



Agenda

Meeting of Statutory Licensing Sub-Committee

To: Councillors Tim Grogan, Andrew Lee and Subash Sharma.

Date: Wednesday, 11 December 2024

Time: 2.00 pm

Venue: Committee Room, Town Hall, St Nicholas Street, Scarborough, YO11 2HG

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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Business

1. **Election of Chair**
To select a Member to act as Chair of the meeting.
2. **Apologies for absence**
3. **Disclosures of interest**
All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.
4. **Procedure for Licensing Hearings** (Pages 3 - 4)
5. **Temporary Event Notice subject to North Yorkshire Police Objection Notice for Empire Grill, 34 Newborough, Scarborough, YO11 1NF** (Pages 5 - 34)

Agenda Contact Officer:

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Thursday, 5 December 2024



Statutory Licensing Sub-Committee

Procedure

Introduction

1. The Sub-Committee will conduct its hearings fairly, observing the basic rules of natural justice.
2. Each hearing will take the form of a discussion led by the Chair and cross examination will not be permitted unless the Sub-Committee considers that cross examination is necessary.
3. Hearings will be held in public but the Sub-Committee may decide to exclude the public from all or part of a hearing where it considers the public interest in doing so outweighs the public interest in the hearing taking place in public. In this context "public" includes any party to the hearing or any representative of a party.

Procedure

4. At the beginning of the meeting the Chair shall:-
 - a) ask those present to introduce themselves;
 - b) explain the procedure;
 - c) ask the parties whether they wish permission for another person to appear at the hearing.
5. The Sub-Committee will consider requests from the parties for permission for other persons to appear at the meeting. Such permission will not be unreasonably withheld.
6. The Chair will conduct the hearing taking representations from the parties in the following order:
 - a) the Licensing Officer who will outline the background to the case. The Licensing Officer's role is to provide factual information to the Sub-Committee.
 - b) the applicant/licence holder (including any person appointed to represent the party or any other persons who have been given permission to assist the party).
 - c) any party making representations (including any person appointed to represent the party or any persons who have been given permission to assist the party).

7. Before determination, the applicant/licence holder will be given the final opportunity to address the Sub-Committee.
8. Each party will be given an equal maximum period of time in which to put forward any additional information requested by the Council, to question other persons (if given permission by the Sub-Committee) and address the Sub-Committee.
9. The Sub-Committee may exclude disruptive persons in certain circumstances.
10. The Sub-Committee may adjourn the hearing in certain circumstances.
11. The Sub-Committee will ask the parties to withdraw so that it can consider its determination. In considering its determination, the Sub-Committee may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.
12. The Sub-Committee will make its determination at the end of the meeting and this will be confirmed in writing.

Failure of Parties to Attend a Hearing

13. If a party has informed the Council that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
14. Where a party has not so indicated fails to attend or be represented at a hearing the Sub-Committee may:
 - a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - b) hold the hearing in the party's absence.
15. Where the hearing is held in the absence of a party, the authority shall consider at the hearing of the application, representation or notice made by that party.
16. Where a hearing is adjourned to a specified date the Council will notify the parties of the date, time and place to which the hearing has been adjourned.

April 2023

North Yorkshire Council

Statutory Licensing Sub-Committee

11 December 2024

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

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 The Sub-Committee is asked to consider the objection notice given by North Yorkshire Police in respect of a temporary event notice given by Mr Alin Bolovan.

2.0 Temporary Event Notice

- 2.1 On 28 November 2024 a temporary event notice (TEN) was given by Mr Alin Bolovan for proposed licensable activities at Empire Grill, 34 Newborough, Scarborough, YO11 1NF. A copy of the notice is attached at **Appendix A**.
- 2.2 The TEN relates to a private Christmas party for a maximum of 50 persons between 23:00 on Wednesday 24 December to 03:00 on Thursday 25 December 2024. The event will include the sale of alcohol (for consumption on the premises only), the provision of regulated entertainment, and the provision of late night refreshment.
- 2.3 Empire Grill is described as a restaurant, and benefits from a premises licence (Licence No. PL1404 attached at **Appendix B**) which authorises:

The supply of alcohol (on and off) – Monday to Sunday, 11:00 to 23:00
Hours open to the public – Monday to Sunday, 11:00 to 23:00

3.0 Promotion of Licensing Objectives

- 3.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a TEN if they believe that allowing the premises to be used in accordance with a TEN will undermine one or more of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

4.0 Representations

- 4.1 On Monday 2 December 2024 an objection notice was received from North Yorkshire Police, outlining their belief that allowing the premises to be used in accordance with the TEN would undermine the prevention of crime and disorder licensing objective.

4.2 The Police state that in the short time the premises has been licensed (just over 6 months) Mr Bolovan has demonstrated that he is unable to comply with the day-to-day conditions already attached to the licence. This is despite being served two Section 19 closure notices, one of which is still live, and now on an agreed Premises Improvement Plan. In addition, they state Mr Bolovans' reluctance to have an operational CCTV system at the premises has already hindered two assault investigations, directly undermining the Prevention of Crime and Disorder licensing objective. A copy of the notice providing further details is attached at **Appendix C**.

4.3 Members are advised that Section 19 of the Criminal Justice and Police Act 2001 enables a police constable or a local authority to serve a closure notice where:

- any premises are being used, or have been used within the last 24 hours, for the sale of alcohol for consumption on or in the vicinity of the premises; and
- this activity is or was carried on without an authorisation (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of an authorisation for the sale of alcohol.

The notice informs a person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.

4.4 No objection has been received from the Council's Environmental Health Team.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All of the Sub-Committee's options are outlined at 12.0 of the report. No alternative options are available.

6.0 FINANCIAL IMPLICATIONS

6.1 The costs involved in administering the Licensing Act 2003 are set in statutory legislation.

7.0 LEGAL IMPLICATIONS

7.1 The Sub-Committee must hold a hearing to consider the objection notice, unless all parties agree that a hearing is unnecessary.

7.2 The Sub-Committee must have regard to the promotion of the four licensing objectives in exercising its functions under the Licensing Act 2003.

7.3 The Sub-Committee must also have regard to the statutory guidance under section 182 of the Act and the council's own statement of licensing policy exercising its functions under the Act.

7.4 The power to impose conditions on a TEN is conferred by section 106 of the Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.

7.5 All parties to the hearing may appeal against the decision of the Licensing Sub-Committee. Appeals must be made to a Magistrates' Court within 21 days of receiving notification of the decision, and at least five working days before the date of the event.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 No Climate change implications have been identified.

9.0 POLICY IMPLICATIONS

9.1 The Sub-Committee should 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

10.0 EQUALITIES IMPLICATIONS

10.1 No equalities implications have been identified for this matter.

11.0 REASONS FOR RECOMMENDATIONS

11.1 In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice.

11.2 The Sub-Committee must, having had regard to the objection notice take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

12.0 RECOMMENDATION(S)

The Licensing Committee has the following options:

- To not serve a counter notice thereby allowing the proposed activities to go ahead as stated in the notice; or
- To not serve a counter notice thereby allowing the proposed activities to go ahead as stated in the notice subject to one or more of the conditions already imposed on the existing premises licence (attached at Appendix B); or
- To issue a counter notice on the basis that the proposed activities would undermine the licensing objectives.

In making its decision, the Sub-Committee must act with a view to promoting the licensing objectives. The Sub-Committee must also have regard to its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

APPENDICES:

Appendix A – Temporary Event Notice

Appendix B – Existing premises licence

Appendix C – North Yorkshire Police Objection Notice

BACKGROUND DOCUMENTS:

Scarborough Locality Statement of Licensing Policy

Section 182 Guidance (Home Office), Licensing Act 2003

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton

5 December 2024

Report Author – Mark Heaton – Area Licensing Manager (East)

Presenter of Report – Mark Heaton – Area Licensing Manager (East)

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

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. The licensing authority will give to you an email acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Bolovan		
Forenames	Alin ilie		
2. Previous names: (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary).			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
	█	█	█
4. Your place of birth			
█			
5. National Insurance Number			
█			
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).			
Post town		Post code	
Scarborough		█	
7. Other contact details			
Telephone numbers:			
Daytime			
Evening (optional)			
Mobile (optional)	█		
Work Number (optional)	█		
E-Mail Address (if available)	█		

8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (Please read note 2)	
Empire Grill 34 Newborough Scarborough YO11 1NF	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so please enter the licence or certificate number below.	
Premises licence number	PL1404
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
whole premises	
Please describe the nature of the premises below. (Please read note 4)	
Restaurant	
Please describe the nature of the event below. (Please read note 5)	
Private party to celebrate Christmas - extension of existing licenced hours	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
24.12.2024-25.12.2024	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
23:00-03:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	50
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 13)	

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	North Yorkshire Council	
Licence number	[REDACTED]	
Date of issue		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after;		
the event period proposed in this notice?		

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after;		
the event period proposed in this notice?		
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after;		
the event period proposed in this notice?		

I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated;	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition *Please read note 17*

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

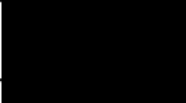
9. Declarations *Please read note 18*

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale, and;

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.

SIGNATURE 

DATE
28,11,2024

Name of Person signing
Bolovan ilie alin

For completion by the licensing authority

10. Acknowledgement *(Please read note 20)*

I acknowledge receipt of this temporary event notice.

SIGNATURE
On behalf of the Licensing Authority

DATE

Name of officer signing

NOTES

Using your personal information

We will process your personal information in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We may use your personal information in a number of ways, but only for the purposes for which it was given, for example to provide you with the information or services requested or to administer and protect public funds. We may share your information with, and obtain information about you from, other departments of the Council or other organisations where it is lawful to do so, for example to check the accuracy of information or to prevent or detect crime. For further information on how we collect, use, share, secure and retain your personal information, and your legal rights, please see our Privacy Notice at <https://www.northyorks.gov.uk/your-council/transparency-freedom-information-and-data-protection/privacy-notice> or by contacting Customer First. Our Data Protection Officer can be contacted at the Town Hall, St Nicholas Street, Scarborough, YO11 2HG (tel 0300 131 2 131 or email dataprotection.sca@northyorks.gov.uk).

General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person (the “premises user”) may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits

applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below explains the definition of an “associate”.

When permitted temporary activities take place, a premises user must either ensure that:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine, on conviction).
- Allowing the sale of alcohol to children under 18 (subject to an unlimited fine, on conviction).
- Knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction).
- Allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to a level 3 on the standard scale, on conviction).
- The sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, on conviction).
- Obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, on conviction).
- Knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply have been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, on conviction), and
- Knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless

accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under section 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds or private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- Not to give a counter notice under section 105 of the Licensing Act 2003;
- The conditions apply to the licence or certificate; and
- The imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within with a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a sale takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol purchased is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment – see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 15 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours of the start of the event period under the current proposal or within 24 hours after the end of the event period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user.

Note 16

An “associate” of the proposed premises user is:

- (a) the spouse or civil partner of that person;
- (b) a child, parent, grandchild, grandparent, brother or sister of that person;
- (c) an agent or employee of that person; or
- (d) the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgement from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 19

It is an offence knowingly or recklessly to make a false statement in or in connection with a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of receipt of the notice.

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Licensing Act 2003
Premises Licence

PL1404

LOCAL AUTHORITY



North Yorkshire Council
Licensing Services
Town Hall
St Nicholas Street
Scarborough
YO11 2HG

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Empire Grill

34 Newborough, Scarborough, North Yorkshire, YO11 1NF.

Telephone 01723 377290

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	11:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	11:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Alin Ilie Bolovan [REDACTED], Scarborough, North Yorkshire, YO12 7DS.
 Telephone [REDACTED]

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

Alin Ilie BOLOVAN [REDACTED], Scarborough, North Yorkshire, YO12 7DS.
 Telephone [REDACTED]



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. [REDACTED]

Issued by North Yorkshire

ANNEX 1 - MANDATORY CONDITIONS APPLICABLE TO ALL PREMISES LICENCES & CLUB PREMISES CERTIFICATES UNDER THE LICENSING ACT 2003.**Requirement for a Designated Premises Supervisor**

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.

Exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification)

Door Supervisors and Security Staff to be licensed by the SIA

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority, with the following exceptions:
 - (a) Premises where the premises licence authorises plays or films.
 - (b) Any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club premises certificate, under a temporary event notice authorising plays or films under a gaming licence), or
 - (c) Any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001.

Age verification policy

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.

Minimum price of alcohol

1. 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.
2. For the purposes of the condition set out in paragraph 1
 - (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.
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

The following conditions apply where the licence or certificate authorises "on" or "on and off" sales**No irresponsible drinks promotions**

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).

Free water

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Small measures to be available

1. 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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1) The premises will operate primarily as a restaurant and not a bar or vertical drinking establishment
- 2) Off sales will be in sealed containers

The prevention of crime and disorder

- 3) A colour digital CCTV system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
- 4) The CCTV system shall contain the correct time and date stamp information.
- 5) The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence.
- 6) The CCTV system must be capable of providing quality images of good evidential value. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days continuous footage.
- 7) The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.
- 8) The data controller who is responsible for any CCTV images captured on cameras on the premises

will, on the lawful request of an authorised officer or an officer of North Yorkshire Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.

- 9) The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of North Yorkshire Police to search the picture footage effectively and see all the information contained in the picture footage for the purposes of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no indexing of files or verification checks.
- 10) No device shall be permitted that could in any way adversely affect or impede the quality of the images recorded by the CCTV system, e.g. smoke or dry ice machines.
- 11) If there is an outdoor area that is to be used for the sale or consumption of drinks then these areas will be covered by CCTV, which will be available to be seen on a monitor by staff members at all times.

Public safety

- 12) A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 - operation of the CCTV system (including the downloading of evidence)
 - retail sale of alcohol;
 - age verification policy;
 - conditions attached to the Premises Licence;
 - permitted licensable activities;
 - any training specified by North Yorkshire Police Licensing in respect of safeguarding and vulnerability.
 - the licensing objectives
 - opening times for the venue.

with such records being kept for a minimum of one year. [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];

- 13) The premises shall operate a challenge 25 policy
- 14) The Premises have been visited by the Police Licensing Officer and above conditions discussed with the applicant and the DPS
- 15) The DPS shall risk assess the requirement for SIA registered door staff / additional staff for events held at the premises. This will be documented and provided to any responsible authority when required.
- 16) The Premises have been visited by the North Yorkshire Fire & Rescue Safety Officer and he is satisfied with the Fire prevention equipment in place at the venue
- 17) There will be a minimum number of 20 covers available at all times licensable activities are taking place.

The prevention of public nuisance

- 18) Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect

the needs of local residents and to leave the premises and the area quietly.

The Protection of Children from harm

- 19) A Refusal Register and an Incident Report Register shall be maintained at the premises. Such registers will record incidents of staff refusals to under age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such Registers shall be kept for a minimum of one year. [For the avoidance of doubt, the one year period relates to each respective entry in a Register and runs from the date of that particular entry in the Register].
- 20) There shall be no adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.

ANNEX 4 - PLANS

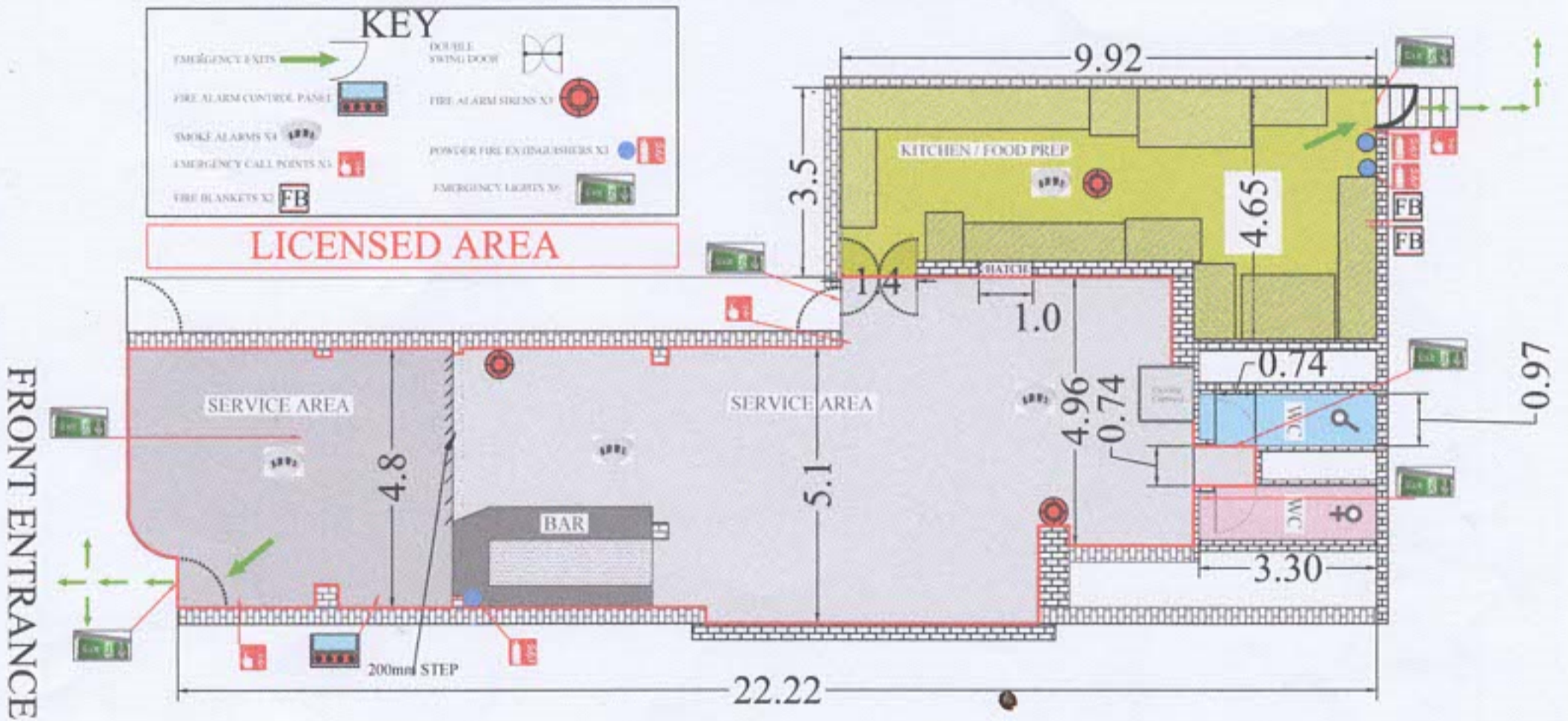
Attached

EMPIRE GRILL

34 NEWBOROUGH

SCARBOROUGH YO11 1NF

1/100 Scale





Our Ref: NYP/1770/Empire Grill

Email: NYPLicensing@northyorkshire.police.uk

Address: Licensing Services
North Yorkshire Council (Scarborough area) Town
Hall
St Nicholas Street
Scarborough
YO11 2HG

Date: 2nd December 2024

Notice of Objection

Temporary Event Notice for Empire Grill, 34 Newborough, Scarborough, YO11 1NF

Dear Licensing Authority,

North Yorkshire Police acknowledge receipt of the Temporary Event Notice (TEN) submitted by Mr. Alin Bolovan for Empire Grill, 34 Newborough, Scarborough received by North Yorkshire Police on 28th November 2024 and which relates to licensable activities, at Empire Grill between the following times:

- 2300-0300 on 24th – 25th December 2024

The purpose of this letter is to serve notice on you under Section 104(2) Licensing Act 2003 of North Yorkshire Police's objection to Mr Bolovan's Temporary Event Notice.

It is believed that granting the TEN would undermine the Prevention of Crime and Disorder Licensing objective

The reasons for this objection are outlined below:

Mr Bolovan was granted a premises licence for the Empire Grill on the 20th May 2024, with agreed conditions enabling the premises "to operate primarily as a restaurant and not as a bar or vertical drinking establishment" and permitting the retail sale of alcohol until 23:00hrs. Pre application discussions had taken place before between Mr Bolovan, PC Chadwick (Police licensing officer) and

Michael O' Brien (Mr Bolovan's licensing advisor) where operating conditions were discussed and agreed and the expectations of operating a licensed premises within Scarborough's Night Time Economy district were explained. Mr Bolovan and Police agreed conditions during this period.

On the 6th September 2024 a meeting was held at the premises between Mr Bolovan, Mr O'Brien and PC Chadwick as Mr Bolovan was wanting to vary his premises licence to extend his licensed hours from 23:00hrs until 01:00hrs. PC Chadwick wanted to ensure the premises were compliant with the current operating and mandatory licence conditions, and out of 20 operating conditions, 14 were non-compliant, including documented staff training and no operational CCTV. Mr Bolovan was advised to rectify these deficiencies as a matter of urgency and informed that North Yorkshire Police could not support any variation whilst the conditions were being breached.

On the 15th September 2024 an allegation of assault at the premises was received and at 23:45 hrs when an officer went to investigate, he found Mr Bolovan intoxicated and unable to operate or show him the CCTV.

On the 17th September 2024 PC Chadwick and PC Begin attended Empire Grill to speak to Mr Bolovan and check the CCTV but despite being warned 11 days previously the CCTV was still dysfunctional and unable to be accessed. PC Chadwick issued a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 and informed Mr Bolovan that every alcoholic drink sold could leave him liable to prosecution.

PC Chadwick returned on the 4th October 2024 to ensure the CCTV was now operational and was satisfied that Mr Bolovan was operating in accordance with his licence conditions, he was and therefore a Section 19 cancellation notice was issued.

On the 5th October 2024, a member of public reported that she had been at the premises and witnessed a violent assault by a male on a female, knocking her to the ground. Mr Bolovan said that it was a domestic incident between his brother and his wife and CCTV was captured on the officer's body worn Video, CCTV has not been supplied by the premises, despite PC Chadwick requesting this on 2 occasions.

On the 9th November 2024, PC Begin was on duty and passed by the premises just before midnight where she saw activity inside, Mr Bolovan appeared at the door and told her it was a private party before closing the door. No Temporary Event Notice had been applied for.

On the 19th November 2024 PC Chadwick and Lisa Templeton (council licensing enforcement officer) attended the premises to see the CCTV from the 9th November. Mr Bolovan accessed the CCTV using his mobile phone which showed 1 camera which was operational behind the bar. PC Chadwick asked to view the CCTV cameras which covered the rest of the premises but Mr Bolovan said they were not working and he was awaiting a new system.

Condition 5 under Annex 2 of the premises licence states :-

The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence

PC Chadwick issued another Section 19 closure notice to Mr Bolovan to be rectified by the 26th November 2024.

On the 27th November 2024 PC Chadwick and PC Churchward attended the premises to see if the CCTV system was operational. It wasn't and Mr Bolovan showed a receipt on his phone that a CCTV system had been ordered.

On the 29th November 2024 PC Chadwick and Lisa Templeton re attended and the CCTV was still not rectified.

PC Chadwick issued a PIP (Premises Improvement Plan) to Mr Bolovan, which is live for the next two months. PC Chadwick explained thoroughly to Mr. Bolovan what was required and expected of him as under the 'Stepped approach to achieving compliance' options were quickly running out. The PIP is a supportive measure to help Mr. Bolovan achieve and maintain full compliance with his conditions and operate the premises in a manner that supports the licensing objectives. It includes fortnightly meetings between Mr. Bolovan and responsible authorities to assist him to achieve the standards he has fallen short of. Should this fail, there would be no alternative than to seek a review of the premises licence. Mr Bolovan said that he understood and signed the agreement, which is due for final review on 27th January 2025. At this time, due to the issues faced at the premises, and the fact that it has just started out on a supportive Premises Improvement Plan, North Yorkshire Police believe a Temporary Event Notice at this time, given the way the premises has been operating, would risk significantly undermining the prevention of crime and disorder licensing objective.

In the short time the premises has been licensed (just over 6 months) Mr Bolovan has demonstrated that he is unable to comply with the day-to-day conditions already attached to the licence. This is despite being served 2 Section 19 closure notices, one of which is still live, and now on an agreed Premises Improvement Plan. Mr Bolovans' reluctance to have an operational CCTV system at the premises has already hindered 2 assault investigations, directly undermining the Prevention of Crime and Disorder licensing objective.

North Yorkshire Police believe that if licensable activities were to be permitted under a Temporary Event Notice for an event at this premises, the Prevention of Crime and Disorder licensing objective would continue to be undermined. Consequently, North Yorkshire Police do not support this Temporary Event Notice.

Yours Sincerely

PC Debbie Chadwick 1770

Alcohol Licensing Officer

 **CRIMESTOPPERS**
0800 555 111  **CRIMESTOPPERS**
0800 555 111  **CRIMESTOPPERS**
0800 555 111
Call anonymously with information about crime Call anonymously with information about crime Call anonymously with information about crime

y

Non-emergency Number	Non-emergency Number	Non-emergency Number
 101	 101	 101