

North Yorkshire Council

Statutory Licensing Sub-Committee

Minutes of the meeting held on Friday, 16th February, 2024 commencing at 10.00 am.

Councillor Tim Grogan in the Chair plus Councillors Tim Grogan, Subash Sharma and Roberta Swiers.

In attendance: PC Debbie Chadwick (NY Police), Tom Stoffel (NY Police), Alison Graham (NY Police).

Officers present: Alan Fane (Licensing), Lisa Templeton (Licensing), Jonathan Davey (Legal Services), Christian Brennan (Democratic Services) .

Other Attendees: Russell Vickers (new owner of premises), Ellen Senior (Whitby Way).

Copies of all documents considered are in the Minute Book

62 Election of Chair

Resolved:-

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

(Councillor Tim Grogan in the Chair)

63 Apologies for Absence

There were no apologies for absence.

64 Disclosures of Interest

There were no declarations of interest.

65 Procedure for Licensing Hearings

The attached procedure was noted.

66 Review of a Premises Licence JK's Bar, Wellington Road, Whitby, YO21 1DY

The Sub-Committee considered the report of the Corporate Director of Environment which sought determination of an application made by the Police for the review of a Premises Licence in respect of JK's Bar, Wellington Road, Whitby, YO21 1DY.

The committee have had sight of the officer report, the appendices including the application, the current premises licence, the representations, the additional evidence namely the premises comments on the police case, the report of Andrew Bamber

submitted by the premises, the statement of PC Graham, the additional letter from the Clarence House (Whitby) Management Company received on the 13/2/2023.

In respect of the Applicant and their representatives the meeting was attended by PC Deborah Chadwick, Alison Graham, and PS Tom Stoffel.

The Licensing Officer, Alan Fane, introduced the report. He listed the history of proceedings relating to the application submitted against the premises which contained breaches of the premise's licensing conditions. Further, he noted that the hearing was adjourned from the 5/1/2024 meeting to allow for the potential sale of the property to a new owner.

PS Stoffell, Police Licensing Officer, thanked the Sub-Committee for its pragmatic approach to the hearing. He explained that as the authority responsible for enforcing the premise's licensing conditions, the Police had been compelled to bring this application to review the licence to the sub-committee. There had been repeated breaches of the premises licence. However, since the property had been sold to a new owner during the adjournment period, the police would now withdraw the application.

The Chair welcomed the premise's transfer of ownership and acknowledged the withdrawal of the application.

Before closing the meeting, the Chair took the opportunity to express his disapproval regarding the service upon the premises of 3 closure notices, the fact that on 4 occasions there was no Designated Premises Supervisor for a period of 12 days, that there were 8 licence breaches, 21 police incidents (involving 14 of violence and public order) resulting in 8 arrests and most damagingly occasions where the fire doors were found to have been locked. It is noted that some of the allegations made by the police had been disputed by the previous owner of the premises who was not present at the hearing. The Chair sought reassurances from the new owner, Mr Vickers who was present, that the premise would comply with the conditions. Mr Vickers stated the premises would remain closed until improvements were made including investment in the premises, the appointment of new staff (none of the previous staff would be employed) and the establishment would be renamed. The Chair was pleased to hear that steps were being taken to solve the issues that the premises has had. The Sub-Committee were informed that the old owner would no longer have any involvement with the premises nor any financial interest or management control.

RESOLVED: That the Sub-Committee note the withdrawal of North Yorkshire Police's application to review the premises and their representation

The meeting concluded at 10.11 am.