

Dawn Drury

From: _____
Sent: 23 March 2023 17:12
To: Licensing Team (SEL)
Cc: _____
Subject: The Final Whistle

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Licensing

Further to my email below I have not received any further information from the applicant as requested, therefore they have not demonstrated how they propose to promote the licensing objective of the prevention of public nuisance, nor are they likely to given that the last day for representations is 27/3/23.

Given the nature, type, scale and location of the prosed licensing activities, namely the provision of live music outdoors for up to 5000 people Monday to Sunday, which is contrary the application form which later states; *"Annual outdoor music events. Live amplified music events of football field and car park 5/6 times per annum."*. There is a significant risk that licensable activities will cause nuisance to neighbours of the venue and I do not believe that closing exterior doors at 11pm, closing outdoor areas off at 11pm and last orders called 30mins before closing is anywhere near sufficient control that risk.

The latest available guidance issued by the Home Office under the Licensing Act 2003 provides advice for Applicants and Responsible Authorities on how to ensure the Licensing objectives and aims are promoted. It is expected that the guidance should be followed in almost all cases unless there is sufficient justification for a departure from the guidance. Section 8.41 to 8.49 of that guidance provides clear advice for applicants including the following statements:

- In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area.
- Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives.
- Applicants are expected to include positive proposals in their application on how they will manage any potential risks.
- Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area.

The applicant has not followed that advice.

In view of the above I have little choice but to object to the granting of this variation in my capacity as Responsible Authority on the grounds that I have no confidence that the proposals will promote the licensing objective of the prevention of public nuisance.

Regards

Frc _____
Sent: Wednesday, March 15, 2023 11:34 AM

To: Licensing Team <licensing@selby.gov.uk>

Subject: RE: Licensing Memo

Hi Licensing

Re: The Final Whistle variation.

I have reconsidered this application and whilst it is submitted as a variation to an existing licence the proposals will be substantially different to the existing premises licence when considering the licensing objective of public nuisance. The site plan submitted is a bit misleading as it implies the entire football pitch is included but only part of the pitch is shown on the plan.

The application for regulated entertainment is for events for up to 5000 people, outside, up to 7 days per week. Since the premises is surrounded by residential premises and a school there is the potential for the proposals to give rise to significant public nuisance due to noise, disturbance and issues associated with such events.

In order to promote the licensing objective of the prevention of public nuisance the applicant proposes:

All exterior doors closed at 11pm
Outdoor areas closed off at 11pm
Last orders called 30mins before closing.

The existing premises licence states that the prevention of public nuisance is to be achieved by restrictions inherent in the Licensing Act 1964, this act has been repealed.

In view of the above the applicant has not demonstrated how they will uphold the licensing objective of the prevention of public nuisance and should be asked to consider this and submit their proposals for the Licensing Committee's consideration. Alternatively I would be happy to consider any proposals they might have, although given the timescales, pressures of LGR and the lack of detail submitted with the application it will be challenging to reach an agreement before the hearing.

Kind regards

From: [redacted]
Sent: 14 March 2023 17:54
To: Licensing Team <licensing@selby.gov.uk>

Subject: Re: Licensing Memo

Hi, it was the final whistle.

Sent from [Outlook for Android](#)

From: Licensing Team <licensing@selby.gov.uk>
Sent: Tuesday, March 14, 2023 5:34:29 PM
To: [redacted]
C: [redacted]
Subject: RE: Licensing Memo

What licensing application are the reps for?

Dawn Drury

From: _____
Sent: 28 March 2023 11:15
To: _____
Cc: Licensing Team (SEL) _____
Subject: RE: The Final Whistle

Good morning, _____

Your existing licence covers the building and allows for up to live and amplified music indoors before 11pm for an audience of up to 500 people, although the size of the venue this will restrict numbers further. Your proposals, as I understand them, are for regulated entertainment including live music for up to 5000 people outside, this is a significant change and such it is highly unlikely that your existing conditions will be sufficient in order for you to promote the licensing objective of preventing public nuisance.

In view of the above, the potential for a music event to cause significant public nuisance and the timescales available I am not able to agree to the conditions proposed and I do not have sufficient information about your proposals to offer alternatives.

I would recommend that prior to the hearing you seek the advice of a licensing and / or events specialist to help you demonstrate to the committee how you intend to promote the licensing objective or preventing public nuisance.

You should also consider whether your venue is appropriate to host events for 5000 people given the restricted access and egress along Richard Street, it would be challenging for 5000 people leaving the venue at 11pm not to cause public nuisance to the residents of Richard Street in terms of noise, litter and traffic.

I would be happy to discuss the matter but it may not be possible to resolve the issues before the hearing.

Kind regards

-----Original Message-----

From: EH Duty Officer (SEL) <ehdutyofficer.sel@northyorks.gov.uk>
Sent: Monday, March 27, 2023 1:30 PM
To: _____
Subject: FW: The Final Whistle

-----Original Message-----


Sent: Friday, March 24, 2023 4:47 PM
To: EH Duty Officer (SEL) <ehdutyofficer.sel@northyorks.gov.uk>
Cc: Licensing Team (SEL) <licensing.sel@northyorks.gov.uk>
Subject: The Final Whistle

Good afternoon,

I have been passed on your email address in regards to the licensing conditions proposed on our application.

I briefly responded to the email sent SDC licensing team stating that we adhere to the proposed conditions, they are all in line with what we had put in place when we bought the business.

1. Regular decibel meter checks inside and outside of the building when amplified or non amplified music is taking place. Documented in noise regulator book with each check.
2. Staff ensure all windows and doors are closed during events
3. Notices are up at both exits to prevent public nuisance
4. Staff ensure that any bottles bins that need emptying do so before 11pm - left till the following morning (after 7am) where necessary
5. Beer garden/pitch side closed to all customers/staff at 11pm

Please feel free to contact me to discuss further 

Kind regards




Democratic Services
North Yorkshire Council – Selby Area
Civic Centre
War Memorial Square
Doncaster Road
Selby
YO8 9FT

Your ref: The Final Whistle

Our ref: _____

Contact: _____

e-mail: _____

Tel: 0300 131 2 131

Web: www.northyorks.gov.uk

14th April 2023

Dear Democratic Services

Re: The Final Whistle, Selby Town Football Club, Richard Street, Selby, North Yorkshire, YO8 4BN.

Determination of application for a Variation to a Premises Licence.

Hearing: Monday 24 April 2023 at 10.00am, Council Offices

In my capacity as representative of a Responsible Authority as defined by the Licensing Act 2003 I would like to make representations regarding the above and to express concerns over the granting of this variation in terms of undermining the licensing objective of the prevention of public nuisance. I have summarised those concerns below:

1.0 The Application

- 1.1 The Final Whistle has a Premises Licence, reference: _____, which includes the sale of alcohol at the club house building at Selby Town Football Club.
- 1.2 This premises license has effect to allow the performance of live music and amplified music within the building before 23:00 in front of audiences of up to 500, albeit that the size of the venue would not accommodate 500 people so in reality that number would be lower.
- 1.3 The application is for a variation to the existing licence, the variation would allow for regulated entertainment including for the provision of live and recorded music in the open air before 23:00 Sunday to Thursday and 01:00 Saturday and Sunday in front of audiences of up to 5000 people, on up to 5 events; the application is therefore a substantial variation.
- 1.4 It is understood that the licensable area is intended to be the curtilage of the football ground including associated structures, however, the plan submitted does not include such an area. The plan submitted is included at annex A to this summary, at annex B is the area that appears to be included on the plan overlaid on to a plan of the football ground. Clarification has been sought

from the applicant as to what the actual licensable area is proposed to be but at the time of writing is not known whether it is the whole ground or the area shown at annex B

2.0 Considerations / Representations

- 2.1 I have concerns that the granting of this variation could seriously undermine the licensing objective of the prevention of public nuisance in terms of the following:
- 2.2 Music and noise breakout affecting residential premises to the north and west of the premises and a school to the east causing noise nuisance.
- 2.3 Noise and disturbance in terms of shouting, singing, swearing, fighting and general anti-social behaviour as up to 5000 attendees arrive at, and depart from, the venue along Richard Street causing public nuisance, particularly at the conclusion of the event as attendees are likely to leave at the same time.

3.0 Consultation

- 3.1 The applicant has not sought to consult with this department and only made contact following an objection being lodged with the Licensing Authority.
- 3.2 The application as submitted is poor and lacks detail, this is contrary to the advice contained within the guidance issued under section 182 of the Licensing Act 2003 (December 2022) available: [here](#) which includes at sections 8.41 to 8.49 advice for applicants including:
 - In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area.
 - Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives.
 - Applicants are expected to include positive proposals in their application on how they will manage any potential risks.
 - Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area.

The applicant has not followed that advice.

- 3.4 The applicant's proposals to prevent public nuisance included in the application form are as follows:
 - All exterior doors closed at 11pm
 - Outdoor areas to be closed off at 11pm
 - Last order called 30 mins before closing.

Clearly, given the scale of the events, the measures proposed fall short of those necessary to promote the licensing objective of the prevention of public nuisance.

4.0 Summary

- 4.1 The application as submitted does not give any confidence that the granting of this premises licence is compatible with promoting the licensing objective of preventing public nuisance, it does however pose a serious risk of undermining the licensing objective.
- 4.2 The application is insufficient in my view for an informed decision to be made as to whether the proposed events can be controlled to such an extent that they do not undermine the licensing objective, no matter what safeguards are put in place.

5.0 Recommendations

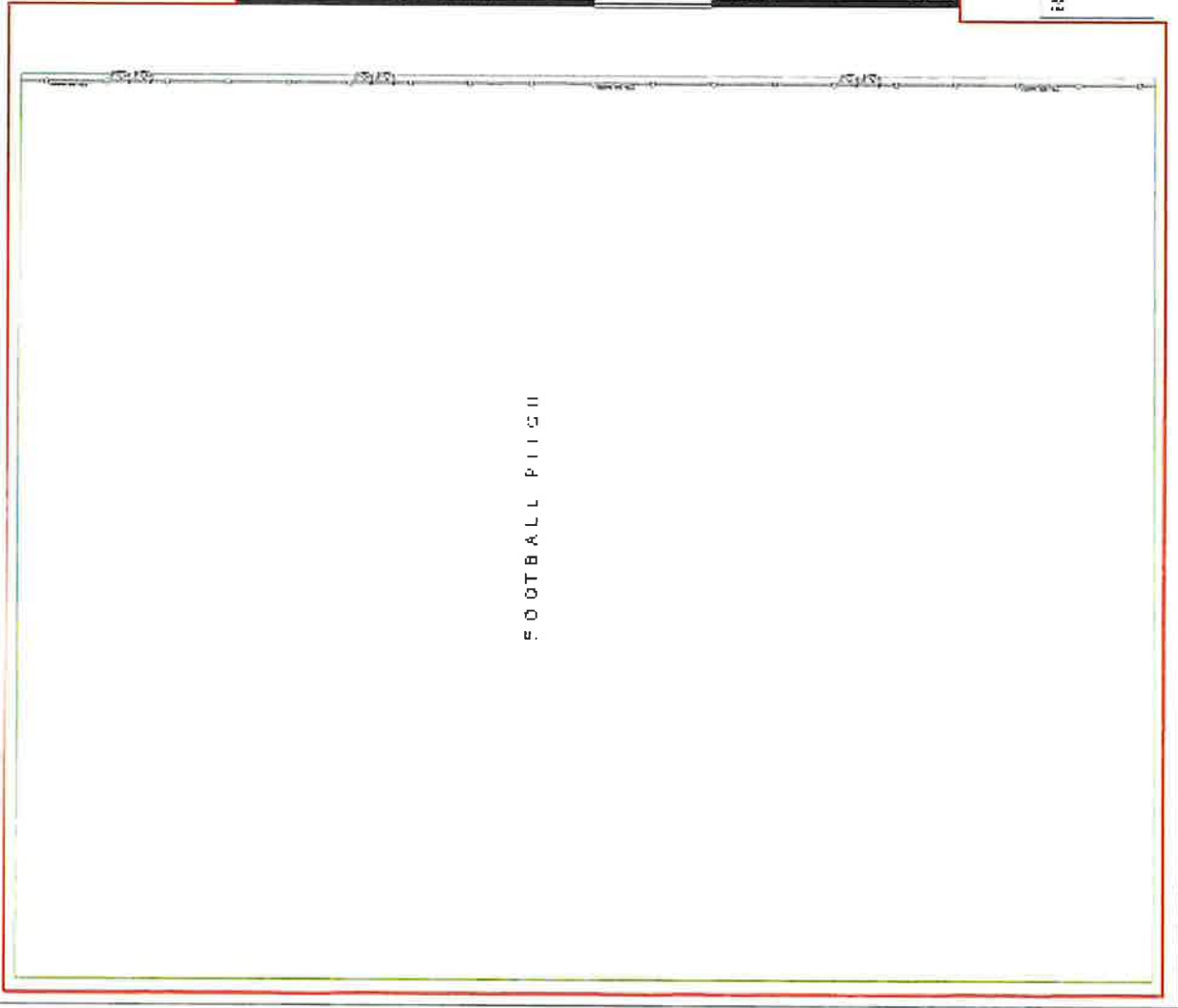
- 5.1 It is recommended that the application for this variation to a premises licence is refused due to the issues identified above.
- 5.2 Should the Licensing Sub Committee be minded to approve the application I would recommend that advice is sought from an expert and that suitable conditions are attached to the licence that might be deemed necessary to ensure the licensing objectives are not undermined.

If you require any further information, do not hesitate to contact me.

Yours sincerely

**Environmental Health Team Leader
Regulatory Services**

P:CON.02.23.01C



FOOTBALL PITCH

LX SING GROUND - FLOOR PLAN

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DATE: 02/23/01
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

P:CON.02.23.01C

ANNEX B

