

 <p>CITY OF <b>YORK</b> COUNCIL</p>	
<p><b>Meeting of Licensing Act 2003 Sub-Committee</b></p>	<p>26 September 2011</p>
<p>Report from the Assistant Director – Communities &amp; Neighbourhoods</p>	

**Section 52(2) Review of Premise Licence for Little John,  
5 Castlegate, York, YO1 9RN**

**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 Little John, 5 Castlegate, York, YO1 9RN.
2. Name of applicant: PC 952 Mick Wilkinson, Police Licensing Officer, North Yorkshire Police.
3. Summary of Review: The application to review relates to the following licensing objective;  
The prevention of crime and disorder.
4. A copy of the review is attached at Annex 1 and is summarised as follows: On 8 April 2011 the police executed a search warrant under the Misuse of Drugs Act 1971 at the Little John. Subsequently the premise licence holder and designated premise supervisor, Christopher Ransome, was arrested on suspicion of possessing a controlled drug with intent to supply. On 16 July 2011 Mr Ransome accepted an Simple Caution for possessing a Category A controlled drug, namely cocaine. On 29 July 2011 the police executed a second warrant at the venue. Mr Ransome was subsequently arrested and bailed to appear at York City Magistrates Court on 17 August 2011 charged with possessing a controlled drug, namely cocaine. Mr Ransome has since been convicted of the offence and received a fine.
5. North Yorkshire Police have also provided evidence that Mr Ransome is currently the subject of an Harassment Warning

which was served on him in May 2011. The complainant in this case is Janette Robinson of Jacks Cafe, 3A Castlegate, York. This property adjoins the Little John. Furthermore Ms Robinson alleges that there have been breaches of the Little John premises licence conditions and has provided DVD evidence to the police (DVD discs JR1 and JR2 refer). Ms Robinson's statement to the police and DVD evidence form part of North Yorkshire Police application to review the premises licence.

6. Subsequently North Yorkshire Police are of the opinion the licensing objective namely 'the prevention of crime and disorder' has been undermined.
7. A copy of the premises licence is attached at Annex 2. The premise licence authorises the following licensable activities:

<b>Licensable Activity</b>	<b>Current Days &amp; Hours</b>
Indoor Sporting Events	Monday – Saturday 10:00 – 02:30 Sunday 10:00 – 23:30
Live Music & Recorded Music	Monday – Saturday 10:00 – 02:00 Sunday 10:00 – 23:00
Late Night Refreshment	Monday – Saturday 23:00 – 02:30 Sunday 23:00 – 23:30
Supply of alcohol	Monday – Saturday 10:00 – 02:00 Sunday 10:00 – 23:00
Non Standard Timings	From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

## **Background**

8. The existing premises licence was granted on 9 September 2005. On 21 March 2007 the licence was transferred to Mr Ransome, who simultaneously became the designated premises supervisor for the premises. The licence was reviewed at a hearing of the licensing sub-committee on 13 December 2010 on the grounds of prevention of crime and disorder and the prevention of public nuisance. The review applicant was Janette Robinson. As a result of the review the licence was modified and additional conditions added. Mr Ransome appealed this decision but the appeal was dismissed

at York City Magistrates Court on 19 May 2011 and the modified licence was issued. A table of the history of events at the Little John referred to in this report is attached at Annex 3.

9. A map showing the Little John and Jacks Cafe in Castlegate is attached at Annex 4.

## **Consultation**

10. Consultation was carried out by the Applicant and the 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 concerns 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.
11. As a result of the consultation one representation was received from Gosschalks Solicitors on behalf of Enterprise Inns PLC, being an interested party. Enterprise Inns PLC is the freehold owner of the Little John and as such has registered its interest in the premises with the Licensing Authority in accordance with S178 Licensing Act 2003. A copy of the representation is attached at Annex 5.
12. No further representations were received from other responsible authorities.
13. 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.

## **Other Relevant Information**

14. There are no planning implications in relation to this application.

## **Options**

15. By virtue of S52(4) of the Act, the Committee have the following options available to them in making their decision:
16. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
17. Option 2: To exclude a licensable activity from the scope of the licence.
18. Option 3: To remove the Designated Premises Supervisor.
19. Option 4: To suspend the licence for a period not exceeding three months.
20. Option 5: To revoke the licence.
21. Members are also reminded of the option to issue a 'yellow card', ie a warning as to future conduct which may accompany options 1 to 4.

## **Analysis**

22. The following could be the result of any decision made by 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.

### **Council 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 protect vulnerable people and create jobs and grow the economy.

### **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 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 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

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Lesley Cooke Licensing Manager Ext 1515	Steve Waddington Assistant Director Housing & Public Protection Ext 4016		
	<b>Report Approved</b>	√	<b>Date</b> 14/09/11

**Wards Affected:** Guildhall

### Annexes

- Annex 1** - Copy of review application
- Annex 2** - Copy of premises licence
- Annex 3** - Tabled history of events in relation to the premises licence
- Annex 4** - Map showing location of Little John and Jacks Cafe
- Annex 5** - Representation received from Enterprise Inns Plc
- Annex 6** - Legislation and Policy Considerations