

SELBY DISTRICT COUNCIL – LICENSING AUTHORITY

LICENSING ACT 2003 – RESPONSIBLE AUTHORITY REPRESENTATION

Acting in the capacity of a responsible authority, on behalf of the Licensing Authority, I wish to make representations in support of the review application served by North Yorkshire Police in relation to premises licence number LN/000004820 (Bay Horse Hotel, 57-59 Micklegate, Selby).

The review application for premises licence number: LN/000004820

My representation relates to the below licensing objectives:

- The prevention of public nuisance
- Public safety
- Prevention of crime and disorder

Details of Responsible Authority Representation:

Name: _____

Capacity: Licensing Manager, Selby District Council

Annexes attached to this representation:

- Annex A – Email 6th July from: _____ NYP
- Annex B – Emails to _____ from _____ regarding how premises were running in regard to the regulations in Tier 2
- Annex C _____ Statement of the findings 11th December visits
- Annex D – Email to _____ regarding the Fixed Penalty Notice (FPN)
- Annex E – Email from _____ updating _____ on the visit to the premises
- Annex F – Email from NYP

1 The Bay Horse Hotel has been licensed premises for many years. The licence is held by Campey Estates Limited of which _____ is a director. Campey Estates Limited became the premises licence holder on 11 January 2019, however, prior to that _____ was involved in the business with a previous company, _____ ' and prior to that _____ as an individual was the premises licence holder.

2 _____ became the Designated Premises Supervisor of the premises on 10 July 2020.

3 The Bay Horse Hotel is situated within Selby Town Centre. The premises are licensed for the following licensable activities:

- Sale by retail of alcohol – Monday to Sunday 0700 to 0400
- Provision of regulated entertainment -Monday to Sunday 0700 to 0400
- Provision of late night refreshment - Monday to Sunday 2300 to 0400

The premises licence does not include a requirement for CCTV at the premises, but the premises do have CCTV present.

4 The Licensing Authority are aware that North Yorkshire Police (NYP) have requested that the premises licence be revoked. The Licensing Authority do have concerns regarding the conduct and management of the premises and support the application made by NYP to revoke the above premises licence.

5 Due to the Coronavirus pandemic, in March 2020 a Government lockdown began and the Coronavirus Health Protection Regulations 2020 came into effect. The regulations required the closure of specified businesses including public houses and restaurants, permitting off sales only.

6 These premises were permitted to open again on the 4th July 2020. Government guidance was released incorporating track and trace, table service only and ensuring social distancing was in place. Visits were conducted at various licensed premises by Selby District Council Licensing, Environmental Health and Enforcement officers along with Police Licensing, Sgt _____ and PC _____

7 On 4 July 2020 I visited the Bay Horse, amongst other premises in Selby with my colleague _____ Senior Environmental Health Officer. Upon entering the premises, we noticed that the premises were very busy. There was a track and trace book close to the entrance but nobody from the premises with it, there was hand sanitiser and a one-way system in and out of the premises. Although busy, we did manage to have a quick word with a female working behind the bar. We advised that we were out visiting premises in the district following the reopening of premises. She confirmed that they were carrying out table service and that they intended to close at 2000 hours that day and that door staff would be on later. No advise was given at this stage as we were looking to see how premises were operating.

8 On Monday 6th July 2020 I received an email from _____ NYP Licensing (Appendix A) requesting a copy of the premises licence for The Bay Horse, as there had been two assaults on the 4th July at 2115 hours, although the lady working behind the bar had advised me and _____ and seemingly the Police also that they were intending to close at 2000 hours.

9 On the 9th of July 2020 myself, _____ Senior Environmental Health Officer, Sg _____ NYP and PC _____ NYP Licensing met with _____ who was in the process

of apply to become DPS at the Bay Horse. The visit was to provide advice on the new regulations. _____ checked the premises COVID risk assessment which appeared to be adequate with a lack of detail.

10 On 23rd July 2020 PC _____ informed me that following her visit to The Bay Horse, she was aware that they had been using the terrace on the 1st floor. I emailed the Selby Licensing team requesting that they contact the DPS about not using this area and applying for a variation to the licence if they wanted to use it. As seen in Appendix 3 of the Police Review Application from NYP.

11 1st October 2020 myself and PC _____ visited The Bay Horse, following allegations of a premises in Selby town opening until the early hours. We met with _____ arrived during the visit. The reason for our visit was explained, that we had been receiving reports that an unknown premises in the district was opening into the early hours and they were informed that they were not the only premises that we were visiting about the allegation. _____ advised that they would not open passed the permitted hours under the regulations, and _____ checked the CCTV for a particular date, which showed that the premises had been closed as per the regulations.

12 On 3rd December 2020 myself, _____ Senior Environmental Health Officer and PC _____ and PC _____ NYP Licensing were conducting visits in Selby to ensure that premises were running in accordance with the new Tier system that had been introduced, Selby was in Tier 2. Allowing premises in tier 2 to open and serve alcohol, it must be accompanied by a main midday or evening meal, or as a main course, eaten by a person seated at a table, or counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table. We visited The Bay Horse and spoke to the DPS _____ at approximately 9am. There were approximately 8 patrons in the premises all sat with a drink (mainly pints), no food. We asked _____ to explain to us how the premises were intending to run under Tier 2. _____ explained that they opened at 0900 hours, closing at 2300 hours. Food was being delivered by an outside caterer at 1030 and 1230, for breakfast and breakfast rolls. The food was kept behind the bar in insulated boxes. Later in the day a caterer would be on the premises to serve the food into the evening. This meant that from the premises opening at 0900 hours no food would arrive at the premises until at least 1030 hours and therefore patrons were drinking alcohol until any food arrived at the premises.

13 On 4th December 2020 I emailed _____ as can be seen in the Police review application appendix 7, regarding our concerns and asking _____ to clarify how The Bay Horse was operating in accordance with the regulations, and my further submission of Appendix B which shows my correspondence with _____ asking how The Bay Horse was operating under the new regulations which should be food led, which included establishing times of opening the premises, and alcohol being served, food orders being taken and what times the delivery of the food was due to arrive throughout the day.

14 On 11th December 2020 joint enforcement visits took place, with Selby District Council Licensing and Enforcement, Community Safety teams, as well as NYP Licensing and neighbourhood patrol officers.

15 PC _____ and I visited The Bay Horse, Selby at 1850 hours and the at approximately 2215 hours on the 11th December 2021 with other officers. See Appendix C for my statement of findings surrounding both visits. On the first visit I noticed that the premises were busy,

with a large group of young people in the snug area, drinking alcohol and one small paper plate in the middle of them and upon walking around, that each table appeared to be full of groups of 6 mainly, with one plate with very little food on, or empty plates in the middle of each group of people. We spoke to _____ who was in charge, _____ was not there. We advised _____ of our concerns and _____ confirmed that she would pass the information to _____. Whilst speaking with _____ a group of three males entered the premises, straight passed the NHS QR code / sign in book which was at the entrance and went to join the already large group in the snug. Nobody stopped them.

16 On the later visit, at approximately 22:15 hours after parking my car in the carpark outside the premises and meeting my colleagues already outside. I was informed that the front door was locked but that two girls had just been seen entering the premises by the side gate. We could clearly see a large group of people in the snug area through the glass and the windows were slightly ajar. _____ flagged down a Police van and asked officers to go in with us. We entered the premises and advised why we was there. The SIA doorman on at the time was stood speaking to the large group of people in the snug, which we counted to be 20 individuals. Looking around the premises there was very few plates with food on them and patrons where predominately drinking pints and watching football. Several times I had to remind bar staff to tell patrons to sit down with their drinks. The snug was cleared, and patrons were asked to drink up and leave. _____ telephoned _____ to advise her of what was happening and that we would be in touch next week.

17 On 15th December I telephoned _____ DPS to ask for permission to view the CCTV at The Bay Horse for the night of the 11th of December, this was to establish if any drinks had been served after 22:00 hours. _____ advised me that she was self-isolating. I asked if permission could be given for Selby Council and NYP Licensing to view the CCTV in her absence, as this was not a condition/requirement on the premises licence. _____ confirmed that this would be fine and that her _____ would be at the premises.

18 Later that day myself and PC _____ attended The Bay Horse. A female behind the bar took us upstairs to a small office, where she controlled the CCTV for us to view the times we required from the 11th of December, prior to officers entering the premises around 2200 hours. This was to check that there were no further alcohol sales after 2200 hours. No sales were witnessed on the CCTV at the bar opposite the snug, which the CCTV covered. Mr _____ arrived during the viewing of the CCTV. The CCTV was showing one hour ahead of the correct time. They were requested to correct the time so that it was accurate. _____ asked what we were looking for on the CCTV and we advised him of the above. He said that the CCTV was there to keep people safe and we told him that all cameras should be working, we left to leave the premises and advised that we would be in touch. On the way out We spoke to _____ duty Manager who had been on duty on the 11th December during our visits. We discussed how the food service was working, _____ stated that customers could stay for as long as they wanted so long as they ordered food at either breakfast and lunch. There were no limits on the number of drinks a customer was permitted to have.

19 Following consideration of the evidence Environmental Health made the decision to serve a fixed penalty notice and I said that I would serve it. I telephoned _____ to advise that I would be hand delivering a letter to The Bay Horse for her attention and that I would leave it with a member of the Bar staff. _____ acknowledged this.

20 At 1543 hours myself and _____, Senior Enforcement Officer hand delivered the letter, a Fixed Penalty Notice (Appendix 11 of the Police Review application) to the staff behind the

bar of The Bay Horse. We informed them that it was for _____ attention and to ensure received it. Also, I emailed _____ a copy of the Fixed Penalty Notice. Appendix D.

21 On 17th December 2020 Enforcement Officer _____ emailed me an update of his findings whilst visiting The Bay Horse on the 16th of December 2020, Appendix E. Again, this showed issues with the Snug area and the number of people mixing and lack of covid prevention measures.

22 Upon returning from leave in January 2021 I was updated on the following:

- On 19th December 2020 an email received (Appendix F) from NYP, two separate reports from the 18th of December about the premises not complying with Tier 2 regulations.
- On 22nd December 2020 a CIN was issued for offences observed on 18th December for two offences contrary to Regulation 8(2) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020:
 - failed, without reasonable excuse, to prohibit the sale of alcohol for consumption on the premises unless served 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.
 - failed to take all reasonable steps to ensure that the customer remains seated whilst consuming food or drink on the premises.

23 In conclusion, the joint agencies gave the licence holder early warning of concerns and the need for improvement and steps to take to address the concerns. However, there have been repeated breaches of the COVID regulations and therefore I am satisfied that the premises are not promoting the licensing objectives. It is evident that the DPS and the licence holder have ignored the seriousness of the threat to public health that COVID-19 represents and have breached both the legislative provisions and government guidance to control the spread of the virus.

24 Co-operation and engagement with the licence holder and designated premises supervisor is the Licensing Authority's preferred response. However, due to failure by the licence holder and DPS to respond to the engagement and given extended offending, the Licensing Authority fully support the application made by NYP and would concur that with the evidence set out, this should be with the view to revocation. Further, the Licensing Authority is of the view that the removal and replacement of the DPS would not be a sufficient remedy in view of the conduct of the company

ANNEX A

From: _____
Sent: 06 July 2020 08:04
To: _____
Subject: FW: Bay Horse Micklegate

Good Mornin, _____

Can you help _____ with the information below. and cc me in?

Thanks

From: _____@northyorkshire.pnn.police.uk>
Sent: 06 July 2020 07:51
To: _____@selby.gov.uk>
Subject: Bay Horse Micklegate

Mornin, _____

Could you forward me a copy of the PL for the above. There has been two reported assaults on Saturday night (interestingly at 2115hrs when they advised police they were closing at 8PM!). Police that attended have advised that there was no social distancing in place. I appreciate that given new regs little we can do around this aspect however may have to arrange follow up visit following the assaults.
Thanks

Force Licensing Manager
Partnership Hub
Tel 101 Ext 30133

_____@northyorkshire.pnn.police.uk

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CODE OF ETHICS; THE STANDARDS OF PROFESSIONAL BEHAVIOUR: Honesty and Integrity, Authority, Respect and Courtesy, Equality and Diversity, Use of Force, Orders and Instructions, Duties and Responsibilities, Confidentiality, Fitness for Work, Conduct, Challenging and Reporting Improper Behaviour

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Thank you for your co-operation.

.....

From: _____
Sent: 10 December 2020 15:52
To: _____
Subject: Re: Concerns Bay Horse, Selby

ANNEX B

Hey

They are The same Monday - Sunday and same opening times everyday 9am-11pm

Kind regards

Bay Horse Hotel - General Manager
Comus inn - DPS

On 10 Dec 2020, at 14:48, _____<____@selby.gov.uk> wrote:

I am still awaiting a response to the email I sent yesterday if you could get back to me by Friday 11th December?
Kind Regards,

Licensing Manager

t: 01757 705101

____@selby.gov.uk

w: www.selby.gov.uk

<image168120.PNG>

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<image7004f0.PNG>

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<image3beae3 GIF>

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From: _____
Sent: 09 December 2020 15:04
To: _____@live.co.uk>
Subject: RE: Concerns Bay Horse, Selby

What are the delivery times for the weekend, including opening times please?
Thanks

From: _____@live.co.uk>
Sent: 09 December 2020 15:02
To: _____@selby.gov.uk>
Subject: Re: Concerns Bay Horse, Selby
Hey! _____
Yes it is ordered and delivered at that time Monday to Friday.
Kind regards

Sent from my iPhone

On 9 Dec 2020, at 09:18, _____@selby.gov.uk> wrote:

Can you confirm that this will be ordered daily from now on?
Kind Regards,

Licensing Manager

t: 01757 705101

_____selby.gov.uk

w: www.selby.gov.uk

<imagec55f39.PNG>

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<image194e68.PNG>

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From: _____@live.co.uk>
Sent: 08 December 2020 17:34

To: _____@selby.gov.uk>
Subject: Re: Concerns Bay Horse, Selby
Hi, _____
Please see attached confirmation of earlier delivery.
Kind regards

<image001.png>
Sent from my iPhone

On 7 Dec 2020, at 15:48, _____@selby.gov.uk>
wrote:

Hi _____
What's your mobile number please?
Thanks

Licensing Manager

t: 01757 705101
_____@selby.gov.uk

w: www.selby.gov.uk

<imagecbadbe.PNG>

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From: _____@live.co.uk>

Sent: 04 December 2020 23:49

To: _____@selby.gov.uk>

Subject: RE: Concerns Bay Horse, Selby

Good afternoon

No problem. We have all the procedures at the bay horse that the staff have signed if required along with risk assessments from ourselves and our caterers.

So, our opening times Monday to Sunday are 9am till 11pm (last orders between 9:30pm and 10pm)

When our patrons arrive we ask them all the questions as stated (sign in, support bubble, tiers etc), we seat them at a table explaining that it is table service only and any alcoholic drinks must be consumed with a meal. We also remind them that masks are to be worn and then take the food order before we take the drinks order. We do not serve or take orders from the bar.

On a morning we then ring the orders through to _____ with _____ She then makes the food and brings it to us. We generally don't have anyone in until around 9:30am and the food arrives before 10:30am. We then put another order in at 10:30 to come. We do not reheat anything as it comes in an insulated box and on the plates. They hand them to the tables along with cutlery. Once the meal has been finished we remove the plates etc off the tables and ask the customer to drink up and leave. Once this has been done we clean the tables ready seat the next people. If we have no tables available we shut the door to allow time customers to leave for tables to be wiped as we do not let anyone in to wait as this would mean standing. Also we sometimes shut the doors if we feel like we will maybe struggle with anyone during busy periods. The door supervisors will also operate this on the weekends.

From 1pm our process is a little different as _____ comes and dishes up the meals using tongs, gloves, apron and a face mask. As soon as a table comes in, he prepares their meal and takes it straight to the table. He goes home every hour and a half and replenishes his stock so it is fresh, this takes around 20 minutes but leaves enough meals to see us through this gap. he again provides the cutlery and removes empty plates and we assist with removing the customers from the pub. Once it gets to 10pm all excess food is thrown away and we start removing it from the tables to ensure people leave with premises.

In-between serving we do half hour cleaning checks and clean all communal areas such as door handles, toilet flushes, sinks, taps, door locks etc. This is signed off by the staff doing the half hour clean downs. We also check that the hand sanitisers and soaps dotted around the pubs have been replenished every morning. We do not allow anyone in the rear beer garden at this time, not only because its freezing but also to reduce people wondering round where they cannot be seen. As you'll have already noticed all gaming machines have been taken away or solid wooden tops have been placed on top of them so these cannot be accessed at all. We no longer offer pre-ordered takeaways and we do not take table bookings to avoid groups coming in and being disappointed when they have to leave after eating. We are simply opening for the our customers who rely on coming in for that human contact and most patrons are lonely single households so even though they cant sit together it gives these people a sense of belonging to venture out for an hour to see a happy familiar face at a safe distance. While the food orders and money is taken though our tills it is given to the caterers upon cashing up this is non profit for us and we then put their money in an envelope. (I have added the breakfast, lunch and dinner buttons to our till so this is traceable on receipts and we can keep a record; it is a smart till and I would be happy to show you if you ever required)

<image001.png>

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<image003.gif>

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From: _____ <@live.co.uk>

Sent: 04 December 2020 10:49

To: _____ <@selby.gov.uk>

Subject: Re: Concerns Bay Horse, Selby Morning _____

Our full step by step procedure when people arrive is to ask them to sign in to track and trace, ask them if they are in the support bubble and what tier they are in. If they are in tier 3 we are not letting them inside.

We then explain masks must be worn when moving around the pub, the customers have to be seated and them must order a substantial meal from us. If they don't want a meal there is NO service.

We have signs throughout the pub reminding people of the new procedures.

Once food has been eaten we are asking people to leave.

All the staff have had thorough training as well as our door staff which we have on Fridays and Saturdays.

The food is a full English breakfast till 1pm (we have this delivered and can have as many deliveries as we want but it's generally quiet until 12)

Then we have _____ from _____ serving the food from 1pm onwards.

All food is served to the customers (they are not allowed to collect them selves) all knives and forks and disposable condiments are only given with the food so that they don't get contaminated on the tables. Once finished the food is removed and we tell the patrons to leave. We then sanitise all the tables and dettol the chairs.

Last orders for food and drinks is 10pm and out by 11pm.

Hope this clears things up. Have a lovely weekend.

Kind regards

Sent from my iPhone

On 4 Dec 2020, at 09:03, _____

_____ <@selby.gov.uk> wrote:

Dea. _____

Following the joint visit to the Bay Horse, Selby yesterday morning, by North Yorkshire Police Licensing and Selby Council Officers, concerns have been raised by all parties present in relation to how you are operating in regard to the following regulations:

'The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Restrictions on service of food and drink for consumption on the premises

13.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

(a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and

(b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(2) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which does not serve alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(3) For the purposes of sub-paragraphs (1) and (2), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(4) If a business or service falling within paragraph 15(2) ("business A") forms part of a larger business ("business B")—

(a) sub-paragraph (1)(a) does not apply to the service of food or drink if the condition in sub-paragraph (5) is met, and

(b) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1) or (2) if that person complies with the requirement in relation to business A.'

Can you respond to this email clarifying, step by step how you are complying with the regulations above at the Bay Horse, Selby by Monday 1700 hours at the latest.

Kind Regards

Licensing Manager

t: 01757 705101

[\[redacted\]@selby.gov.uk](mailto: [redacted]@selby.gov.uk)

w: www.selby.gov.uk

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Statement of _____

Over 18, Occupation Licensing Manger

This statement (consisting of 2 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 to be true.

Dated 14th December 2020

Signature _____

I am the above-named person, and I am currently employed by Selby District Council, as the licensing Manger for the district. As part of my role, I oversee licensed premises.

I can confirm that The Bay Horse Selby holds a premises licence.

At 18.50 hours on Friday 11th December 2020, myself and _____ North Yorkshire Police Licensing Officer, visited The Bay Horse, Micklegate, Selby at 18:50 hours.

We entered through the main front door. I noticed a large group of young people, predominately male in the snug area to the right-hand side of the main door. All members of the group appeared to be drinking and a small paper plate was on a table.

We both turned left to walk into the larger area of the premises, it appeared to be very busy, all the patrons appeared to be seated and had alcohol, mainly pints. Each table appeared to have a group of people approximately 6, around it and on each table, there was one paper plate, usually in the centre of the table with very little food on it. None of the food I observed on the tables was a table meal for one person. I also noted that no table had empty plates, they simply the one paper plate. There was no sight of any on site caterer.

_____ and I asked if _____ was about, as we were both aware that she was the designated premises supervisor, she was not. We asked to speak to whoever was in charge. We spoke to _____ We advised her of the concerns we had witnessed, mainly the group in the snug and that each table appeared to be sharing a small plate of food. As we were talking to _____ another group of three males entered the premises through the main door and walked straight by the NHS QR code and book to add names and telephone numbers, at the entrance and went to join the group already in the snug area. The group was not stopped about this. _____ that she would pass this information on to _____ I left the paperwork which showed our concerns.

At approximately 22.15 hours I parked my vehicle in the Micklegate car park outside of the Bay Horse. My colleague _____ was already in attendance outside the Bay Horse. I went to meet with her, and she confirmed that the front door to the premises was locked and that 2 girls had just entered the premises via the side door. _____ and _____ were also in attendance. I could clearly see people through the glass window to the snug area, where it looked like a party was going on, several heads could be seen stood up, lots of laughter and talking. I took a photo at 22.21 hours of the snug window. The windows to this area were slightly ajar. We all agreed that we needed to enter the premises. I heard the lady behind the bar shout something about orders.

_____ ' flagged down a police van that was going by and asked the officers to go in with us. The police officers x 2 from the van were the first to enter the premises from the side door of the premises via the gate. We informed the bar staff why we were there. The SIA door person was stood speaking to the group in the snug. The police officers spoke to the large group of people in the snug area about leaving. _____ Senior Enforcement Officer counted out 20 leaving this area.

Looking around the premises there was very few food plates at this time. Patrons were predominately drinking up pints and watching the football. Three times I asked the lady behind the bar to tell a patron to sit down with their drink as they had begun to walk around with their pints.

Eventually the snug was cleared, and the bar staff were asking patrons to drink up to leave.

_____ telephoned the Designated Premises Supervisor _____ ' to advise her about what was happening and that we would be in touch next week.

When all the patrons had left the premises, we all left and advised that they could now lock the doors.

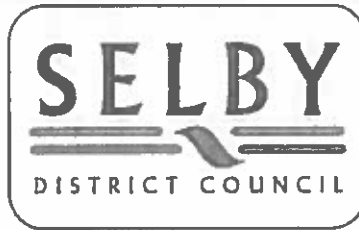
ANNEX D

From: _____
Sent: 15 December 2020 17:33
To: _____@live.co.uk
Subject: Fixed Penalty Notice
Attachments: FPN Bay Horse Selby 15 December 2020.pdf
Importance: High

Good Afternoon _____

As discussed during our telephone conversation earlier, attached is a copy of the letter that we left for your attention at The Bay Horse, Selby at 15.43 hours today, that I said I would email to you.

Kind Regards,



Please ask for: _____
Telephone: 01757 705101
Fax Number: _____

Your Ref: _____
Our Ref: _____
Email: _____@selby.gov.uk

Bay Horse Hotel
57 Micklegate
Selby
North Yorkshire
YO8 4EA

15th December 2020

Dear _____

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 – Bay Horse Hotel, 57 Micklegate, Selby, YO8 4EA

Further to intelligence alleging contraventions of Coronavirus statutory provisions and an unannounced visit to the premises dated Friday 11th December 2020, I can now confirm that you are contravening one or more of the relevant Coronavirus statutory provisions.

Specifically, on Friday 11th December 2020, you failed to prohibit the sale of alcohol for consumption on the premises unless served 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.

Therefore, please find enclosed a Fixed Penalty Notice in relation to the offence. You should read the notice carefully including details of challenging this Fixed Penalty Notice.

If you require any further information or wish to discuss the matter further do not hesitate to contact me.

Yours sincerely

MSc MCIEH
Senior Environmental Health Officer
Environmental Health

**SELBY DISTRICT COUNCIL
REF/WK/20203559**

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020
(SI. 2020: No. 1374)
FIXED PENALTY NOTICE**

Date: 15th December 2020

Part A

To: _____

At: Bay Horse Hotel

Of: 57 Micklegate, Selby, North Yorkshire, YO8 4EA

Trading as: Bay Horse Hotel

This Fixed Penalty Notice is served under Regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, _____ designated as an authorised person for the purposes of the Regulations by Selby District Council have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Selby District Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

Part B. Amount of Penalty and period to pay

The monetary penalty you must pay is: £1,000.00

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to: Selby District Civic Centre, War Memorial Square, Doncaster Road, Selby YO8 9FT

DEBIT/CREDIT CARD: We accept payment by all major debit and credit cards. Please call 01757 705101 Monday/Tuesday/Thursday/Friday 9.30am to 4.00pm, Wednesday 10.00am to 4.00pm.

CHEQUE PAYMENT: Cheques should be made payable to Selby District Council and sent to Selby District Council, Environmental Health, Civic Centre, Doncaster Road, Selby, YO8 9FT. They should not be made payable to individual officers and post-dated cheques are not acceptable

Part C. Grounds for imposing the Penalty

Regulation contravened: Contrary to Regulation 8(2) of the Regulations, you have failed, without reasonable excuse, to prohibit the sale of alcohol for consumption on the premises unless served 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.

Particulars of the offence: During a visit to the premises dated Friday 11th December 2020, customers were observed drinking alcohol in the absence of a table meal, and the very little food present was not 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.

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to Selby District Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice. Your challenge will be processed in accordance with Selby District Council's Complaint Procedure: <https://www.selby.gov.uk/complaints-and-compliments>

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

**This Notice remains in force even if you have raised a challenge.
Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.**

Part E. Consequences of non-payment/ continued non-compliance

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Signed: _____

Date: 15/12/20

Name in Capitals: _____

SENIOR ENVIRONMENTAL HEALTH OFFICER

Selby District Council, Civic Centre, War Memorial Square, Doncaster Road, Selby YO8 9FT
Telephone: 01757 705101 Email: info@selby.gov.uk

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice

ANNEX E

From: _____
Sent: 17 December 2020 10:10
To: _____
Cc: _____
Subject: Re visit Bay Horse / 16/12/20.

Good Morning All.

_____ I appreciate that you are aware of the below having spoken to both of you.

_____ Revisited the above premise last night (18.45 – 19.15 Hrs) in company with _____ from NYPY Licensing and two uniformed Police Officers both of whom had body worn camera's. Spoke with ! _____ same lady that was spoken to last Friday. Three other staff were also working.

The problem area remains the snug which as you are aware was the problematic area last Friday. On entry there were twelve people sat within the snug, all of whom were sat down. Three tables were in this area and there was twelve plates of a buffet style meal on the tables.

In the opinion of bot. _____ and I this was still too crowded. We expressed our concerns to _____ who removed a table and some of the customers sat within this area. _____ appeared keen to work with us, and we recommended that two tables and a maximum of eight people would be acceptable. _____ stated that she would adhere to this recommendation. Of those initial twelve people sat in the snug it was apparent that there were numerous "households" seated around the three tables. In short it was a group of friends that were out to have a few beers, a light bite to eat and to watch the football.

This was also mentioned to _____ who stated that she had asked several questions of those present and that they had assured her that only one household was seated at each table. On speaking with the "lads" a number confirmed that these questions had been asked on entry and several openly admitted to lying to _____ regarding the household regulation to gain entry into the premise.

Both _____ and I were reasonably happy with the remainder of the customers within the premise. A number of other customers were spoken to.

_____ was reminded that customers are required to wear a mask when moving around the premise, the majority were, just a couple who were not.

Some customers left via the front door as opposed to the side door which is marked as the exit. _____ was advised to place further "signage" on these doors to avoid any further confusion. She said that she would do this.

If a further visit is to be made, it will be interesting to see if the third table has been returned into the snug and obviously as to how many people are within this area.

Regards,

ANNEX F

From: _____
Sent: 21 December 2020 13:48
To: _____ EH Duty Officer
Subject: FW: NOTIFICATION OF STORM INCIDENTS REPORT - The Bay Horse - COVID

Hi,
This has been entered onto M3, the w/k 202003594

From: _____@northyorkshire.pnn.police.uk>
Sent: 19 December 2020 14:37
To: Licensing Team <licensing@selby.gov.uk>
Cc: _____@northyorkshire.pnn.police.uk>
Subject: NOTIFICATION OF STORM INCIDENTS REPORT - The Bay Horse - COVID

Dear Selby Licensing Team,

Please see details below of premises reported to North Yorkshire Police: Two separate reports – For Information Purposes Only

18/12/20 – The BAY HORSE, 57 Micklegate, Selby YO8 4EA – Report rec'd - 'group too many to count, still operating with a plate of sandwiches to bend the rules'.

18/12/20 – The BAY HORSE, 57 Micklegate, Selby YO8 4EA – Report rec'd - 'just walked past, not adhering to guidelines, officers attends and speaks with landlord, closing door due to maximum capacity'.

Please email NYPLicensing@northyorkshire.pnn.police.uk, with any actions undertaken.

PC _____ has been copied into this email for reference.

Kind Regards

_____(Temporary Assisting the Licensing Team)

STAY SAFE

Digital PCSC _____
Partnership Hub
Scarborough, Filey & Whitby areas.

Email: Digital.PCSO@northyorkshire.pnn.police.uk
Committed to the Code of Ethics

Dial 101, press option 2 and ask for me by my full name or collar number
If using my collar number please state each number individually or email me
_____[@northyorkshire.pnn.police.uk](mailto:_____@northyorkshire.pnn.police.uk)

Web: www.northyorkshire.police.uk
Facebook: facebook.com/NorthYorkshirePolice
Twitter: twitter.com/NYorksPolice

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Please notify the sender if received in error. Unauthorised use or

disclosure of the content may be unlawful. Opinions

expressed in this document may not be official policy.

Thank you for your co-operation.
