



Agenda

Notice of a public meeting of **Statutory Licensing Sub-Committee**

To: Councillors Tim Grogan, Subash Sharma and Roberta Swiers.

Date: Friday, 16th February, 2024

Time: 10.00 am

Venue: Committee Room 2, Scarborough Town Hall, St Nicholas St, 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.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

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)
To confirm the procedure to be followed at the meeting.
5. **Review of a Premises Licence JK's Bar, Wellington Road, Whitby, YO21 1DY** (Pages 5 - 64)
To consider a report of the Corporate Director of Environment.

Agenda Contact Officer:

Christian Brennan, Democratic Services

Tel: 01723 232332

Email: christian.brennan@northyorks.gov.uk

Thursday, 8 February 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 Chairman 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 Chairman 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 Chairman 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 and Registration Sub-Committee

5 January 2024

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

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination by the Statutory Licensing and Registration Sub-Committee of an application for the review of a Premises Licence (Licensing Act 2003).

2.0 SUMMARY

- 2.1 An application for the review of a premises licence under Section 51 of the Licensing Act 2003 was received from North Yorkshire Police (NYP) on 13 November 2023. The application and appendices are attached at **Appendix A**. A copy of the current premises licence (PL0389) detailing the existing permitted activities, timings and conditions is attached at **Appendix B**.
- 2.2 A copy of the application was served on the holder of the premises licence and all responsible authorities on 14 November 2023. Following receipt of the application, the Licensing Authority advertised the application, thereby inviting representations to be made by responsible authorities and other persons between 14 November 2023 and the end of consultation midnight 11 December 2023.

3.0 BACKGROUND

- 3.1 The licensing regime has a clear focus on promoting the four statutory licensing objectives which underpin the Licensing Act 2003, these are as follows:

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

Licensed premises are required to actively promote the licensing objectives and comply with any conditions on their licence.

- 3.2 The review application refers to matters concerning the following licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

- 3.3 Members should note that the premises have been subject to a previous review application submitted by NYP in April 2023. At the subsequent hearing NYP highlighted serious concerns regarding the undermining of the same three licensing objectives.

3.4 Within the April 2023 review application, the applicant stated the following:

“Since June 2022 North Yorkshire Police have responded to various incidents involving Disorder, Anti-Social Behaviour and offences under Section 136 of The Licensing Act 2003 at JK’s Bar, Wellington Road, Whitby. The Alcohol Licensing Unit has engaged with the operator, attended meetings and implemented a Premises Improvement Plan in line with The Home Office recognised ‘A Stepped approach to achieving compliance’ but despite these interventions JK’s Bar continues to undermine the Licensing Objectives, specifically :-

- *The Prevention of Crime and Disorder*
- *Public Safety*
- *The Prevention of Public Nuisance*

Due to the continuing issues the police see no alternative but to instigate formal review proceedings to enable the licensing authority to deal with the matter at the earliest opportunity”.

4.0 GROUNDS FOR REVIEW

4.1 The grounds for the current review are as follows:

“In April 2023 North Yorkshire Police requested a review of the Premises Licence for JK’s Bar, Wellington Road, Whitby. This was due to multiple breaches of the licence conditions, the crime and disorder and anti-social behaviour associated with the premises.

On the 23rd May 2023 the licensing sub-committee held the review hearing and determined that the premises licence would remain with an additional condition in that a personal licence holder would be in the public areas of the premises when the retail sale of alcohol takes place, and that Bulent Osman be removed as the Designated Premises Supervisor.

Despite the review hearing, removal of Mr Osman as DPS and additional conditions, the premises continue to breach the conditions attached to the premises licence and show a complete disregard not only to the responsible authorities but to the residents, visitors and local businesses because of crime, disorder and anti-social behaviour attributed to the bar.

JK’s Bar continues to seriously undermine the licensing objectives, specifically;

- *The Prevention of Crime and Disorder*
- *Public Safety*
- *The Prevention of Public Nuisance*

North Yorkshire Police see no alternative than to seek a revocation of the Premises Licence”.

4.2 Members will note that the matters raised by NYP are expanded upon within **Appendix A** which includes an application form and a number of additional supporting documents, including a reference to CCTV footage.

5.0 REPRESENTATIONS AND RESPONSES

5.1 Four representations have been received, these are attached at **Appendix C** and are summarised as follows:

5.2 Two representations in support of the review have been received from a local business and a management company who represent some of the residents living in a block of flats located close to JK’s Bar. They raise a number of complaints about JK’s Bar including anti-social

behaviour, excessive noise (daytime & night-time), booming music sounds, drunken/vulgar behaviour, urination/defecation and glass/can litter. They also highlight complaints in relation to the outside seating area and that the premises gives a poor impression of the town.

- 5.3 Two representations in support of the premises have also been received, they state that the premises is well run and an important community hub. They also state the concerns raised regarding the premises are exaggerated and without foundation.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 All of the Sub-Committee's options are outlined under the "Recommendations" heading towards the end of this report. No alternative options are available.

7.0 FINANCIAL IMPLICATIONS

- 7.1 No financial implications have been identified.

8.0 LEGAL IMPLICATIONS

- 8.1 The premises licence holder, the applicant and all parties to the review 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.

9.0 EQUALITIES IMPLICATIONS

- 9.1 No equalities implications have been identified.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 No climate change implications have been identified.

11.0 POLICY IMPLICATIONS

- 11.1 The following sections of the Scarborough Locality Statement of Licensing Policy are relevant in considering the licensing objectives:

"3.8 The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises".

"3.24 Responsible authorities and other persons may apply to review a licence or certificate where it is believed an operator of a licensed premises is in their opinion managing their business in a manner that does not promote one or more of the licensing objectives".

"3.25 Examples of triggers for a review may be: continual complaints of noise from or in the vicinity of the premises; continual complaints of noise or intimidation from customers outside the premises; an accumulation of breaches of licensing conditions; poor management where the licensing objectives are undermined; underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour; sales of alcohol outside of the permitted hours; consideration of the track record/history of a premises; any safeguarding concerns identified relating to children, young people or vulnerable adults; and the persistent or otherwise sales of alcohol to drunken or disorderly individuals, etc".

11.2 The Sub-Committee should consider part 11 of the s182 Licensing Act 2003 guidance which runs from page 95 to 99. Particular attention should be directed to paragraphs 11.16 onwards which provide information on the range of powers that a Licensing Authority may exercise where it considers them appropriate for the promotion of the licensing objectives. As some of the allegations relate to music from the premises the Sub-Committee should consider para 16.36 – 16.41 and paras 16.55 and 16.56 of the guidance.

12.0 REASONS FOR RECOMMENDATIONS

12.1 In accordance with section 52 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the review application and any relevant representations.

12.2 The Sub-Committee must, having had regard to the application and any relevant representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

13.0 RECOMMENDATIONS

13.1 In the case of a review of a premises licence, the Sub-Committee may choose to employ one or more of the following options:

- a) to modify the conditions of the licence
- b) to exclude from the Licence a licensable activity
- c) to disapply the provisions of the Live Music Act 2012 (quoting the relevant legislation)
- d) to remove the Designated Premises Supervisor
- e) to suspend the licence for a period not exceeding three months
- f) to revoke the licence
- g) to leave the licence in its existing state

13.2 In relation to paragraph a) and b) above, the Sub-Committee has the power under Section 52(6) of the Licensing Act 2003 to provide that the modification and exclusion may only have effect for a limited period not exceeding three months.

13.3 In relation to paragraph c) above, Members may decide, in accordance with s177A of the Licensing Act 2003 (as amended by the Live Music Act 2012) to state that s177A of the Act 2003 Act does not apply to this premises licence. By doing so Members will disapply the provisions of the Live Music Act, thereby reinstating live music and recorded music (between the hours of 8AM-11PM) as activities to which the Premises Licence applies. Conditions which relate to live and recorded music can also be re-instated so that they would apply between the hours of 8AM-11PM

APPENDICES:

Appendix A – Review application

Appendix B – Current premises licence

Appendix C – Representations

BACKGROUND DOCUMENTS:

Scarborough Locality Statement of Licensing Policy
Section 182 Guidance (Home Office), Licensing Act 2003

Karl Battersby

Corporate Director – Environment
County Hall
Northallerton

12 December 2023

Report Author – Alan Fane, Licensing Enforcement Officer

Presenter of Report – Alan Fane, Licensing Enforcement Officer

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

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APPENDIX A

Application Details

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC Deborah Chadwick , on behalf of North Yorkshire Police apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description JK's Bar Wellington Road	
Post town Whitby	Post code YO21 1DY

Name of premises licence holder or club holding club premises certificate (if known) JK's Bar Limited

Number of premises licence or club premises certificate (if known) PL0389

Part 2 – Applicant details

- I am Please tick ✓ yes
- 1 An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2 A responsible authority (please complete (C) below)
- A member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓ Yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name PC Deborah Chadwick
Address North Yorkshire Police Alcohol Licensing Unit Fulford Road York
Telephone number (if any)

E-mail (optional) NYPlicensing@northyorkshire.police.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|----|--------------------------------------|---|
| 1. | the prevention of crime and disorder | X |
| 2. | public safety | X |
| 3. | the prevention of public nuisance | X |
| 4. | the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 2)

In April 2023 North Yorkshire Police requested a review of the Premises Licence for JK's Bar, Wellington Road Whitby. This was due to multiple breaches of the licence conditions, the crime and disorder and anti-social behavior associated with the premises.

On the 23rd May 2023 the licensing sub-committee held the review hearing and determined that the premises licence would remain with an additional condition in that a personal licence holder would be in the public areas of the premises when the retail sale of alcohol takes place, and that Bulent Osman be removed as the Designated Premises Supervisor.

Despite the review hearing, removal of Mr. Osman as DPS and addition of conditions, the premises continue to breach the conditions attached to the premises licence and show a complete disregard not only to the responsible authorities but to the residents, visitors and local businesses because of the crime, disorder and anti-social behavior attributed to the bar.

JK's Bar continues to seriously undermine the licensing objectives, specifically:-

- The Prevention of Crime and Disorder
- Public Safety &
- The Prevention of public nuisance.

North Yorkshire police see no alternative than to seek a revocation of the Premises Licence .

[Empty box for application details]

Please provide as much information as possible to support the application (please read guidance note 3)

In April 2023, North Yorkshire Police took JK's Bar, Wellington Road, Whitby to a licensing review due to repeated breaches of the Premises Licence conditions, incidents of crime and disorder and Anti-social behavior.

On the 23rd May 2023, North Yorkshire Council licensing sub committee held the review hearing at Scarborough Town Hall whereby the premises licence remained but removed Bulent Osman as the Designated Premises Supervisor and included a condition that at least one Personal Licence Holder shall be on duty in the public areas of the premises at all times when the retail sale of alcohol licensable activity takes place.

Members of the committee said

'There have been so many alleged offences of breaching the licence conditions over a long period of time. It is clearly important that conditions are complied with to prevent crime and disorder in the night time economy and to maintain public safety.

Mr Osman accepted that patrons of his premises were intoxicated and it is important that CCTV is in operation at such premises to retain evidence in the night time environment where a variety of offences commonly occur. Without providing and recording staff training and also retaining CCTV the licensing objectives have been undermined. Every opportunity to put matters right have been provided but this has not been taken by Mr Osman and the licensing objectives continue to be seriously undermined. (DOC REF 1)

On the 3rd June 2023 a member of the public reported that there were lots of people spilling out of JK's bar and onto the street, drinking. The caller said that the licence for the bar had been reviewed last week and special measures had been put in place and the landlord is unable to operate his own bar. It is intimidating for families and residents walking past. (DOC REF 2)

At 03:14 on the 4th June 2023 the ambulance service contacted the police as they were dealing with a male who had a head injury and was on the floor outside the bar, his family were there causing issues and being aggressive towards the ambulance crew (DOC REF 3)

Between the 4th and 7th June 2023 Four noise complaints were received from local retailers saying that the excessive noise and Anti Social behavior coming from the bars on Wellington Road were having a detrimental effect on their businesses. (DOC REF 4)

On the 8th June 2023 PC Chadwick and PC Graham from the police alcohol licensing unit attended JK's Bar for a licensing visit post-review. Bulent Osman was present along with Matthew Robinson. Mr Osman said that Mr. Robinson was currently doing his personal licence course and he would, once he'd obtained his personal licence, become the DPS and would also manage the premises. The conditions attached to the premises licence were discussed and the Staff training documents were requested for inspection. Mr Osman said that the staff training would be one of Mr. Robinsons jobs when he took over but it hadn't been done at that time and there was no documentation.

Staff training and documentation is a condition on the premises licence, Annex 2 conditions 9 & 10, and therefore a closure notice under Section 19 of the Criminal Justice and police Act was issued with a requirement to have staff training completed and documented by the 15th June 2023. (DOC REF 5)

The incidents from the weekend were discussed and the CCTV was viewed which showed the outside area on the 3rd June was extremely busy with customers from both bars spilling out onto the street, drinking and causing a nuisance to other members of the public. The incident from the 4th June 2023 was also viewed which showed the male with the head injury had been drinking at JK's prior to an altercation taking place outside. PC Chadwick made a written request to Mr Osman for CCTV footage (DOC REF 6)

PC Graham made some enquiries with the council highways department as there had been so many complaints regarding the outside area and confirmation was received that JK's did not have a street café licence.

Mr Osman then applied to the Highways department for a street café licence.

On the 14th June 2023 notification was received from North Yorkshire Council saying that the review appeal period had finished and no application for an appeal had been lodged. The premises were now without a DPS as Mr Osman was no longer permitted to carry out this role.

On the evening of the 16th June 2023 a DPS variation was submitted to the council naming Martin Marot as the DPS. This was with immediate effect and was confirmed as validated by

the council on the 19th June 2023.

On the 21st June 2023 Martin Marot withdrew himself as DPS at JK's Bar.

On the 23rd June Matthew Robinson became the DPS at JK's.

On the 10th July a further complaint was made regarding the behavior of customers in the outside areas of both barson Wellington Road, drunken people and vomiting in the street, during a Saturday afternoon. (DOC REF 7)

On the 28th July 2023 Matthew Robinson removes himself as DPS at JK's. He states he only worked that initial weekend and was then made to feel unwelcome at the premises. He believes he was just used as a name on the Premises Licence as they needed a DPS. He did not receive any training for the role or any payment for the work he did, he wasn't going to risk his licence if he wasn't there to supervise what was going on. (DOC REF 8)

On the 28th July 2023 Darren Harrison is appointed as the new DPS at JK's Bar.

On the 2nd August 2023 PC Chadwick & Sergeant Stoffel from the police alcohol licensing unit and council enforcement officer Lisa Templeton attend JK's to conduct a licensing compliance visit and discuss with Mr. Osman the multiple recent changes of DPS at the venue. Whilst at the premises the licence conditions were checked for compliance and there were no visible signs asking the customers to be respectful and leave quietly and when we arrived the doors were wide open and music was playing. The licence condition states ; **All doors to the premises must be kept closed, save for access and egress, when live or recorded music is being provided. For the avoidance of doubt, this includes both the inner and outer doors at the lobby entrance to the premises.** .

A closure notice under Section 19 of the Criminal Justice and Police Act 2001 was issued for breaches of conditions 5 & 6 of Annex 2. (DOC REF 9)

On the 29th August 2023 Darren Harrison removes himself as DPS.

On the 30th August 2023 Flash Baldwin is appointed as DPS. PC Chadwick contacts Mr Baldwin to explain that due to an ongoing investigation he is involved in the police could not support his application at this time, Mr Baldwin says that he will withdraw his application.

On the 8th September 2023 Flash Baldwin removes himself as DPS

On the 12th September 2023 Thomas Purvis becomes the DPS at JK's Bar.

On the 14th September 2023 PC Chadwick and PC Graham are on other enquiries in Whitby town and turn into Wellington Road, Whitby. It is noted that JK's Bar did not have barriers in place to denote their outside area which is a requirement of their pavement café licence. A member of bar staff from JK's , Mandy Wilson, is seen to walk over to the public bins and dispose of several empty bottles from the bar, she then returns to the premises. Upon checking the bin it is almost full with similar empty bottles.

The officers attend JK's and speak to Bulent Osman and Ms Wilson, Initially they are asked where the outside barriers are and Mr Osman said they were out, when in fact there were only a couple which were inadequate. He was asked about his waste disposal and officers had just seen his bar staff using the public bins. He said he had a waste disposal agreement in place and he would tell his bar staff not to do that again. He was asked when the new DPS Mr Purvis would be in and Mr Osman didn't give an answer.

The officers then went to the bar opposite and informed them that the barriers were not out and this was dealt with immediately.

Whilst at the bar opposite JK's the officers were made aware of a recent incident outside in the street whereby an altercation took place at JK's which led to one of the males stealing a

bottle of wine from a neighbouring shop and smashing it on the floor, a fight then ensues and other customers, members of the public and families watch on. 2 members of SIA registered door staff from other premises in the town go to JK's to assist and detain the offenders until police arrive. Both males are arrested for affray. (DOC REF 10)

On the 12th October 2023 PC's Graham and Chadwick were on enquiries in Whitby town when it was noted again that the outside barriers at JK's were not deployed outside as required in the pavement licence and customers were sat outside drinking. The officers went inside and spoke to Mandy Wilson who was the only person working. There were a few people sat at the bar drinking and an elderly male sat at a table inside, drinking. The current DPS was not present and neither was Mr Osman. MsWilson does not have a personal licence, despite her informing the officers that she had completed her personal licence course.

This was a breach of the additional condition added to the licence by the Licensing Sub Committee at the review hearing 5 months previously which states :-

At least one personal licence holder shall be on duty in the public areas of the premises at all times when the retail sale of alcohol licensable activity takes place.

Initially Ms Wilson said the Mr Osman had just popped out however the group at the bar said he had been gone for about 1 hour and then Ms Wilson said that he had gone back to Thornaby.

PC Chadwick issued a closure notice under Section 19 of the Criminal Justice and Police Act 2001 for a breach of condition 3 under Annex 3. (DOC REF 11) and statements from the officers (DOC REF 12)

During that visit the other conditions were checked for compliance Ms Wilson could not locate the licence however upon checking the CCTV system in the cellar PC Graham found the premises licence but Ms Wilson was unable to operate the CCTV and the fire exits were again bolted from the inside. In September 2022 PC Chadwick and PC Graham reported JK's to the Fire Service for bolting the fire escape doors and Mr Osman was aware of this and the serious consequences for public Safety.

PC Graham made further contact with the Highways department regarding the outside area and also the Fire Service with regards to bolting the fire exits.

Mr Osman was asked to attend Whitby Police Station on the 26th October 2023 to be interviewed under caution regarding the licence breaches identified above. A letter was sent via e-mail and to his home address (as registered on the premises licence)

On the 25th October 2023 PC Chadwick and Sgt Stoffel were in Whitby and attended JK's to speak to Mr Osman to ensure he would attend for interview, Mr Osman claimed that his e mail had been hacked and he had not received anything. Mr Osman asked the officers if it could be rearranged until the following Tuesday as he had no one to look after the bar so it was agreed that he would attend on Tuesday 31st October 2023.

On Monday 30th October 2023 PC Chadwick received an e mail from a solicitor who was representing Mr Osman saying that it would need to be rearranged and suggested the week commencing the 20th November.

The premises is now on the 6th DPS in 5 months, there have been 21 incidents reported of which 14 are violent or public order incidents (DOC REF13) , there have been 3 further Section 19 closure notices for breaches of the licence conditions and warnings from the Highways department regarding the outside area, concerns from the Fire Service and reports to the environmental agency regarding waste disposal.

Mr Osman has shown a complete disregard to responsible authorities by continuing to commit offences under the Licensing Act 2003, despite being given a second opportunity by the licensing Sub Committee on the 23rd May 2023.

He has demonstrated on numerous occasions that he is unwilling or unable to comply with the requirements needed to run a licensed premises safely and legally.

Mr Osman was the sole director of the company and is the Premises Licence Holder until the

27th August 2023 when he appointed a new director, Mr Berkan OKTAY. Mr Osman is currently the secretary for the company who has significant influence and control. Mr Oktay has never been present at any meeting with the police and his name has never been mentioned.

Mr Osman is barred from being the DPS by the previous licensing sub- committee to limit his personal involvement in the premises and to drive compliance but in actual fact Mr Osman is even more hands-on since the previous review and sustained non-compliance with licence conditions has continued, and in fact incidents of violence have got worse during this period. Given Mr. Osman has had his direct involvement in the management of this premises curtailed to the fullest extent possible by the hearing previously, revocation is sought in this instance.

North Yorkshire Police are not willing to delay the submission of a second review until Mr Osman is available for interview and they ask the licensing sub committee to consider revoking the premises licence for JK's Bar as it continues to seriously undermine the licensing objectives and would respectfully direct members to Section 17 of the Crime and Disorder Act 1998 " it shall be the duty of each authority to which the section applies to do all it reasonably can to prevent crime and disorder in its area."

Documents

- DOC REF 1** Determination notice from previous hearing
- DOC REF 2** Incident report from 3rd June 2023
- DOC REF 3** Incident report from 4th June 2023
- DOC REF 4** 4 x noise/ Anti-social behaviour reports
- DOC REF 5** Section 19 closure notice from 8th June 2023
- DOC REF 6** CCTV request to Mr Osman
- DOC REF 7** complaint regarding noise and anti-social behaviour on 10th July
- DOC REF 8** Statement from Matthew Baldwin
- DOC REF 9** Section 19 closure notice issued on the 2nd August 2023
- DOC REF 10** CCTV Footage showing incident on the 9th September 2023
- DOC REF 11** Section 19 closure notice issued on the 12th October 2023
- DOC REF 12** Statement from PC Chadwick re the visit on the 12th October 2023
- DOC REF 13** Incident schedule

a

Have you made an application for review relating to this premises before? Please tick ✓ yes

Day	Month	Year
1	2	04 2023

If you have made representations before relating to this premises please state what they were and when you made them

Previous review hearing submitted on the 12th April 2023 because of the multiple breaches of the Premises Licence and the crime and disorder and Anti Social behaviour associated with the premises.

Mr Osman failed to engage with responsible authorities despite their efforts to assist to drive compliance. A Premises Improvement Plan was implemented and even the simpler licence conditions, such as documented staff training were not complied with. Despite the review hearing Mr Osman continues to breach the conditions of the premises licence, refuses to comply with the conditions on his pavement café licence, shows no regard for public safety and the prevention of public nuisance and continues to operate in whatever way he chooses to.

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature .  *PC 1770*

Date *10/11/2023*

Capacity *Applicant*

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**NORTH YORKSHIRE COUNCIL
LICENSING SUB-COMMITTEE**

Application for a review of

**Premises Licence for JK's Bar, Wellington Road, Whitby,
YO21 1DY**

Report No:

Name of Applicant: North Yorkshire Police
Date of Meeting: 23/5/2023
Place: Scarborough Town Hall

PRESENT:

Councillors

Tim Grogan (Chair) Subash
Sharma
Roberta Swiers

Declarations of Interests (Personal / Prejudicial): None

Applicant (and Representative if applicable)

Attended – Yes. PC Deborah Chadwick
Tom Stoffel
Alison Graham
Gemma Churchward

Witnesses

Bulent Osman represented by Nathaniel Gadsby, Solicitor
Tom Stoffel and PC Chadwick (North Yorkshire Police)

DOC REF 1

Legal Advisor: Jonathan Davey

Licensing Officer: Alan Fane, Kevin Chin, James Nichol **FURTHER
DETAILS OF APPLICATION**

Exclusion of the Public – No

There was no application for the exclusion of the public. Reg 14(1) The Licensing Act 2003 (Hearings) Regulations 2005 states that the hearing shall take place in public.

The Sub-Committee have had sight of:

The committee have had sight of the officer report, the appendices, the additional evidence from the fire brigade, the statement of the youth employed and the additional statement provided by the applicant.

The additional statement of James Nicol was excluded in evidence and played no part in the reaching of the decision.

DECISION OF THE SUB – COMMITTEE

In coming to its decision, the sub-committee has considered the application on its own merits and has also had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and Scarborough Borough Councils Licensing Policy. The sub-committee has had due regard to the 4 licensing objectives namely:

- The prevention of crime and disorder**
- Public Safety**
- Prevention of public nuisance**
- The protection of children from harm**

After hearing the issues today, it is the licensing objectives of ...

The prevention of crime and disorder

Public safety

The protection of children from harm

... that are relevant and consideration has been given to these today

DOC REF 1

and to maintain public safety. Mr Osman has also accepted that there has been a breach in relation to not having door staff on.

There was also an incident where an alleged drink spiking incident took place and the CCTV was wiped. Mr Osman accepted that patrons of his premises were intoxicated and it is important that CCTV is in operation at such premises to retain evidence in the night time environment where a variety of offences commonly occur. Without providing and recording staff training and also retaining CCTV the licensing objectives have been undermined. Every opportunity to put matters right have been provided but this has not been taken by Mr Osman and the licensing objectives continue to be seriously undermined.

The sub committee also asked for an occupancy figure to be obtained as soon as possible and added to the licence.

Signature of Chair:

Date: 23/5/2023

Decision notified to all relevant parties

There is a right of appeal to the Magistrates' Court which should be exercised in writing within 21 days of the date of deemed service of the written version of this decision. A fee may be payable to the Magistrates' Court upon submitting an appeal.

It is the decision of the sub-committee today:

To remove the Designated Premises Supervisor

To add a condition to the licence that at least one personal licence holder shall be on duty in the public areas of the premises at all times when the retail sale of alcohol licensable activity takes place.

The sub-committee believe that

The DPS has accepted that the premises requires improvement. This remains the case after the police's interventions with the Premises improvement plan and the section 19 notices served on the premises. He has stated that 'I like to delegate, I am not hands on, I don't see it as my role.' A DPS should be hands on and is a responsible position. Unfortunately there is no one to delegate to and staff have not remained in post and there has been a high turnover of staff.

Of particular concern are the repeated issues of not documenting staff training which constitutes a breach of the licence. Different staff members will have had different levels of training, but none were able to satisfy the police in relation to operating the CCTV. This is a crucial condition on the licence. It is not acceptable to merely take on staff assuming that they will have had training. Checks needed to be made and in any event, training should be provided which looks at the conditions on the premises licence. The DPS employed a 16 year old at the premises. The DPS accepted that he was present at the premises until midnight and the student stated that he was actually there later than that. The licence states that 'No persons under the age of 18 shall be permitted to remain on the premises until after 20:30 unless the premises has been hired for an event or function at which the general public are excluded.' Had that individual been properly trained the content of the premises licence should have been discussed with him. The protection of children from harm licensing objective is engaged by breaching the licence condition.

Mr Osman has no idea about the duties and responsibilities of the DPS. He assumed someone had a personal licence without making checks.

There have been so many alleged offences of breaching the licence conditions over a long period of time. It is clearly important that conditions are complied with to prevent crime and disorder in the night time economy

Doc Ref 2



STORM Incident Report

Facial Hair		Build:	Incident
Hairstyle		Voice	
Glasses		Accent	
Details			
STORM No:	NYP-03062023-0267	Priority:	OTHER
Disp type:	ASB Nuisance	Action:	FINALISED
Occ type:	ASB Nuisance	View Rated:	NO 101
Reported time:	14:33 - 03/06/2023	Call source:	
Description:	ASB NUISANCE		
Location:	JK'S BAR WELLINGTON RD WHITBY YO211DY X: 489797, Y: 510884		

Person Reporting

Name:	[REDACTED]	[REDACTED]	[REDACTED]
Email:	[REDACTED]	CLI:	[REDACTED]
DOB:	[REDACTED]	Gender:	[REDACTED]
SD Ethnicity:	[REDACTED]		
Vulnerable:	[REDACTED]		
Involvement:	[REDACTED]		
Address:	[REDACTED]		

Officer Involvement

4204 OFFICER IN CASE 4204 LOGGIST

Persons

Values that appear in RED may have to be manually updated in Niche 1.

Classification:	PERSON REPORTING	Gender:	[REDACTED]
Name:	[REDACTED]	DoB:	[REDACTED]
Home Address:	[REDACTED]		
Email Addr.:	[REDACTED]		
Work Phone:	[REDACTED]		
SD Ethnicity:	[REDACTED]	Weight:	kg
Hair Colour:	[REDACTED]	Height:	cm/ft_in
Hair Length:	[REDACTED]	App age:	
Eye Colour:	[REDACTED]		
Desc remarks:	[REDACTED]		
Remarks:	[REDACTED]		

RECORD ID: 1802010

Remarks

<u>Time</u>	<u>User</u>	<u>Category</u>	<u>Narrative</u>
14:30:45 03/06/2023	004204	TAG	ASB TAG ADDED:
14:30:46 03/06/2023	004204	REMARKS	[REDACTED]
14:30:48 03/06/2023	004204	REMARKS	CRM REF: CRM-20230603-0445
14:31:34 03/06/2023	004204	REMARKS	RP REPORTS OF THE BAR JK'S LOTS OF PEOPLE SPILLING OUT OF THE BAR ONTO THE STREET DRINKING ON THE STREET
14:32:06 03/06/2023	004204	REMARKS	RP SAID THE LICENCE FOR THE BAR WAS REVIEWED LAST WEEK AND SPECIAL MEASURES WERE PUT IN PLACE
14:33:11 03/06/2023	004204	REMARKS	RP SAID THE LANDLORD IS UNABLE TO OPERATE HIS OWN BAR - THERE SHOULD BE SOMEONE LOOKING AFTER THE BAR THAT HAS A PERSONAL LICENCE
14:33:18 03/06/2023	004204	REMARKS	SMS request for 36UGGZ to [REDACTED] made
14:33:22 03/06/2023	SRVCOM	REMARKS	SMS sent to [REDACTED]
14:33:38 03/06/2023	004204	REMARKS	RP WANTS OFFICERS TO ATTEND TO PUT SOME SORT OF ORDER IN PLACE
14:34:08 03/06/2023	004204	REMARKS	RP SAYS THIS IS VERY INTIMIDATING FOR FAMILIES WALKING PAST AND RESIDENTS ALIKE
14:35:17 03/06/2023	004204	REMARKS	RP CONCERNED - HE DOESNT WANT HIS NAME AND ADDRESS MENTIONED
14:42:18 03/06/2023	004204	REMARKS	NICHE CHECK RP - NO FLAGS OR MARKERS
14:42:46 03/06/2023	004204	REMARKS	[REDACTED]
14:45:35 03/06/2023	004843	REMARKS	CCTV- THERE IS SEATING OUTSIDE THE PREMISES FOR DRINKERS AND THEY ARE ALL CALM, SITTING AND DRINKING
14:45:36 03/06/2023	004843	REMARKS	NO ISSUES
14:46:03 03/06/2023	004843	REMARKS	ADVISED RP IF HE HAS ISSUED WITH POSSIBLE LICENCING OR NOISE COMPLAINTS TO SPEAK TO COUNCIL
14:47:00 03/06/2023	004843	REMARKS	OR LICENCEING THEMSELVSE
14:52:20 03/06/2023	004204	REMARKS	I HAVE EMAILED THE LICENCING OFFICER TO SEE IF SHE WILL RING THE RP
14:53:10 03/06/2023	004204	REMARKS	THRIVE+ ASSESSMENT =LOW DUE TO CCTV INFO
14:53:49 03/06/2023	004204	DISPOSE	Disposition code: 'ASB18','FIN_ASF18'
14:53:49 03/06/2023	004204	DISPOSE	# Arrests: # Cautions: # Reports:
14:53:49 03/06/2023	004204	DISPOSE	Handling Officer: 4204

14:53:49
03/06/2023

004204 DISPOSE Qualifiers ALCOHOL

14:53:49
03/06/2023

004204 DISPOSE NYP-03062023-0267 HAS BEEN DISPOSED

Dispatch Address Geocoding

<u>Sector</u>	<u>NPT</u>	<u>District</u>	<u>Command</u>	<u>Force</u>
36UGGZ	WHITBY T	SCARBORO	SCAR-RYE	NYP

Doc Ref 3



STORM Incident Report

Incident

Details

STORM No: NYP-04062023-0064 Priority: Action: IMMEDIATE
 Disp type: PSW Collapse/Injury/Illness/Trapped FINALISED
 Occ type: PSW Concern for Safety/Collapse/Injury/Illness/Trapped View Rated:
 Call source: NO 999
 Reported time: 03:14 - 04/06/2023

Description: COLLAPSE/INJURY/ILLNESS/TRAPPE
 Location: JK'S BAR
 WELLINGTON RD
 WHITBY
 YO211DY
 X: 489797, Y: 510884

Person Reporting

Name: B:AMBULANCE YORKS (YAS) NORTH Telephone:
 Email: CLI:
 DOB: Gender:
 SD Ethnicity:
 Vulnerable: No
 Involvement: EMERGENCY SVC
 Address: AMBULANCE STATION,
 SHIPTON RD,
 SKELTON,
 YORK
 YO301XW

Officer Involvement

1057 OFFICER IN CASE
 3721 LOGGIST
 134 CAD OPERATOR

Dispatched Officer(s)

354
 1057

Persons

Values that appear in RED may have to be manually updated in Niche

1.

Classification: SUBJECT Gender: MALE
 Name: [REDACTED] DoB: 08/12/2001
 (21)
 Home Address: [REDACTED]
 Home Phone:

Email Addr.:
 Work Phone:
 SD Ethnicity: Weight: kg
 Hair Colour: Height: cm/ft_in
 Hair Length: App age:
 Facial Hair: Build:
 Hairstyle: Voice
 Glasses: Accent
 Eye Colour:
 Desc remarks: Remarks:

Remarks

<u>Time</u>	<u>User</u>	<u>Category</u>	<u>Narrative</u>
03:13:18 04/06/2023	003721	REMARKS	AMB CALLED TO 25 YR OLD MALE, WHO HAS HEAD INJURY
03:13:25 04/06/2023	003721	REMARKS	GROUP HAVE COME OVER TO AMB
03:13:33 04/06/2023	003721	REMARKS	MAKING IT DIFFICULT FOR THE CREW TO WORK ON THE PATIENT
03:13:47 04/06/2023	003721	REMARKS	THEY ARE GETTING AGRESSIVE WITH CREW ON SCENE
03:14:14 04/06/2023	000134	REMARKS	1057 / 354 DISPATCHED
03:14:15 04/06/2023	003721	TAG	CRIME TAG ADDED:
03:14:24 04/06/2023	003721	REMARKS	AMB CURRENTLY ON SCENE
03:14:28 04/06/2023	003721	REMARKS	NO MENTION OF WEAPOMNS
03:14:30 04/06/2023	003721	REMARKS	WEAPONS*
03:14:35 04/06/2023	000134	REMARKS	CCTV LOOKING
03:14:49 04/06/2023	000134	REMARKS	CCTV - GROUP STOOD AROUND AND SHOUTING AT THE AMBULANCE STAFF
03:15:00 04/06/2023	000134	REMARKS	TWO MALES TWO FEMALES
03:16:34 04/06/2023	003721	REMARKS	ADVISED AMB WOULD PUT ON FOR IMMEDIATE ATTENDANCE
03:17:03 04/06/2023	003721	REMARKS	THRIVE+ ASSESSMENT = HIGH, AMB STAFF HAVE GROUP THAT HAVE COME OVER TO THEM WHILE TRYING TO WORK ON PATIENT WITH HEAD INJURY, GROUP IS BEING AGGRESSIVE TOWARDS AMB STAFF
03:24:14 04/06/2023	000134	REMARKS	1057 - IN ORDER
03:41:39 04/06/2023	000134	REMARKS	1057 - PEOPLE CAUYSING ISSUES WERE THE FAMILY OF THE IP
03:41:45 04/06/2023	000134	REMARKS	IP WAS REALLY DRUNK, NO INJURIES

Doc Ref 3

Page 3 of 3

03:41:50 000134 REMARKS PARAMEDICS REFUSED TO TAKE HIM
04/06/2023
03:42:01 000134 REMARKS SO POLICE HAVE TAKEN HIM AND HIS MUM HOME
04/06/2023
03:42:22 000134 REMARKS [REDACTED]
04/06/2023
03:42:33 000134 REMARKS NO OFFENCES
04/06/2023
03:42:51 000134 TAG FIMACTION TAG ADDED:
04/06/2023
03:42:51 000134 TAG MHFCR TAG ADDED:
04/06/2023
03:42:52 000134 TAG PSW TAG ADDED:
04/06/2023
03:42:52 000134 TAG RCRP TAG ADDED:
04/06/2023
03:43:09 000134 DISPOSE - Changed - Previous Value(s) of Handling Officer:
04/06/2023 354
03:43:09 000134 DISPOSE - Changed - Previous Value(s) of Qualifiers MENTAL
04/06/2023 HEALTH
03:43:11 000134 DISPOSE Disposition code: ',PSW35','FIN_PF35'
04/06/2023
03:43:11 000134 DISPOSE # Arrests: # Cautions: # Reports:
04/06/2023
03:43:11 000134 DISPOSE Handling Officer: 1057
04/06/2023
03:43:11 000134 DISPOSE Qualifiers NO QUALIFIERS APPLY
04/06/2023
03:43:11 000134 DISPOSE NYP-04062023-0064 HAS BEEN DISPOSED
04/06/2023

Dispatch Address Geocoding

Sector NPT District Command Force 36UGGZ WHITBY T SCARBORO SCAR-
RYE NYP

Anti social noise levels- Re Whitby Way & JK's

[REDACTED]
To: NYP Licensing: licensing.services@scarborough.gov.uk

I am contacting you from [REDACTED] Baxtergate Whitby.

I feel the Whitby way and jks are in competition with each other over music volume levels. This starts most afternoons from 3pm.

The noise is effecting myself, local businesses and residents.

As outside seating and this afternoon all our customers left as they couldn't sit and have a quiet drink.

This music encourages their drinkers to spill into the street to dance and we have witnessed plenty of fights in the street with people with glasses in their hands. We are all for a party and a good time but I feel like it's getting out of hand and needs addressing.

Regards
[REDACTED]

[REDACTED]



Reply

Reply All

Forward



Sat 03/06/2023 18:09

Doc Ref 4

From: [REDACTED]

JK's Bar and The Whirby way Wellington road Whitby.

To: [REDACTED]

You forwarded this message on 05/06/2023 09:47.

Good morning,

I am writing to complain about the disturbance from JK's bar and Whitby way pub on Saturday 3rd June. The music from both establishments could be heard along Baxtergate and up Brunswick street from lunchtime.

Complaints were even being made on Facebook.

The previous Saturday 27th May was equally as bad.

I am aware that JK's licence has just been reviewed but the disruptive behaviour has continued despite this.

Baxtergate is becoming a no-go area for locals and visitors alike.

I would be happy to discuss further if needs be.

Regards,

[REDACTED]

NYC Environmental Health

Worksheet

SR Reference

23/01483/ERN060

JOB TYPE CODE	EH AREA	HOW RECEIVED
Noise - commercial Leisure	Commercial Regulation Team	Firmstep

TAKEN BY			
Date Received	6th June 2023	Receiving Officer	Service Request Connector (SRCONN)
PASSED TO			
Date	6th June 2023	Officer	Waiting/Pending Further Information

Service Request / Complaint
 FS-Case-521767887 Report of: Entertainment noise (eg pubs/clubs)
 Frequency: Intermittently
 Duration: More than an hour
 Time of Day: During the daytime,At the weekend
 Part of Property Affected: Other
 Details: This pub called Jks on wellington road whitby had the most awful live kareoke music and singing that vibrated throughout the town & could be heard over near the co op, also the drunks outside at 2pm were falling over and being annoying in the road stopping the public on occasions , and also this included the pub group sat out on the other side of the road outside the Whitby way.
 Absolutely disgusting behaviour and ruins the town.

COMPLAINANT / ENQUIRER DETAILS	
Wishes to Remain Anonymous?	<input type="checkbox"/>
Name	[REDACTED]
Address	[REDACTED]
CONTACT INFORMATION	
Contact	[REDACTED]
Other	Notes

SUBJECT OF COMPLAINT / ENQUIRY	
Contact Name	
Trading As	
Address	JK's Bar Wellington Road Whitby YO21 1DY
CONTACT INFORMATION	
Tel No.	
Other	

OFFICER NOTES / JOB ACTIONS	
Additional Actions / Officer Notes relating to the service request should be recorded overleaf or on a separate sheet(s) of paper	Enter Number of Sheets attached <div style="border: 1px solid black; width: 50px; height: 20px; margin: 5px auto;"></div>

News@uk.com 11/20

[Redacted]

Noise levels Wellington Road Whitby

Re: Licensing Services (X-A)

[Redacted]

1 You forwarded this message on 05/06/2023 15:37.

If there are problems with how this message is displayed, click here to view it in a web browser.

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hello,

I am writing on behalf of this and the surrounding businesses and residents of Wellington Road Whitby. We are having issues with the noise levels coming from JKs Bar and the Whitby Way pub on Saturdays. The noise of music and singing comes from both venues starting at about 11am. There are, also from that point, drinkers filling up the street. We had several incidents on, including Saturday just passed, where customers couldn't get in or out the shop because someone was leaning against the door holding a beer and smoking. That's in the middle of the day. Trade is being affected like that for other businesses too.

Thank you for your time.

[Redacted]

[Redacted]

1/1

4

Doc Ref
5.

**CLOSURE NOTICE MADE
UNDER SECTION 19 OF
THE CRIMINAL JUSTICE
AND POLICE ACT 2001**



NO. DAC/2

Date and time of the Closure Notice:

12:51
5th JUNE 2023

Person making the Notice:

PC170
DEBBIE CHADWICK

Signature: [Redacted]

Name (if applicable) and address of the affected premises:

JKJ
WELLINGTON RD.
WILBY 4021 104

Alleged unauthorised use of the premises:

Black Annex 2
Cor. 9+2 -
No staff training &
No Documented staff
Training

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:

ENSURE STAFF
TRAINED + DOCUMENTED
BY 15th JUNE 2023.

The person (if applicable) on whom the closure notice has been served:

PC170 + DB

Name: BLUNT OSMAN

Signature: [Redacted]

DOC REF 6



Our Ref : NYP/1770/09062023

email : NYPlicensing@northyorkshire.police.uk

Date : 9th June 2023

CCTV FOOTAGE REQUEST

Dear Mr Osman

As the PLH and DPSI am writing to request a copy of the CCTV footage from JK's Bar, Wellington Road, Whitby from Saturday 3rd June 2023 between the hours of 2pm and 8pm inclusive.

The cameras I am requesting footage from are the outside front camera which covers your seating area, the rear alley way camera from your fire exit and inside from the bar / front door area. This request is made under conditions 18 and 19 of Annex 2 on your premises licence and is required for the purposes of investigating and detecting offences under the Licensing Act 2003.

Please can this footage can be made available for myself to collect on Tuesday 13th June 2023 from the premises

Yours Sincerely

Debbie Chadwick

PC 1770 Debbie Chadwick
North Yorkshire Police Alcohol Licensing officer
Scarborough Police Station
Scarborough

JK's and Whitby Way.

[Redacted]
To: NVP Licensing







Sun 09/07/2023 11:30

I am writing to complain, again, about on street drinking from JK's bar and The Whitby Way pub on Wellington road in Whitby.

On Saturday 8th July drinkers from both establishments were well out of the designated areas for drinking and encroaching onto the public path and roads.

Thankfully heavy rain for most of the afternoon kept people in but during the day I witnessed a woman vomiting copious amounts of liquid outside [Redacted] shop, various groups of drunken people up and down Baxtergate, a group of women with full wine glasses wandering down the street, all during Saturday afternoon.

Page 3

Most upsetting was chatting to a local lady when I left work at 5 who had walked past a group of drunks elsewhere in the town centre and felt frightened and was anxious about walking back home. Born and bred in Whitby she said, 'I don't want to live here anymore.'

Once again, I look forward to receiving your automated reply.

Regards,

[Redacted]
[Redacted]

Doc Ref 7.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN


--	--	--	--

Statement of: Matthew Dale Robinson

Age if under 18: Over 18 (if over 18 insert 'over 18') Over 18

Occupation: PROPERTY MAINTENANCE

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness) 

Date: 24th August 2023

I am the above named person and live at the address supplied to the police.

At about the end of May 2023 my friend said that she was interested in taking over a bar in Whitby, this was JK's bar on Wellington Road, Whitby. She asked me if I wanted to help out as she knew I had experience within the licensing trade, I was happy to help. On the 8th June 2023 I met with Bulent Osman, who was the current owner of the bar along with Gordon PENTER whom I have known for at least the last 5 years and Gordon was looking at buying the premises and I was going to run it for him. Gordon decided not to progress with the sale so Bulent and my friend Lucy said they would run it together and I would do my personal licence course and be nominated as the DPS.

I was aware the premises had been taken to a licensing review recently and knew that additional conditions had been put on the licence, one of which was to have a personal licence holder there at all times when the premises was open. I hadn't got my personal licence when I first met Bulent but I had intentions of doing it and began an online course. Bulent needed someone as DPS on the licence as a matter of urgency so I spoke to my good friend who was the DPS at The Fylingdales Inn, Martin Morat, and he agreed to be the DPS until I got my personal licence providing everything was done correctly and his licence wasn't put at risk.

On the 16th June 2023 I went to the bar to see how things were going. I was there for at least half an hour and saw customers being served alcohol even through Bulent wasn't there. I sent him a text message saying ' We have to have someone with a personal licence on-site at all times mate, if Martin comes down he'll remove himself as DPS because it's a breach of licence'. Bulent responded with ' I am here, I'm three minutes away, there's no breach'

I have taken a screenshot of this message and exhibit this as MDR/1

On Monday 19th June 2023 Martin removed himself as DPS. I completed my course and my personal licence was issued by North Yorkshire Council on 23rd June 2023. I immediately completed the paperwork to show me as DPS and this was sent to the council electronically. I worked at the premises that weekend but then it became apparent that Bulent didn't want me at the premises and I was there just as a named DPS. I was never paid anything for the work I had done.

On the 14th July 2023 I sent a text message to Bulent saying " I have had a think and I'm not prepared to carry on as DPS, if I am not there I can't supervise the alcohol sale and I am not being there without getting paid. Probably not what you want to hear but I am risking 6 months prison and an unlimited fine for nothing"

I heard nothing at all back from Bulent and on Friday 21st July 2023 I sent the following text message "Still not had a reply and its been another week. I'll phone and cancel it this afternoon"

I exhibit screenshots of these messages as MDR/2.

I then contacted the council licensing department to request I be removed as DPS at JK's bar. They sent me through the relevant paperwork which I completed and emailed straight back.


Bulent was fully aware that that I was removing myself as DPS when I sent the text messages on the 14th and 21st July 2023 and he never once attempted to contact me.

I had never signed a contract, never had any staff training and never been paid for any of the work I had done.

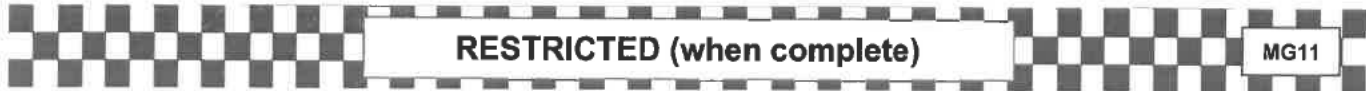
I last saw Bulent on the 3rd August 2023 when I attended the premises to get my tools back. He stood there screaming and shouting at me and told me that I wouldn't get my tools back, which would be approximately £1000 to replace. I will make a separate report to the police regarding this.

I must have only been at the premises about 4 times but I wasn't happy with what I saw and how he ran the place. He would buy very large bottles of cheap vodka which were under the bar and they had a blue label on and he would fill up the Smirnoff bottles with this cheap vodka and sell it as Smirnoff Vodka.

I wanted to run a legitimate business, and this was never going to happen with Bulent Osman there. I want nothing more to do with the premises and I am happy to assist the police in any way I can .



24/08/23



RESTRICTED (when complete)

MG11

Signature: 

24 Feb / 23

Signature witnessed by:

Doc Ref 9

CLOSURE NOTICE MADE UNDER SECTION 19 OF THE CRIMINAL JUSTICE AND POLICE ACT 2001



NO. DAC/3

Date and time of the Closure Notice:

12:43
AUGUST 2ND 2022

Person making the Notice:

PC DEBBIE CHADWICK
1720

Signature

[Redacted Signature]

Name (if applicable) and address of the affected premises:

JK'S BAR
WELLINGTON ROAD
WATFORD Herts WD17 1DY

Alleged unauthorised use of the premises:

ANNEX 2 - (CON 6).
DOORS CLOSED WHEN
LIVE/RECORDED MUSIC
(CON 5) SIGNAGE ASKING
CUSTOMERS TO LEAVE QUIETLY.

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:

KEEP DOOR CLOSED
WHEN LIVE/RECORDED
MUSIC
+
SIGNS ASKING CUSTOMERS
TO LEAVE QUIETLY.

The person (if applicable) on whom the closure notice has been served:

* BY 10th AUGUST *

Name:

[Redacted Name]

Doc Ref 11.

Form 221 - 01/2010

**CLOSURE NOTICE MADE
UNDER SECTION 19 OF
THE CRIMINAL JUSTICE
AND POLICE ACT 2001**



NO OCT/23

Date and time of the Closure Notice:

12/10/23
14:22

Person making the Notice:

PC CHADWICK 1770

Signature

Name (if applicable) and address of the affected premises:

DLJ
WELLINGTON RD WILBY
4021 IDY

Alleged unauthorised use of the premises:

ANNEX 3 - AFTER
REVIEW:- CON. 3 -
NO PERSONAL LICENCE
HOLDER ON DUTY

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:

Ensure Personal Licence
holder on duty when
Retail sale of alcohol
taking place

The person (if applicable) on whom the closure notice has been served:

Name:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Deborah Chadwick

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Alcohol Licensing Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: D Chadwick (witness)

Date: 13/10/2023

I am PC Deborah Chadwick and I am a Police Alcohol Licensing Officer based at Scarborough Police Station. I have been in this role for the last 12 years and predominantly cover Scarborough and Ryedale areas.

On Thursday 12th October 2023 I was on duty in Whitby with PC 752 Alison Graham. We attended a couple of premises in Whitby regarding licensing enquiries and then we headed back via Wellington Road where we saw people sat in the outside area of JK's bar drinking alcohol, and there were no barriers out defining the outside area, which is a requirement on the Pavement Café Licence.

At about 2.15pm we went inside the premises and there were 3 or 4 people sat at the bar drinking alcohol and another elderly male sat at a table inside drinking what looked like a pint of lager. A member of bar staff whom I know as Mandy came over to us and I asked if Bulent Osman was about. Mandy informed me that he had just popped out and wouldn't be long. I know Mandy from many previous visits to the premises and she knows that myself and PC Graham are police officers who deal with licensed premises.

On the 23rd May 2023 North Yorkshire Police took JK's Bar to a licensing review due to multiple breaches of the premises licence. At the hearing (Whereby Mandy was present) the licensing sub-committee decided to remove Bulent Osman as the DPS and added the following condition :-

At least one personal licence holder shall be on duty in the public areas of the premises at all times when the retail sale of alcohol licensable activity takes place.

PC Graham asked to look at the incident book where the names of the staff members on duty are recorded and she then informed Mandy that the outside barriers were not there again and they needed to be, Mandy went and put the barriers out. I asked Mandy for the Premises Licence and she had no idea where to locate it or what it looked like. We explained that it was a document of several pages and it had a blue spine, she went off and looked. I took out my Section 19 Closure Notice pad and PC Graham went off to check the fire exits as on previous visits these have been locked. I began to fill out the closure notice and Mandy then said that she had got her personal licence, she said she had done it on line a couple of days ago but had not received a certificate or a personal licence from the council.

PC Graham informed me that both fire doors were locked from the inside and she informed Mandy, who unlocked them and was told that this must not happen again.

PC Graham asked Mandy if she could operate the CCTV system and both her and PC Graham went to the cellar where the system is kept. I remained at the bar and a female came up to me to ask where the bar staff were, I informed her that she wouldn't be long and she put some money on the bar and said to me ' Can you get me 2 pints of Moretti when she is back' the female then went to the toilets. PC Graham and Mandy returned, Mandy was unable to access the CCTV system but PC Graham located the Premises Licence whilst in the cellar and handed it to me.

I continued filling out the Section 19 Closure Notice as the premises had breached the condition which had been put on at the review hearing, condition 3 under Annex 3 as there was no personal licence holder on duty at the premises and alcohol was being sold. I asked Mandy how long Bulent Osman had been away for and she asked the group at the bar 'What time did Bul leave?' They responded saying 'about an hour ago'. Mandy said that he had gone through to Thornaby to his other premises. PC Graham said that he would be gone at least a couple of hours then. I explained the Section 19 closure notice to Mandy and asked her to pass this onto Bulent Osman, I said that he would be aware of what it was as he had received some Section 19 notices' previously. I asked Mandy if she would sign the notice and she replied 'I don't really want to sign anything'. A copy of the notice was given to Mandy and myself and PC Graham left the premises.

Signature:

Signature witnessed by:

North Yorkshire Police Licensing Incident Schedule
April - November 2023 JK's Bar Whitby



Date	Time	Day of the Week	Premises open on		Person Reporting	Circumstances	Type
26/05/23	00:00:00	Sunday		12230112600	Public	Sexual assault over clothing, victim groped and words exchanged of sexual nature. Victim is 17 years old. Late report and CCTV not available.	Sexual Assault
03/06/23	14:33:00	Saturday		12230100788	Public	Customers spilling onto street and drinking in the street, concern raised landlord not operating bar in accordance with licence conditions imposed at recent hearing	Licence Condition Breach/Concern
03/06/23	20:44:00	Saturday		12230101057	Public	People drinking in the street and extremely loud music being played outside JK's; informant asked staff to turn it down but they couldn't hear over the noise.	Public Order
04/06/23	03:14:00	Saturday		12230101216	Public	Ambulance dealing with male with reported head injury. Persons present in crowd outside premises aggressive, hindering treatment. Police attend and male deemed to be highly intoxicated and uninjured. Returned to family address.	Excessive intoxication
16/06/23	23:41:00	Friday		12230110721	Venue Staff	Venue staff assaulted by a drunken "rowdy" male inside premises when assisting door staff eject him.	Violence
01/07/23	17:20:00	Saturday		12230121888	Public	CCTV alert police of fight outside venue, male arrested for being drunk and disorderly.	Excessive intoxication
09/07/23	00:31:00	Saturday		12230126874	Public	Call from male claiming to have been assaulted at venue. No trace of male, but local officer reports a male had been ejected from the venue earlier for being drunk, punching a mirror, and flailing arms around. No trace of male on scene.	Excessive intoxication
15/07/23	23:16:00	Saturday		12230131817	Public	Male drunk inside premises, assaults door staff and commits public order offence. Arrested. Incident came to light after male ejected and CCTV monitoring call police as male is swinging punches at door staff.	Violence
23/07/23	01:05:00	Saturday		12230136782	Public	Drunk male ejected by door staff, police in vicinity speak with male to prevent breach of peace, male's behaviour escalates and is arrested. PND drunk and disorderly	Public Order
29/07/23	02:25:00	Friday		12230141095	Public	Fight between parties, started inside and then went outside. Victim has eye injury and bite mark on face. Suspect charged with assault	Violence with Injury
29/07/23	02:10:00	Friday		12230146225	Public	Male assaulted outside JK's bar, cut seen to lip, refuses to engage with police.	Violence with Injury
29/07/23	01:31:00	Friday		12230140991	Public	Two females described as fighting outside venue with door staff not "doing anything" left prior to police arrival. Informant described them as fighting on and off for 20 minutes outside of venue with door staff not intervening.	Violence
06/08/2023	00:30:00	Saturday		12230147123	Public	3rd party report of domestic assault in premises. Victim strangled in the bar area. Suspect charged. Not reported by venue or at the time.	Violence

14/08/23	00:50:00	Sunday	12230152261	Public	Police notified by CCTV of male knocked unconscious outside JK's. Police attend and find victim conscious but can't remember what happened. Victim has one inch cut above right ear and bleeding.	Violence with Injury
03/09/23	01:00:00	Saturday	12230166051	Public	Heavily intoxicated male ejected from JK's claims assaulted by door staff	Excessive intoxication
09/09/23	18:18:00	Saturday	12230171015	Public	Heavily intoxicated male arrested for affray and theft, had been drinking inside JK's.	Violence
17/09/23	02:04:00	Saturday	12230176277	Public	Victim states thrown to the floor by doorstaff and ejected. States assaulted due to staff involvement with a family member.	Violence
14/10/23	22:49:00	Saturday	12230195617	Public	CCTV alert of male outside JK's assaulting people. Male assaulted female inside premises, ejected by door-staff and assaults them. Male arrested and charged.	Violence
14/10/23	01:37:00	Thursday	12230195026	Venue Staff	CCTV report staff asking for assistance with male detained on the floor being aggressive and threatening staff. Homophobic comments made by suspect.	Public Order
22/10/23	00:50:00	Saturday	12230200541	Public	Ambulance notify police of potential spiking at premises, female in and out of consciousness. Door staff update police female in a group "drinking excessive amounts of alcohol". Female leaves the scene of own volition.	Excessive intoxication
22/10/23	02:34:00	Saturday	12230200594	Public	CCTV report fight when police arrive 1 male has left and the other is bleeding from the ear where he has been bitten (incident started in the bar)	Violence with Injury

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APPENDIX B

Current Premises Licence

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

JK's Bar

Wellington Road, Whitby, North Yorkshire, YO21 1DY.

Telephone 01947 825614 or 07972806579

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- 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
B. Exhibition of films (Indoors)	Monday to Saturday	10:00am	3:30am
	Sunday	10:00am	1:30am
E. Performance of live music (Indoors)	Monday to Wednesday	7:00pm	11:00pm
	Thursday to Sunday	7:00pm	1:00am
	New Year's Eve		
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	Bank Holidays		
	On Saturday, Sunday and Monday of each Bank Holiday this activity may start at 17:00.		
F. Playing of recorded music (Indoors)	Monday to Saturday	8:00am	3:30am
	Sunday	10:00am	1:30am
	New Year's Eve		
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
I. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	3:30am
	Sunday	11:00pm	1:30am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	3:00am
	Sunday	11:00am	1:00am
	New Year's Eve		

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	8:00am	3:30am
Sunday	10:00am	1:30am

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

JK's Bar Limited Flat 1, The Village, The Green, Stockton-on-Tees, TS17 8PX.
[REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

JK's Bar Limited 09546520

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Thomas Alexander PURVIS [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. PA2833 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

General

1. To remain members of the Pubwatch scheme including the Apex radio scheme.
2. No drinks to be taken out of the premises unless in sealed containers. However, if a Pavement Café Licence is granted at the front of the premises then customers shall be permitted to consume drinks within this outside area as defined by the premises plan.
3. The premises licence holder shall notify North Yorkshire Police prior to any event being held at the premises.

Noise & Nuisance

4. Refuse containers shall not be emptied after 22.00hrs.
5. Signage must be placed in a prominent position asking customers to leave quietly and to respect neighbours (or similar wording)
6. All doors to the premises must be kept closed, save for access and egress, when live or recorded music is being provided. For the avoidance of doubt, this includes both the inner and outer doors at the lobby entrance to the premises.

Children

7. The premises shall operate an age verification scheme, such as Challenge 21.
8. No persons under the age of 18 shall be permitted to remain on the premises after 20:30 unless the premises has been hired for an event or function at which the general public are excluded.

Training

9. All relevant staff shall receive training in their responsibilities under the Licensing Act 2003 as well as the use of the Apex radio and any other relevant legislation, guidance or good practice.
10. Training shall be recorded and such records kept for a minimum of twelve months.

Security

11. Two SIA registered door supervisors shall be employed at the premises on Friday and Saturday from 22:00 and until the premises closes to the public.
12. North Yorkshire Police can reasonably request that additional door supervisors are employed at the premises during special events in Whitby and on bank holiday weekends. Such a request must be made in writing and no later than 14 days before the event or bank holiday weekend.

CCTV

13. A colour digital CCTV system shall 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.
14. The CCTV system shall contain the correct time and date stamp information.
15. The CCTV system shall cover all areas of the premises occupied by the public under the terms of the licence.
16. The CCTV system must be capable of providing quality images of good evidential value. The CCTV system shall have sufficient storage retention capacity for a minimum of 28 days continuous footage.
17. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing.
18. The data controller, under the data protection act 1998, who is responsible for any CCTV images captured on cameras on the premises shall, 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 shall ensure that they are secured to prevent any overwriting.
19. The CCTV system shall 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.
20. 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.
21. The use of umbrellas or a canopy which obstructs the use of the CCTV cameras, either on the street or attached to the premises, shall not be permitted.

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

1. The premises licence holder shall ensure that an Apex radio (or any replacement radio scheme) is operational, maintained in good working order and in use at the premises at all times that it is open to the public.

Training

2. All staff at the premises, including any door supervisors, must be given appropriate training relating to the

management of customers entering and leaving the premises.

Security

- 3. Staff / door supervisors shall ask customers not to congregate immediately outside the premises.
- 4. North Yorkshire Police may reasonably request that additional door supervisors are employed at the premises when special events, including private parties/functions, are taking place at the premises.

CCTV

- 5. CCTV shall cover the entrance /exit of the premises and, if the premises are granted a licence/permission to use the pavement area in front of the building, then the premises licence holder must ensure that the CCTV sufficiently covers that area.

ADDITIONAL CONDITIONS ATTACHED AFTER 'PREMISES REVIEW HEARING' BY THE LICENSING AUTHORITY

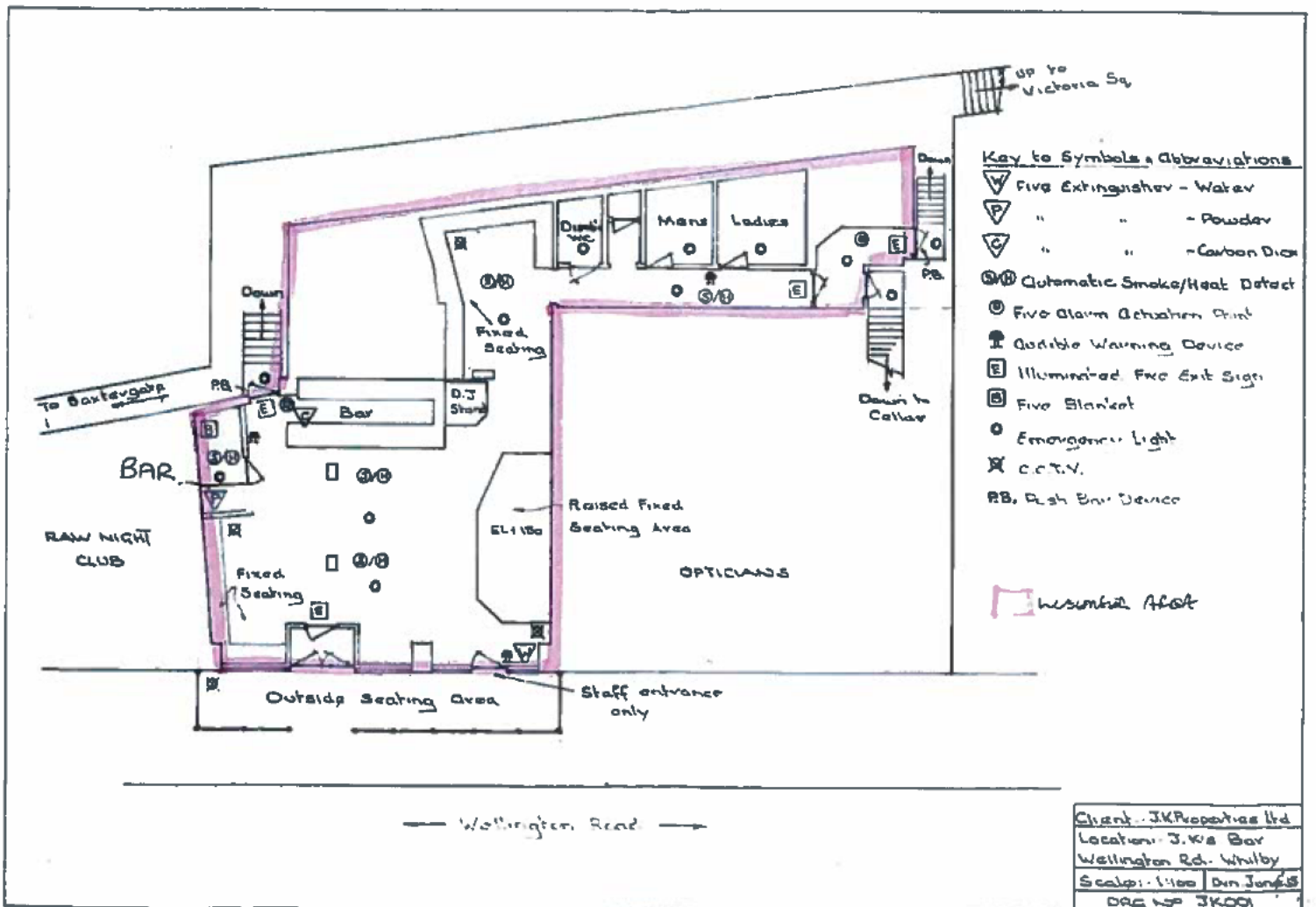
Statutory Licensing Committee Premises Review Hearing- 23 May 2023

The following conditions to take effect on 14 June 2023 (end of the 21 day appeal period).

- 1. The specified/appointed Designated Premises Supervisor (DPS) named as Bulent Osman shall be removed from the Premises Licence.
- 2. The 'maximum premises permitted capacity' (the lower figure) shall be **190**, this figure shall be determined by a Premises Fire Risk Assessment (FRA), approved by the Fire Service, this shall also be maintained on the premises and be produced for all authorised inspecting officers to read upon request.
- 3. At least one Personal Licence Holder shall be on duty in the public areas of the premises at all times when the 'retail sale of alcohol' licensable activity takes place.

ANNEX 4 - PLANS

Attached



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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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