in relation to the premises.

Members were presented with the following options:

- Option 1. Modify the conditions of the licence (i.e. to alter, omit or add any new condition).
- Option 2. Exclude a licensable activity from the scope of the licence.
- Option 3. Remove the designated premises supervisor.
- Option 4. Suspend the licence for a period not exceeding 3 months.
- Option 5. Revoke the licence.

Members decided to revoke the licence in order to uphold the licensing objective of the prevention of crime and disorder under the Licensing Act 2003 (Option 5).

RESOLVED: That in line with Option 5 the licence be revoked.

REASON: To address the representations made.

Chair

[The meeting started at 10.00 am and finished at 11.45 am].