

WITNESS STATEMENT

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

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Statement of: Kim HOLLIS

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

Occupation: Police Officer

This statement (consisting of 3 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: KH (witness)

Date: 01/09/2022

I am PC 1671 Kim HOLLIS of North Yorkshire Police currently stationed at Fulford road Police Station, York and I perform the role of Licensing Officer for York.

I have been in this role since April 2018 and I am authorised to act on behalf of the Chief Constable on licensing matters under the Licensing act 2003.

On 14th February 2022 I was made aware of a Police incident, 1222001237, in which Police attended 16 Barbican Road, York in order to investigate a report of an incident of drink spiking with the alleged victim being 16 years old. The Officer in the case had contacted Sergeant 133 Jackie BOOTH, Force Licensing Manager, as she was having difficulties obtaining the CCTV from the premises. Sgt BOOTH asked me to follow up and visit the premises.

On 15th February 2022 I made a call to Mr Kheng KOAY, Premises licence holder and designated premises supervisor (PLH & DPS) for Sky Blue restaurant, to request that he was present at the venue that night so that the investigating Officer could attend and collect the CCTV following on from this spiking incident. I introduced myself as the Police Licensing Officer for York and explained about the incident and the requirement for CCTV to be produced as part of the licence conditions. Though Mr KOAY's English was good I did have to explain to him what spiking was. Mr KOAY advised me he may not be able to attend but that his managers 'Kelvin' and 'Mike' would be present and CCTV would be made available.

I made Sgt BOOTH aware of this information by email at 1513hrs that same day and I can produce this as exhibit KH/01.

I was later made aware that this CCTV was not available for Officers attending and that the hard drive had to be seized.

On 18th February 2022, at 12:00pm, I was on duty in plain clothes in company with PC 1520 Samantha BOLLAND, Alcohol Licensing Officer. At this time we attended Sky Blue, 16 Barbican Road, York (previously called Regency) in order to conduct a licensing check under section 179 of the Licensing Act.

Upon arrival at the premises, we spoke with Mr Man LEUNG who is known by the name 'Kevin'. I have dealt with LEUNG at the premises on a number of occasions before as he was the manager of Regency restaurant at the same address.

I made LEUNG aware of possible breaches of the Premise Licence conditions under Premise Licence CYC-68154, after a call for service from North Yorkshire Police, where officers attended the premises having been unable to obtain CCTV of an incident on 21st January 2022. He was aware of the incident and Officers having attended.

LEUNG stated he was cleaning and was helping out at the premises, however he was the only person available to speak with us and go through the conditions of the licence.

Upon inspecting the premises we found a number of breaches of the Premises Licence and I documented these across two Section 19 Closure Notices under the Criminal Justice and Police act 2001 which I issued to Man LEUNG (Kevin) at 1238hrs and he signed to confirm this.

Below are the breaches identified:

CCTV time incorrect – showing 12:28hrs at 12:14hrs – Cond 1, Annex 2.

No staff training signed for licensable activities – Cond 2, Annex 2.

No staff HR system and records Cond 17 & 18, Annex 2.

No noise management plan – Cond 29, Annex 2.

I handed the notice to Man LEUNG (Kevin) and he was given 7 days to rectify the breaches.

After this engagement I made checks with colleagues at City of York Council Licensing team to enquire of the noise management plan was submitted with them and they confirm that it had. I also had email correspondence from John WALKER, legal representation for 16 Barbican Road and confirmed this point with him.

On 25th February at 1214hrs I re-attended the premises in company with PC BOLLAND in order to follow up on the section 19 closure notice as detailed above.

Again when we entered the premises we were met with Man LEUNG (Kevin) and I went through the notice with him. At this time I was able to check the CCTV time and date was now correct and confirmed that I had received confirmation about the noise management plan being in place. I also checked documents which LEUNG showed me regarding staff training and signatures to confirm who was trained as well as a folder with some staff details which he explained to be HR records. PC BOLLAND took photographs of these and we confirmed that at this time no new breaches were identified. I advised LEUNG I would confirm in a written letter when the notice was closed and we left.

I was unable to make further enquiries regarding this or follow up with a letter to LEUNG as I was absent from work from 23rd March 2022 until 13th June 2022.

On returning to work after discussing with Sgt BOOTH I attended 16 Barbican Road, York with Sgt BOOTH on 21st June 2022 at 1200 noon, after an appointment she had made with management at the premises.

On arrival we were met with Premises Licence Holder and Designated Premises Supervisor Mr Kheng Koay, Mr Man LEUNG (Kevin) and legal representation Mr John Walker.

Sgt BOOTH explained that it was her intention to look at a review of the premises licence for Sky Blue on the back of the failings regarding the CCTV in January and the subsequent findings. She then proceeded to go through the conditions of the premises licence with Mr KOAY first asking him to show her the licence summary on display. Mr KOAY did not seem to know where this was and LEUNG assisted to show Sgt BOOTH the copy on display behind the bar.

Mr KOAY was then asked to show Sgt BOOTH CCTV footage from 25th May 2022 as CCTV conditions state that footage must be recording for 28 days. Mr LEUNG again assisted with this as Mr KOAY explained LEUNG was the person who deals with CCTV.

The CCTV system was set up in which it only went back so far and then the hard drive had to be changed over in order to go back further to meet the 28 days and LEUNG spent some time going through the CCTV and changing the hard drives over for CCTV both downstairs and upstairs to see if it could show us back the full 28 days.

After quite some time it became clear that there was no CCTV for 25th May for the karaoke rooms. Sgt BOOTH noted this breach.

The staff training records were then examined by SGT Booth again with the assistance of LEUNG and it became apparent that on closer inspection the signatures that were on the staff training did not cover some current members of staff from the HR records and that the details of what was covered in the staff training listed on the document did not cover all the details required to meet the condition on the licence. When I had viewed the signatures previously with LEUNG on the staff training I was not able to check these against HR records for current staff and LEUNG assured me that all aspects of the condition were covered during the training. When I asked Mr KOAY about the staff training he advised me that he just handed the piece of paper to staff, asked them to read it and then sign to say they had.

I probed him on this and asked what he covered in the training and he replied that he advised staff not to serve people under 16 or 18. When I expressed concern at this he advised me that he didn't really do much staff training and it was LEUNG who did this mainly.

Sgt BOOTH continued with the check and also became aware that there was no current incident book, again Mr KOAY did not know about this and had to revert to LEUNG.

Sgt BOOTH documented the current breaches on a further section 19 closure notice and handed this to Mr KOAY advising that 7 days would be given to rectify issues raised and this would be followed up after this time.

It was clear from our visit that the DPS Mr KOAY did not have any working knowledge of the day to day running of the premises and that he relied on Mr LEUNG for this.

We left the premises around 1350hrs.

On Wednesday 17th August at 1107hrs I attended the premises a further time in company with PC 1520 BOLLAND who had arranged to meet with Mr KOAY to follow up again from a section 19 notice. In attendance at the premises was Mr KOAY, Mr LEUNG and John WALKER with an associate of his. PC BOLLAND checked compliance with each point.

PC BOLLAND confirmed the staff training was now in order and we were then shown CCTV relating to use of the Karaoke rooms. The following dates and times were checked:

09/08/22

2015hrs – Room empty

2019hrs – customers enter

2122hrs – staff member seen to enter room

13/08/22

2200hrs – All 4 karaoke rooms empty.

Mr LEUNG also showed myself and PC BOLLAND a document detailing when the checks were conducted in the karaoke rooms and I took a photograph of this.

I was also shown a notice at the foot of the stairs detailing the conditions relating to sale of alcohol which I again took a photo of.

We then proceeded to the 4 karaoke rooms and checked each room had a notice inside which I can confirm it did and I took a photograph of the notice in karaoke room 203.

I exhibit the photographs as follows:

17/08/22 1114hrs – KH/10 Checklist for Karaoke rooms

17/08/22 1119hrs – KH/11 Supply of alcohol notice, Restaurant

17/08/22 1120hrs – KH/12 Supply of alcohol notice, Karaoke room 203

We left the premises shortly after.

Signature: Kim HOLLIS

Signature witnessed by: n/a