

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Wednesday, 11 December 2024 commencing at 2.00 pm.

Councillors Tim Grogan, Andrew Lee and Subash Sharma.

Officers present: Fiona Casson, Mark Heaton and Nicki Lishman.

Other Attendees: PC D Chadwick, PC G Churchward.

Copies of all documents considered are in the Minute Book

1 Election of Chair

Decision

That Councillor Tim Grogan be elected as Chair for the meeting.

(Councillor Tim Grogan in the Chair).

2 Apologies for absence

There were no apologies for absence.

3 Disclosures of interest

There were no declarations of interest.

4 Procedure for Licensing Hearings

The attached procedure was noted.

5 Temporary Event Notice subject to North Yorkshire Police Objection Notice for Empire Grill, 34 Newborough, Scarborough, YO11 1NF

The Sub-Committee considered the report of the Corporate Director – Environment, which asked the Sub-Committee to consider the objection notice given by North Yorkshire Police in respect of a temporary event notice for Empire Grill, 34 Newborough, Scarborough, YO11 1NF.

In presenting the report, the Area Licensing Manager (East) drew Members' attention to the details of the request for a Temporary Event Notice (TEN) and the premises licence applicable to the premises.

The Sub-Committee was advised to consider the following sections of the S182 Licensing Act 2003 Guidance:

- Temporary Event Notices – 7.6 to 7.7, 7.28, 7.34, 7.38 to 7.39

North Yorkshire Police had objected to the TEN as they believed that allowing the premises to be used in accordance with the TEN would undermine the prevention of crime and disorder licensing objective.

PC Chadwick drew Members' attention to the various occurrences of the applicant's failure to meet the conditions of their premises licence over the period from May to November 2024. The repeated failure of the CCTV system had been of particular concern. Approximately seven officers had visited the premises 7 times since September, two S19 notices had been issued and a Premises Improvement Plan (PIP) had been issued on 27 November 2024.

The officer confirmed to Councillors that an excessive amount of time had been spent at this premises.

The applicant and their representative explained that the application for a TEN was to hold a private event for members of their community on 24 December 2024, this being a very important celebratory date within their community.

They explained that the following issues had now been resolved:

- The CCTV equipment was now working correctly following the installation of new cabling.
- All records were being correctly kept such as the accident/incident book.
- Staff training had now taken place in full.

With regard to the concerns of the Police that the premises was not operating primarily as a restaurant, they stated that after their customers finished their meals, some may stay and enjoy a drink prior to closure of the business at 11pm. It was this that may give the impression that the premises was operating as a bar or vertical drinking establishment.

The staff member who had been seen assaulting their partner in the premises was prevented from working for several weeks after the incident and had their hours reduced to weekends only.

The applicant explained that initially they did not understand that they had a duty to ensure that all elements of the licence needed to be in place from day 1. However, all requirements were now in place. Up to 5 staff were on duty at weekends, with the applicant and their partner producing the food and the manager and 2 other staff front of house.

The applicant stated that, on occasion, their customers had felt intimidated by the attention of Police Officers who visited the premises, particularly when checking if customers were eating in the restaurant or just drinking at the bar.

Following questions by Councillors, the applicant confirmed:

- That there would be alcohol for sale up to 3am
- No under 18s would be at the event
- Proof of age was requested
- No issues with illegal drugs at the premises
- That this was a traditional event as part of the community's culture
- The applicant had gained a Level 3 as a chef
- Of the incidents listed in the Police Notice of Objection the party noted on 9 November 2024 had been a 5th birthday party for their son
- If there were any other incidents of alleged assault staff knew to call the Police and

- note the incident in the incident book
- The premises had not yet been inspected under the Food Hygiene Regulations

Councillors advised that they were minded to grant the TEN but asked for assurance that there would be no more than 50 people at the event and that they were proposing a condition that Point 15 of Annex 2 of the Premises Licence would apply and registered door staff should be on duty until the 3am closure. They asked if the applicant believed that was something they could arrange, and the applicant confirmed they would.

Decision

The Sub-Committee resolved unanimously to not serve a counter notice thereby allowing the proposed activities to go ahead as stated in the notice subject to all of the conditions already imposed on the existing premises licence.

The Applicant also stated when asked that, in accordance with condition 15 on his Premises Licence, he would employ one SIA registered door supervisor for the duration of the event to which the Temporary Event Notice applied and would continue to co-operate with North Yorkshire Police to achieve a compliant operation at all times. The applicant also agreed to advise the Police of the name and badge number of the SIA qualified door staff engaged.

The meeting concluded at 4.00 pm.