

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



