



LICENSING & APPEALS SUB-COMMITTEE

(Members are asked to join the meeting by 9.45am)

Thursday, 15 April 2021 at 10.00am

Please note that due to Covid-19, this meeting will be held remotely and will be livestreamed here:

<https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRiLmjUwg>

AGENDA

Sub-Committee Membership: Councillors Moorby, Myers and Solloway.

1. **Apologies for absence.**
2. **Appointment of Chairman for the Hearing.**
3. **Declarations of Interest** – Members are invited to declare any interests (including the nature of those interests) they have in the item appearing on this agenda.

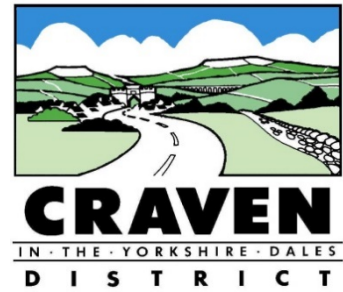
(Note: If any of the Sub-Committee's Members believe they may have an interest they are asked to inform the agenda contact officer before the date of the Hearing as the attendance of a replacement Member may need to be arranged.)

4. **Application for a Review of the Premises License (The Masons Arms)** – To consider an application for the review of the Premise Licence under section 51 of the Licensing Act 2003 made by North Yorkshire Police, for the premise known as The Mason Arms, Gargrave and to make a determination under section 52 of the Licensing Act 2003 based on the licensing objectives taking into account all relevant representations.

Agenda Contact Officer:

Hannah Scales, Democratic Services and Scrutiny Officer

Email: hsc@cravenc.gov.uk



Licensing Act 2003

Application for a Review of the Premises Licence, The Mason Arms, Gargrave, BD23 3NL

Ward(s) affected: Gargrave

Report of Tim Chadwick, Licensing Manager

1. Purpose of Report– To consider an application for the review of the Premise Licence under section 51 of the Licensing Act 2003 made by North Yorkshire Police, for the premise known as The Mason Arms, Gargrave and to make a determination under section 52 of the Licensing Act 2003 based on the licensing objectives (set out in paragraph 2 below) taking into account all relevant representations.

2. Recommendation

Members are requested to determine the enclosed application with a view to promoting the licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

The steps are—

- a. Revoke the licence
- b. Suspend the licence for up to 3 months
- c. Impose additional conditions with a view of promoting the licensing objectives;
 - i. subject to conditions consistent with the operating schedule and as modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - ii. any condition which must under section 19, 20 or 21 (mandatory conditions) be included in the licence;
- d. to exclude from the scope of the licence any of the licensable activities to which the application relates;
- e. Remove the Designated Premise Supervisor
- f. Take no action

3. Background

The Mason Arms ('the Premise'), has the benefit of a premise licence – PL0140. This Licence is currently held by Mr John Baker, Mr Baker is also the named Designated Premise Supervisor (DPS).

The premise first came to the attention of the Licensing department in March 2020. Following receipt of an anonymous complaint. The Licensing Manager did speak to Mr Baker and provided further written correspondence regarding national guidance in place at the time. However, on that occasion, the Licensing Manager was satisfied based on the discussion, and concluded that there were no breaches of the new emergency legislation (Health Protection (Coronavirus) (England) Regulations). Mr Baker explained some key workers were staying at the property and they were serving take away meals, to customers. These were served from the rear of the property where the car park is located. Due to the fact the complaint was anonymous no further clarification could be sought from the complainant.

Following the incident on the 4th November 2020, it was agreed that the Local Authority and North Yorkshire Police would work with Mr Baker to rectify the issues rather than instigate a review of the premise licence. As a result, of the stepped approach the premise was put on to a premise improvement plan (PIP). As part of this, it was agreed a minor variation would be made to the licence, so as to add further conditions to the licence, and in addition steps would be taken to appoint a new DPS. This variation was submitted on the 9th December 2020 and GRANTED on the 24th December 2020. A copy of the Premise Licence following the GRANT of the variation can be seen at Appendix A.

As part of the application to review, North Yorkshire Police have supplied video footage. This has been shown to the Licence Holder and representatives, and will be shown to the sub-committee prior to the hearing.

4. Application

The application for review which was submitted by North Yorkshire Police may be seen at Appendix B and was made on the basis of the prevention of crime and disorder and promoting public safety licensing objectives.

In support of the review application, North Yorkshire Police have supplied a number of additional supporting videos, some of which will be made available for all parties to the hearing to view at a briefing session prior to the commencement of the hearing.

5. Consultation

The consultation period ran for the period 19th February 2021 until 18th March 2021.

The application has been served on all the responsible authorities as follows:

- North Yorkshire Police
- North Yorkshire Fire & Rescue
- Public Health
- Environmental Health Services
- Environmental Health Safety at Work
- Planning Department
- North Yorkshire County Council Children & Young Persons
- Licensing Authority
- Trading Standards.

As required under the Licensing Act 2003, the application was advertised with a blue notice at the property. The application was also published on the Licensing pages of the Council's website. Consultation responses have been received from;

- Environmental Health (see Appendix C).
- Gosschalks acting on behalf of Ei Group (see Appendix D)
- Representation Jon Dovener (see Appendix E)

6 Steps to Promote the Licensing Objectives

The Sub Committee is required to consider and determine the review in such a way that promotes the statutory licensing objectives.

7 S182 Home Office Guidance

The following paragraphs from the Home Office Guidance issued under Section 182 of the Licensing Act 2003 are of particular relevance to this application:

Crime and Disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

Powers of a licensing authority on the determination of a review

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track

record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Members are invited to consider all relevant parts of the s182 Guidance and particularly note the references made above. Copies of the Guidance will be available to Members at the meeting.

8 Reasons for Recommendation

Members of the Licensing and Appeals Sub Committee are responsible for determining such applications.

Before making a decision, members are asked to consider the following matters:

- The representations made by interested parties and responsible authorities;
- The submissions made by, or on behalf of, the licence holder;
- The relevant licensing objectives, namely Promotion of Public Safety and Prevention of Public Nuisance (but not to the total exclusion of others)
- The Licensing Act 2003, Regulations, s182 Guidance and the Council's Statement of Licensing Policy (August 2016).
- Right of all parties to a fair hearing
- The Human Rights Act 1998.

9 Implications

10.1 Financial and Value for Money Implications - None

10.2 Legal Implications: A right of appeal lies to the Magistrates Court within a period of 21 days from when the written decision is issued.

10.3 Policy Implications - Craven District Council's Licensing Policy

The following paragraphs from Craven District Council's Statement of Licensing Policy agreed by Full Council on 2nd August 2016 are relevant to the application:

The Policy Statement is designed to deal with matters within the control of the Licensee and is centred on the premises at which the business is carried on and the effect that the operating of that business has on the vicinity.

Crime Prevention Strategies

Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Council the practical steps that will be taken to further this objective.

The following list is not intended to be exhaustive but sets out normal considerations to be taken into account by the Council.

Under the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all they can to prevent crime and disorder in their area. The Council will have particular regard to the likely impact of licensing on

related crime and disorder in the Craven district, particularly when considering the location and impact of the operation and management of all proposed licence applications, renewals and variations of conditions.

For further information reference should be made to the Home Office document tackling alcohol-related crime disorder and nuisance – 'action plan and alcohol- related crime tool-kit'. For further guidance and assistance on developing crime prevention strategies contact should be through the Community Safety Officer at Skipton Police Station.

- 11. Consultations with Others** – With Responsible Authorities and Interested Parties
- 12. Access to Information:** Licensing Act 2003, Guidance issued under section 182 of the Licensing Act 2003 and Craven District Council Licensing Policy 2nd August 2016
- 13. Author of the Report**– Tim Chadwick, Licensing Manager, telephone 01756 700600, email: tchadwick@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Appendix A - Premise Licence

Appendix B – Premise Licence Review Application

Appendix C – Environmental Health Representation

Appendix D - Gosschalks Representation

Appendix E - Jon Dovener Representation

LICENSING ACT 2003

PREMISES LICENCE

PL0140

LICENSING AUTHORITY

PART A



1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

Part 1 – Premises Details

Masons Arms

Marton Road
Gargrave
Skipton
BD23 3NL

Telephone Number:

01756

Where the Licence is time limited the dates:

Not applicable

Licensable Activities authorised by the licence:

Indoor Sporting Events
Live Music
Late Night Refreshment
Recorded Music
Retail Sale of Alcohol

The times the licence authorises the carrying out of licensable activities:**Indoor Sporting Events**

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Live Music (Indoors)

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Late Night Refreshment

Monday to Sunday 23:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Recorded Music (Indoors)

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Retail Sale of Alcohol (Both)

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

The opening hours of the premises:

Monday to Sunday 10:00 to 00:30 hrs

New Year's Eve to 2nd January 10:00 to 00:30 hrs

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

Alcohol is supplied for consumption both on and off the Premises

Part 2

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

Mr John Nicolas Baker
Jonnic Limited T/A Masons Arms
Masons Arms
1 Marton Road
Gargrave
Skipton
BD23 3NL

Registered number of holder, for example company number, charity number (where applicable)

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

Mr John Nicolas Baker
Masons Arms
Marton Road
Gargrave
Skipton
BD23 3NL

Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):

Personal licence Number:
Licensing Authority:

Licence Number: 085996
Licensing Authority: Salford City Council


Tim Chadwick
Licensing Manager

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition -

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
(i) the holder of the premises licence,
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8. Where the permitted price would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

9. (1) Sub-paragraph (2) applies where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

ANNEX 1 - MANDATORY CONDITIONS WHERE THE LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

No supply of alcohol may be made under the premises licence:

- (a) at a time when 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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

To permit the premises to be open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times for this purpose to be confirmed within 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

THE PREVENTION OF CRIME AND DISORDER

Any person exercising a security activity (as defined by paragraph 2(1)(a) of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority and will display a name badge at all times. Such a person shall be employed at the premises at the discretion of the DPS or holder of the premises licence.

No customers apparently carrying open bottles shall be admitted to the premises at any time when the premises are open to the public.

Alcohol and other drinks may not be removed from the premises in open containers, save for consumption in external areas provided for that purpose.

CCTV:

a A digital colour, cctv system will be installed to cover the premises and recorded coverage will include all internal and external areas to where the public have access to consume alcohol.

- b. It will be maintained, working and recording at all times when the premises are open.
- c. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- d. Copies of the recordings will be kept available for any Responsible Authority for 28 days- Subject to data Protection.
- e. Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request- Subject to data Protection.
- f. Copies of the recordings will display the correct time and date of the recording.
- g. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority.

PUBLIC SAFETY

Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises License
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

With such training, documented records shall be kept for a minimum of one year and will be made available immediately upon a reasonable request from any Responsible Authority. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]:

A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.

Both Refusals and Incident Report registers shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.

THE PREVENTION OF PUBLIC NUISANCE

Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimise noise when smoking and/or leaving.

Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

THE PROTECTION OF CHILDREN FROM HARM

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

There will be no adult entertainment or services on the premises that may give rise to concern in respect of children.

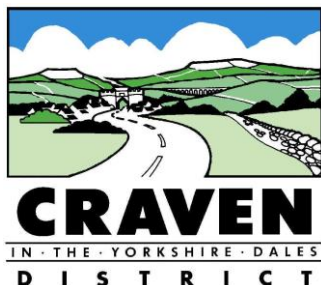
The only acceptable proof of age identification shall be a current passport, photo card driving licence or identification carrying the PASS logo or military ID (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

The licence holder will operate a Challenge 25 Verification Policy.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

ANNEX 4 – AUTHORISED PLANS

As attached.



1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

Part 1 – Premises Details

Masons Arms

Masons Arms
Marton Road
Gargrave
Skipton
BD23 3NL

Telephone Number:

01756

Where the Licence is time limited the dates:

Not applicable

Licensable Activities authorised by the licence:

Indoor Sporting Events
Live Music
Late Night Refreshment
Recorded Music
Retail Sale of Alcohol

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

Indoor Sporting Events

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Live Music (Indoors)

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Late Night Refreshment

Monday to Sunday 23:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Recorded Music (Indoors)

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

Retail Sale of Alcohol (Both)

Monday to Sunday 10:00 - 00:00 hrs

Seasonal Details

New Year's Eve to 1st January 10:00 - 00:00

The opening hours of the premises:

Monday to Sunday 10:00 to 00:30 hrs

New Year's Eve to 2nd January 10:00 to 00:30 hrs**Where the licence authorises supplies of alcohol whether these are on and /or off supplies:**

Alcohol is supplied for consumption both on and off the Premises

Part 2

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

Mr John Nicolas Baker
Jonnic Limited T/A Masons Arms
Masons Arms
1 Marton Road
Gargrave
Skipton
BD23 3NL

Registered number of holder, for example company number, charity number (where applicable)**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr John Nicolas Baker

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

Tim Chadwick
Licensing Manager

Original Issue date of Premises Licence: 24th December 2005**Date of last change: 24th December 2020**

Schedule 8

Regulation 16

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

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 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 PC...Jackie Allen on behalf of the Chief Constable of North Yorkshire Police apply for the review of a premises licence under section 51 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 club premises, or if none, ordnance survey map reference or description

MASONS ARMS
MARTON ROAD
GARGRAVE

Post town SKIPTON

Post code BD23 3NL

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

Mr John Nicolas Baker

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

PL0141

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

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

Mr <input style="width: 40px; height: 20px;" type="text"/>	Mrs <input style="width: 40px; height: 20px;" type="text"/>	Miss <input style="width: 40px; height: 20px;" type="text"/>	Ms <input style="width: 40px; height: 20px;" type="text"/>	Other title <input style="width: 40px; height: 20px;" type="text"/>
Surname			First names	(for example, Rev)

--	--

Please tick ✓ Yes

I am over 18 years old or over

☐

Current address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name PC 1503 Jackie Allen
Address North Yorkshire Police Harrogate Police Station Beckwith Head Road Harrogate HG3 1FR
Telephone number
E-mail NYPLicensing@northyorkshire.pnn.police.uk

This application to review relates to the following licensing objectives(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

X

X

23rd , 24th Please tick ✓ yes

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

X

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

This year has seen the UK, like most other countries around the World, fall victim to the Pandemic Disease, Covid 19. In the UK, the government has introduced various Regulations since March 2020 in an effort to stop the spread of the virus, reduce the number of deaths and stop infection rates. Some of these regulations have resulted in financial and economic hardship for many sectors across the country, but the government deemed the measures were necessary in an effort to fight the virus.

This application for a review of a Premises licence relates to the Masons Arms, Marton Road, Gargrave, BD23 3NL, where North Yorkshire Police believe that the Premises Licence Holder and Designated Premises Supervisor, Mr John Baker, has deliberately operated in contravention of the Tier 1 Regulations (Health Protection Regulations) introduced in England on 14th October 2020. His actions have shown a total disregard for the wider community implications of breaching regulations during a national Pandemic and has been focused purely on his own financial gains. North Yorkshire Police consider this is a serious matter which undermines the licensing objectives.

The Masons Arms is a licensed public house sited in a large village and civil parish in the Craven district along the A65, 4 miles north-west of Skipton in North Yorkshire, England. It is situated on the very edge of the Yorkshire Dales. The River Aire and the Leeds and Liverpool Canal pass through the village.

The Masons Arms is licensed for the following Licensable Activities:-

- Supply of alcohol, Live Music, Recorded Music, and Indoor Sporting Events, between the hours of 10.00-00.00 seven days a week.
- Late Night Refreshments between the hours of 23:00-00.00 seven days a week.

North Yorkshire Police are concerned that the actions of Mr Baker on the 4th November 2020, are contributing to the spread of the virus. He is ignoring the rules set to help reduce the threat of this virus, which places both its customers and staff in danger and threatens their safety, which then widens to the safety of their families and the communities they live in.

Mr Baker is both the Premises Licence holder and Designated Premises Supervisor and has ultimate control and management for the premises. By breaching the regulations, he has committed a criminal offence, in contravention of the Prevention of Crime and Disorder Licensing objective.

The sub-committee is entitled to take robust, appropriate and proportionate steps to prevent this operator from further undermining the licensing objective and North Yorkshire Police would respectfully request the sub-committee revoke the Premises Licence.

Timeline of Events

27 March 2020 – Letter from Craven District Council to The Masons Arms, potentially breaching the Health Protection (Coronavirus Business Closure) (England) Regulations 2020. **Appendix 1**

27 March 2020 – Email from Craven District Council to The Masons Arms, highlighting Government regulations. **Appendix 2.**

28 March 2020 – Report sent to North Yorkshire Police alleging that the pub is still trading despite being told not to; curtains are closed, people are being let in by the back door, and quite a bit of noise is emanating from the pub. Report alleges that it is common knowledge in the area that the pub is still trading and that local residents are becoming frustrated with it and are concerned for their own wellbeing. **Appendix 3- CAD log.**

23 April 2020 - Report made to North Yorkshire Police of persons to the rear of the Mason Arms, drinking and not social distancing. This was reported to have been happening over the last few weeks. Police attend, they observed two persons sat in the beer garden. Landlord confirmed they are friends and were sat waiting for take-out. Landlord stated no alcohol sold. **Appendix 4- CAD Log.**

23 April 2020 - Appendix 5- Statement of PCSO 4468 Twigg.

25 April 2020 – Report made to North Yorkshire Police of persons inside the premises and about seven people stood outside drinking and smoking, it's been going on all day. Officer attends approximately 35 minutes later and finds the pub is in darkness. **Appendix 6- CAD Log**

4 June 2020 - Report made to North Yorkshire Police of the pub appearing to be locked with curtains closed but persons can be heard inside; caller believes they should not be there. **Appendix 7- CAD Log.**

4 November 2020 - Report made to North Yorkshire Police of a party on the premises, persons entering and leaving via the rear door, loud music and states not adhering to rules. Officers attend and find premises operating in contravention of the Tier 1 regulations. **Appendix 8- CAD Log.**

Appendix 9- 4th November 2020-Statement of PC689 Perrett

Appendix 10- 4 November 2020- Body Worn Video footage from PC689 Perrett, Exhibit JJP1 is available to be viewed on the day of the hearing, no footage attached to file.

Appendix 11- 4th November 2020-Statement of PC1757 Thornton

Appendix 12- 4th November 2020-Statement of PC1021 Ollerenshaw

Appendix 13- Letter from Director of Public Health for North Yorkshire.

On 12th November 2020 PC 1503 Allen and Craven District Council Sharon Lord and Tim Chadwick meet with Mr Barker at the Masons Arms. Due to the serious breaches of Covid T1 Restrictions, failing to close the premises at 22.00hrs on the 4th November 2020, North Yorkshire Police felt that it was proportionate to issue Mr Baker a Fixed Penalty Notice for Covid-19 local Alert level (Medium) Tier 1, for the following reasons :-

Contravene a T1 restriction and, Contravene requirements to close premises and business for a specified time:

The incident on the 4th November is not a case involving a one-off, unavoidable, minor breach of technical requirements due to the COVID-19 pandemic. Nor is the behaviour exhibited the result of an innocent misunderstanding of complex legislation or changing rules by a well-meaning operator doing their best in difficult circumstances. (This operator was engaged with in March 2020 during the first lockdown and was made aware of his requirement to comply with

regulations. He stated he was aware of his obligations - see Appendix 2- his email response to Crave District Council.)

Appendix 14- MG 11 from PC 1503 Allen

Appendix 15- Fixed Penalty Notice issued to Mr Baker.

Furthermore, in respect of the Premises complying with the regulations as they continued to be updated and amended in response to the Covid Pandemic, the following appeared on the Premises' Facebook page, demonstrating a clear interpretation of the regulations:-

23 September 2020 - Masons Arms, Gargrave

Thursday this week will see a change at the Masons as the new law comes into force we've tried to keep the balance of safety and "pub" but the new regulations will take this out of our hands slightly.

There will be the track and trace "COVID-19" QR code everywhere so you can log your presence with us. (If you don't have a smart phone, we will still manually do this) It saves us asking for your details constantly (silver linings 😊)

It will be table service only.

When you come in to the bar we will tell you to sit down at a particular table number and then we run around after you 😊😊 just like normal then for some of you!!

*We will be opening at 12 as usual but **in line with the new rules, closed at 10pm that means last orders at 9.30 and closed BY 10 that's the law***

We will have to insist that when you enter, move around the premises (wee/cig) or anytime you're on your feet, you wear your mask.

It's not us, it's the law. No mask = no entry. You risk a fine. We get a fine. It's a wretched situation, we know but we're still open, and you still get to have a drink and socialise 😊

If you're exempt, print your card/badge and let us know, we totally understand that not everyone can wear one.

Hopefully, despite the rules, we really do hope that you as locals understand it's in both our interests to comply or we get shut

It's up to YOU

John and Nic

Appendix 16- Facebook Page-23rd September 2020

Regardless of the specific terms of COVID-related regulations, all licensed operators are subject to a more general legal duty under the Health and Safety at Work Act 1974 to protect the health, safety and welfare of their employees and other people who might be affected by their business. This includes staff, customers and the wider community by reducing the opportunities for a potentially fatal respiratory infection to spread during a national pandemic. Operators must do whatever is reasonably practicable to achieve this aim. One would suggest that the actions of allowing persons to remain past a 10pm curfew, not ensuring social distancing and fraternising with patrons is not adhering to the Health and Safety at Work risk assessment that should be in place for the premises.

The Section 182 guidance recognises that :-

*11.1- The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent **a key protection for the community** where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.*

Following the serious breach of the Covid Tier 1 regulations which had occurred on 4th November 2020, a review of the Licence was taken into consideration at this stage by North Yorkshire Police, and therefore a meeting was requested.

On **Monday 30th November 2020** a meeting took place at Skipton Police Station regarding the above premises. The following persons were present:-

- Tim Chadwick, Licensing Manager, Craven District Council
- Sharon Lord, Senior Chartered Environmental Health Officer, Craven District Council
- PS 133 Jackie Booth, Force Licensing Manager, North Yorkshire Police
- PC 1503 Jackie Allen, Licensing Officer for Craven, North Yorkshire Police
- John Baker, Premises Licence Holder and Designated Premises Supervisor
- Joe Macpherson, Area Manager for EI Group.

As a result of the meeting and stepped approach, taking into consideration that Mr Baker is a lease holder from EI Group (20 year lease), it was decided by the Authorities that the Designated Premises Supervisor would be placed on a Premises Improvement Plan (PIP) for a period of three months. A new Designated Premises Supervisor was to be appointed by 31st January 2021 with Mr Baker relinquishing all duties as Designated Premises Supervisor. Additional conditions by way of a minor variation were also agreed in order to strengthen the Premises Licence promoting the four Licensing Objectives.

Appendix 17- 9th December- Copy of Minor Variation with additional conditions offered by Mr Baker.

Appendix 18- Copy of Premises Improvement Plan (PIP).

16th December 2020- Tim Chadwick, Licensing Manager and Sharon Lord Senior Chartered Environmental Health Officer of Craven District Council, together with PC 1503 Jackie Allen Licensing Officer for Craven, met with John Baker, Premises Licence Holder and Designated Premises Supervisor. The purpose was to carry out a compliance check to ensure the conditions agreed with North Yorkshire Police were in place, including CCTV being fully operational and Covid 19 risk assessments in place. All measures were shown to be in place by Mr Baker. PC Jackie Allen asked Mr Baker to ensure he knew how to fully operate the new CCTV system and Sharon Lord ensured Mr Baker fully understood Covid-19 secure (health and safety) measures in order to keep a check on compliance going forward.

23rd December 2020 - 12200244120- a report of a breach of Covid regulations at the Masons Arms. Groups of 8+ people have been sat round single tables drinking with no evidence of food being serviced. **Appendix 19- Exhibit CAD log.**

26th December 2020 - 12200245408- a further report of persons in the pub not eating and just drinking. It was alleged that there were also persons sat together from different households. The person reporting states they had not seen anything that night, but it had happened a couple of times that week. **Appendix 20- Exhibit CAD Log.**

20th January 2021 – As a result of a report made to Craven District Council of an allegation that on the 23rd December 2020 Mr Baker breached Covid Regs “All Tier 2 Health Protection Regs” at the Masons Arms. Tim Chadwick from Craven District Council sent Mr Baker a letter requesting CCTV footage. **Appendix 21- Letter from CDC to Mr Baker.**

North Yorkshire Police reviewed the cctv footage from the Masons Arms, firstly the system was not showing the correct time, and therefore is not compliant with the Premises Licence Conditions. The cctv footage was reviewed by PC 1503 Allen who confirms numerous breaches.

Appendix 22- MG 11- PC 1503 CCTV footage Exhibit JA/1.

PC 1503 is able to show CCTV footage on the day of the hearing, no copy attached to file.

31st January 2021 - E-mail from Craven District Council received from Mr Baker to notify that he is unable to nominate a new Designated Premises Supervisor, as per agreement in the Premises Improvement Plan (PIP). **Appendix 23**

4th February 2021 - On line meeting held between Sgt Booth, PC Allen, Craven District Council Sharon Lord and Tim Chadwick, Mr Barker and Joe McPherson (EI Group) where the cctv footage was shown to Mr Baker. Mr Baker stated that it was difficult to get people who have been coming to a bar for 30 years to change habits.

5th February 2021 - A letter sent from North Yorkshire Police to the Premises Licence Holder, Mr Baker, and EI Group. The purpose of the letter was to notify that as Mr John Baker is the Premises Licence Holder for The Mason Arms, it is the intention of North Yorkshire Police to request a review of the premises in accordance with Para 11.2 of the Section 182 guidance which states:-

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Appendix 24- Copy of Letter sent to Mr Baker to notify that the decision of North Yorkshire Police is for a Sec 51 review.

It is believed that if the Premises are allowed to retain a Premise Licence this will have an adverse effect on the local community. Some reported breaches of the COVID-19 Regulations were made to Police and the Council by the community who are concerned about public safety. Local business have a duty of care to comply with the regulations and the Mason Arms did not. Mr Barker, being both the Premises Licence Holder and Designated Premises Supervisor, has a responsibility to ensure compliance with the government restrictions. His own admissions captured on body worn camera are that "I had beer to get rid of, tonight we tried get rid of it" demonstrate that he is more concerned with financial gain than public safety.

North Yorkshire Police have taken a stepped approach and given Mr Baker ample opportunity to address and rectify the previous concerns and measures required for improvement. There has been a failure to address these concerns. A Fixed Penalty Notice and a Premises Improvement Plan issued to Mr Baker have not been adhered to, resulting in the licensing objectives Prevention of Crime and Disorder and Public Safety being undermined. It is for this reason and line with the Section 182 guidance para 11.10 which states

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is

expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

With the above evidence, North Yorkshire Police have taken the decision to apply for a Sec 51 review.

There has been an overwhelming level of compliance with the lockdown measures among licensees around the country who have faced severe financial hardships as a result of the Pandemic. Many of those local licensees who complied with the direction from the government will look to this licensing committee. They would want to see that their own efforts and difficulties have not been in vain and those that have defied the regulations are dealt with in the appropriate way.

For these reasons North Yorkshire Police would respectfully request the revocation of the Premises Licence at the Masons Arms.

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 **X**
- I understand that if I do not comply with the above requirements my application will be rejected **X**

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 17/02/2021

Capacity Applicant...PC 1503 ...Jackie Allen Police Licensing Officer

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

Post town

Post code

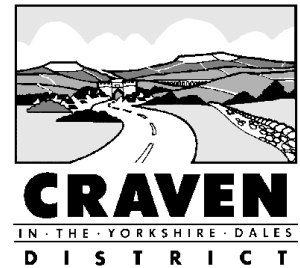
Telephone number (if any)

If you would prefer us to correspond with you by e-mail 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.

1 Belle Vue Square
Broughton Road
SKIPTON
North Yorkshire
BD23 1FJ



To: Licensing Department
Craven District Council

Email - slord@cravendc.gov.uk
Sharon Lord BSc(Hons) MCIEH CEnvH
Senior Chartered Environmental Health Officer

18 March 2021

Review of Premise Licence – PL0141

Masons Arms, Marton Road, Gargrave, North Yorkshire, BD23 3NL

Representation on the grounds of Crime & Disorder and Public Safety

Environmental Health, as a Responsible Authority under the Licensing Act 2003, make the following representation in response the licence review application for the Masons Arms, Marton Road, Gargrave.

The Environmental Health Service is responsible for the enforcement of various coronavirus regulations introduced by Government from March 2020 onwards in, response to the coronavirus pandemic.

Under the regulations and in accordance with Government guidance published in May 2020, employers have a legal duty to reduce workplace risk of coronavirus transmission to the lowest reasonably practicable level. Businesses must also work to minimise the risk of transmission and protect the health of customers and visitors in restaurants, pubs, bars and takeaway venues.

All licensed operators are also subject to a more general legal duty under the Health and Safety at Work etc Act 1974 to protect the health, safety and welfare of their employees and other people who might be affected by their business. This includes staff, customers and the wider community by reducing the opportunities for coronavirus to spread. Operators must do whatever is reasonably practicable to achieve this aim.

On 5 November 2020 an anonymous complaint was passed to Environmental Health and the Licensing Manager from North Yorkshire Police. The complaint was received by the Police at 23.15 hours on 4 November 2020 and alleged there was a loud party ongoing at the premises. Police officers attended and there was a party ongoing involving around 30 people, of these three were staff members. The people were dispersed, and the Premise Licence Holder provided with advice. CCTV footage was captured on body worn cameras by the officers.

Paul Shevlin, Chief Executive
Calls may be recorded for training and monitoring purposes
For general enquiries telephone 01756 700600
www.cravendc.gov.uk



On 12 November 2020, I attended a meeting at Skipton Police Station with the Licensing Manager and the Police Licensing Officer to view the CCTV bodycam footage taken by officers when they visited the premises on 4 November 2020. The CCTV footage was taken at 23.46 pm and the following were observed:

- Premises open after 22.00 hours, with approximately 16 customers in the premises
- No mask wearing by customers or staff
- No social distancing and mingling of customers and staff
- Larger groups than six sat at tables

The CCTV footage showed breaches of the Tier 1 restrictions under the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 and that the premises were not being operated in a Covid secure manner.

Following this, I visited the premises with the Police Licensing Officer and the Licensing Manager. Due to the seriousness of the breaches North Yorkshire Police issued a Fixed Penalty Notice on the Premise Licence Holder for contravening the Tier 1 restrictions for failing to close the business between the hours of 22.00 and 05.00.

On Tuesday 17 November 2020, I received a copy of the Premise Licence Holder's Covid-19 risk assessment. The risk assessment, from the landlord Enterprise Inns Group, was signed and dated on 5 November 2020 and showed what control measures should be implemented at the premises.

On Monday 30 November 2020 I attended a meeting at Skipton Police Station. In attendance were the Police Licensing Officer, Force Licensing Manager, Craven District Council Licensing Manager, the Premises Licence Holder and the area manager for Enterprise Inns Group. The purpose of the meeting was to discuss the breaches of the Tier 1 regulations which had occurred on 4 November 2020 and allow the Premises Licence Holder the opportunity to respond and to demonstrate the promotion of the licensing objectives. The Police agreed that a Premise Improvement Plan would be put in place for a period of three months and additional conditions by way of a minor variation were also agreed. I discussed the Covid-19 risk assessment to ensure that the Premise Licence Holder was aware of what was required to ensure the premises was safe and Covid secure.

On 2 December 2020, Craven moved into the Tier 2 'High Alert' restrictions under The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. Restrictions included:

- No mixing of households or mingling
- A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless
 - Alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.

- A person responsible for carrying on a restricted business, or providing a restricted service and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if:
 - the food or drink is ordered by, and served to, a customer who is seated on the premises, and
 - the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

I visited the premises on Wednesday 16 December, with the Licensing Manager and the Police Licensing Officer, the Premise Licence Holder was met on site. The visit was to check compliance with the conditions agreed by North Yorkshire Police and that Covid-19 control measures were in place. At the time of the visit I noted that all measures were shown to be in place. I went through the Covid-19 risk assessment with the Premise Licence Holder and he fully understood what Covid-19 controls were needed following the recent changes to the legislation.

On 4 January 2021 the Licensing Manager made me aware of a complaint that had been received from North Yorkshire Police. The complainant had contacted the Police on 23 December 2020 at 20.51 to inform them that the premises was very full of groups of 8+ people sat together drinking and no food observed. Following this the Licensing Manager requested a copy of the CCTV footage for the premises for the internal and external areas for 23 December 2020.

Upon receipt of the CCTV footage, I viewed the footage with the Licensing Manager on 19 January 2021 and copies were provided to the Police Licensing Officer on 9 February 2021. The CCTV footage showed the following contraventions of the Tier 2 'High Alert' restrictions:

- Premise Licence Holder sitting and chatting at customers table
- Two customers drinking alcohol with no meal
- Customers walking around the premises with no masks worn
- Customers arriving and leaving the premises with no masks being worn
- Member of staff serving food not wearing a mask
- Customers ordering and collecting drinks plus paying at the bar

The Licence holder did not challenge any of the customers or the member of staff during the footage and there was no provision of a 'substantial meal' to enable the sale of alcohol.

On 10 February 2021, I served a Fixed Penalty Notice under Regulation 11(1) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended (the Regulations).

Sharon Lord

Sharon Lord
 Senior Chartered Environmental Health Officer BSc(Hons) MCIEH CEnvH
 Environmental Health Services
 Craven District Council

BY EMAIL AND POST
Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire BD23 1FJ

Please ask for: Richard Taylor
Direct Tel:
Email: gosschalks.co.uk
Our ref: RJT / MJM /
Your ref:
Date: 22 February 2021

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings
Masons Arms, Gargrave, Skipton BD23 3NL**

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence lodged on behalf of North Yorkshire Police.

We would be grateful if you would accept this letter as a formal representation on behalf of Ei Group Ltd to that review.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Masons Arms is the subject of a 20 year lease in favour of Jonnic Ltd, one of the Directors of which, is the premises licence holder and DPS, John Baker. Mr Baker has been operating these premises since August 2011. The lease expires in March 2032.

We have read the Police application for review and supporting documentation and note that the Police are seeking revocation of the premises licence. The Committee will be well aware that the Home Office Guidance issued under s182 Licensing Act 2003 is clear that determinations must be "evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve" (paragraph 9.43 Section 182 Guidance – April 2018).

Against that backdrop, we have reviewed the evidence presented in support of the application for review and note that the incidents on the 28th March, 23rd April, 24th April and 4th June are nothing more than reports made either anonymously or by an unknown person. There is no evidence adduced to support the allegations made in the reports dated 28th March or 4th June. As far as the other two reports are concerned, when the Police attended the premises following the report on the 23rd April, PCSO Twigg was satisfied that the incident was not as reported and following an anonymous report of music being played on the premises on the 25th April, the Police attended within the hour and the pub was in darkness.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 – Hull

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The Home Office Guidance is clear (paragraph 11.20) that when an Authority is deciding which of its powers upon review to invoke, the Authority should “so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

It is clear from the papers that there are two breaches of the COVID legislation identified. The first is when the premises failed to close at 10.00pm on the eve of the lockdown which started on the 5th November and a second incident (identified by a review of the CCTV) on 23rd December (when the premises were open and not serving food as they should have been).

There is no evidence to support the allegation made in the report by an unknown person on the 26th November.

The cause of the review is the operation of these premises by John Baker.

Our representation is that an appropriate and proportionate response to this application for review would be to remove Mr Baker as designated premises supervisor. The Committee will note that this has been agreed as a necessary/proportionate action between the Police and Mr Baker and this review appears to have been submitted following his failure (for understandable reasons) to specify a new individual as designated premises supervisor by 31st January 2021.

The police are seeking revocation of the premises licence. We submit that for the community to lose these premises which have traded as a public house for many years as a result of two incidents of mismanagement which can be addressed by replacing the DPS would not be a proportionate response. Furthermore, all the police are seeking is the proper running of these premises.

We would be grateful if you could acknowledge receipt of this representation and advise when this application is to go before the Committee. In the event that further information is received from the Police then we may seek to expand upon this representation further.

We look forward to hearing from you.

Yours faithfully,

GOSSCHALKS LLP

From: Jon Dovener [REDACTED]
Sent: 17 March 2021 18:59
To: Licensing <Licensing@cravendc.gov.uk>
Subject: Representation for Premise license review PL0141

Representation for Premise license review PL0141

[REDACTED]

Tel.: [REDACTED]

15 March 2021

Dear Sir:

I am writing to you in relation to The Mason's Arms, Gargrave, and its licensee, John Baker . I understand that his license is under review. I write in support of Mr Baker keeping his license.

I am a retired banker. I have lived in the Gargrave area since 2011. In that time I have frequently visited the Mason's Arms. I have enjoyed my visits there to: eat; drink; and socialise. I have always found the pub to be well run. I have never seen any problems there. There are no issues with: violence; under age drinking; drug taking; rowdiness; or any other type of trouble.

Since the Covid-19 Pandemic there have been many regulations introduced to stop the spread of the virus. In my experience and opinion John Baker has made every effort to comply with these regulations. He has: interpreted; implemented, and policed these rules This is despite the frequent changes to, complexity of, and lack of clarity the regulations.

The regulations and measures applied by the landlord and his staff at The Mason's have included:

- .) requiring staff and customers to wear a face covering;
- .) table service;
- .) serving a substantial meal;
- .) providing a track and trace service;
- .) making hand sanitiser available;
- .) applying the rule of six;
- .) applying the single household rule;
- .) not allowing people to congregate; and
- .) operating a one way system.

When people have failed to comply with the covid measures John, and his staff have been firm, fair and polite. People are informed what the measures are, and asked to comply. I have observed on occasions some people: refusing; being aggressive; and or being rude.

Please contact me if I may be of further assistance.

Yours faithfully,

(Jon Dovener)