

Licensing/Gambling Hearing

To: Councillors Melly, Baxter, and Nicholls

Date: Thursday, 24 September 2026

Time: 10.00 am

Venue: West Offices - Station Rise, York YO1 6GA

A G E N D A

1. Chair

To elect a Member to act as Chair of the meeting.

2. Apologies for Absence

To receive and note apologies for absence.

3. Introductions

4. Declarations of Interest (pages 19-20)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

5. Exclusion of Press and Public

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

6. Minutes (pages 21-46)

To approve and sign the minutes of the Licensing Hearings held on 8 September 2025 and 13 July 2026.

7. The Determination of an Application for Review of a Premises Licence by Home Office Immigration Enforcement [Section 52(2)(a)] in respect of Sky Blue, 16 Barbican Road, York YO10 5AA. (CYC-068154) (pages 47-186)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

- Telephone – (01904) 55 4447
- Email - reece.wiliams@york.gov.uk

For more information about any of the following, please contact the Democratic Services officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

Alternative formats

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



Email us at: cycaccessteam@york.gov.uk



Call us: **01904 551550** and customer services will pass your request onto the Access Team.



Use our BSL Video Relay Service:
www.york.gov.uk/BSLInterpretingService

Select 'Switchboard' from the menu.



We can also translate into the following languages:

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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Appendix 8 – Public Participation Protocol

PART A – Rules applying to all meetings

General

1. These rules apply to all physical, remote and hybrid meetings unless otherwise stated in this protocol. The Monitoring Officer and the Head of Democratic Governance will review this protocol every six months to ensure it remains fit for purpose. Any changes to this protocol will be reported to the Audit & Governance Committee and ultimately Full Council for the purposes of updating the Council's Constitution.
2. Residents are encouraged to participate in the Council's decision making process by sharing their views in a number of ways.

Making representations in response to the Forward Plan

3. You can find out about forthcoming Executive and Executive Member business by looking at the Council's Executive Forward Plan which is published on the Council's website. You can make representations on any forthcoming Executive business by sending your views in writing to the report author either by email or post up to 3 weeks before the decision is due to be taken – residents views received after that time may not be addressed in the report but may be addressed at the meeting. The public can contact the Council regarding this through HaveYourSay, or can contact the author of the report.
4. The report author's contact details can be found on each individual Forward Plan item.

Participating at a public meeting

5. All meetings are open to the public except when exempt or confidential information is being discussed. Agendas for meetings can be found on the Council's website, at least five working days before the meeting.

6. Dates, times and agendas for meetings are available via the calendar of council meetings on the Council website, at local libraries and on the West Offices notice board, usually five days before the meeting. You can also contact Democratic Services by emailing democratic.services@york.gov.uk or telephoning York (01904) 551088 to find out when a meeting is taking place or to request an agenda.
7. Physical Council meetings take place at West Offices, although meetings of the Full Council are held at The Guildhall unless alternative details are published in the notice of meeting.
8. Remote meetings take place on a video conferencing platform.
9. Meetings take place at West Offices (or Guildhall (or alternative venue detailed within the notice/summons) for Full Council) and on a video conferencing platform.
10. Council meetings are usually live webcast and retained on YouTube which you can find out more about at <https://www.youtube.com/user/cityofyorkcouncil>
In some instances the meeting will be recorded and not live webcast. In these circumstances, the recording of the meeting will be uploaded to the YouTube page as soon as practically possible after the meeting.
11. You can participate in a meeting by attending and listening to councillors debate and make decisions or by registering to speak.

How do I do this and what are the rules?

12. Any member of the public living or working in the City of York Council area, or any appointed representative of any organisation operating within the council's area, may participate or register to speak. Anyone wishing to speak should register no later than 5pm two working days before the meeting takes place. You can register on the Council's website at <https://www.york.gov.uk/form/SpeakAtCouncilMeetings>.

13. Only the Lord Mayor chairing Full Council, or the Councillor chairing the meeting, has the authority to accept a late registration to speak at a meeting.
14. With the exception of Licensing Sub Committee Hearings, and Planning Committee meetings (see Part B, paragraph 27), there is a maximum period of 30 minutes at each meeting to listen to public speakers. Each person registered to speak is allocated a maximum time of 3 minutes and there will be a maximum of 10 registered public speakers at each meeting, registered on a first come first served basis.
15. Councillors will listen to each speaker but will not usually make any comments or seek to debate any issues raised at this stage other than occasionally to ask questions of clarification.
16. A registered speaker at an Ordinary Council meeting may speak about an item on the published agenda for that meeting or issues which fall within the remit of that committee. A registered speaker at an Extraordinary Council meeting may only speak about the substantive item on the published agenda for that meeting. There will be no public participation rights in respect of Extraordinary Council Meetings dealing with staffing matters, and requests to speak at such meetings will be declined.
17. In exercising their public participation rights a member of the public is entitled to express views positive or negative about the Council but must not:
 - Say anything which is defamatory or discriminatory;
 - Make any personal attack on an Officer and / or Member;
 - Disclose confidential information or exempt information including personal information.

Written representations from Members of the Public and those registered to speak at meetings

18. The following rules apply to all meetings of the Council except for Licensing Sub Committee Hearings, and Planning Committee meetings which are set out in Part B.
19. If you are unable to be present or speak at the meeting at which you have registered to speak a written representation may be submitted for consideration at the meeting. The statement must be sent to Democratic Services using the contact details on the published agenda for the relevant officer or, alternatively by emailing democratic.services@york.gov.uk no later than 5pm two working days before the meeting at which it is to be raised takes place. Your name and address must be included along with the name of any group or organisation you are representing. Any written representations received will be published along with the agenda for the relevant meeting. If within the 2 day period of the meeting taking place you are unexpectedly unable to attend or speak at the meeting, you may submit your written representation to Democratic Services and the Chair will exercise their discretion as to whether to accept your representation.
20. Written representations shall be circulated to Members prior to the commencement of the meeting. No discussion shall be allowed upon written representations. Written representations may not be read out on your behalf.
21. If all or part of the written representation is defamatory, discriminatory or relates to confidential information or exempt information including personal information, the Chair, in consultation with the Monitoring Officer, shall have the right to redact those parts of the written representation prior to circulation to Members and publication with the agenda or rule the written representation out of order in which case it shall not be circulated to Members and shall not be published with the agenda.

City of York Councillors wish to speak at a meeting of which they are not a Member

22. City of York Councillors who wish to speak at a meeting of which they are not a Member may participate in meetings in any of the ways described in these rules. The rules in relation to public participation will apply to such City of York Councillors as they would to any member of the public.

PART B – Rules applying to specific meetings

General

23. The rules in Part A of this public participation protocol apply to all physical, remote and hybrid meetings other than for the specific exceptions set out in this Part B. Only exceptions to the rules in Part A are set out in Part B. For all other matters the rules remain the same as those in Part A.

Remote Meetings

24. Where public meetings are held remotely or in hybrid form, the provisions for Public Participation will be in accordance with the Council's Procedure Rules and Guidance for Remote Meetings contained in Appendix 23 of the Constitution. Anyone wishing to register to speak at a remote meeting will do so no later than 5pm two working days before the meeting takes place.

Meetings of Council chaired by the Lord Mayor

25. Public participation at all meetings of Full council will occur in accordance with the Council Procedure Rules at Appendix 3 of this constitution.

Planning Committee meetings

26. The public participation rules applicable to the Planning Committee are set out in Article 13 of this Constitution.

Licensing Committee meetings

27. The rules on public participation at Licensing Committee meetings are as set out in Part A.

General Licensing Sub-Committee and Taxi Licensing Sub-Committee hearings

28. The rules on public participation at General Licensing Sub-Committee and Taxi Licensing Sub-Committee hearings is set out in Annex 1 to this document.

**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination

or disposal of any Appeal. The live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. The Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
7. All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.
8. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.
11. The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the

application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
13. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. All paperwork relevant to the hearing will be published online on the Council's website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

16. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
17. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
18. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
19. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

23. The Chair will outline the procedure to be followed.

24. The Chair will proceed with the order of business on the agenda.

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

27. The Chair will invite the Applicant and/or their representative to address the Sub-Committee, present information in support of the application and call any witnesses to support their application, one witness at a time [*maximum 15 minutes*].

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case *[maximum 5 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	8 September 2025
Present	Councillors Hook, Nicholls and Wells
Officer in attendance	Lesley Cooke – Licensing Manager Jodi Ingram – Legal Advisor Lucy Waller – Legal Advisor

27. Chair

Resolved: That Councillor Nicholls be elected to act as Chair of the hearing.

28. Apologies for Absence

No apologies for absence were received.

29. Introductions

Introductions were made.

30. Declarations of Interest

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

31. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

32. The Determination of an Application by Philippa Myers and Kate Starkey for Determination of Application for Premises Licence [Section 18(3)] in respect of The Fox Inn, Stockton on the Forest, York, YO32 9UW. (CYC-081829)

Members considered an application by Philippa Myers and Kate Starkey for a determination of application for Determination of Application for Premises Licence [Section 18(3)(a) Licensing Act 2003] in respect of The Fox Inn, Stockton on the Forest, York, YO32 9UW. In considering the application and the representations made, the Sub-Committee concluded that the following licensing objective was relevant to the Hearing:

1. Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance.

In coming to its decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objective, including:

1. The application form.
2. The papers before it including the written representations received from local residents.

3. The Licensing Manager's report and her comments made at the Hearing

The Licensing Manager presented the report and noted that the premises was a village pub in a rural setting with seating for 50 people indoors. The premises had previously been licensed up to April 2025. The Licensing Manager reported that the premises was not located within the Cumulative Impact Area (CIA) and that there had been no representations made by Responsible Authorities. The Licensing Manager outlined the report and annexes and noted that paragraph four on page 52 would not apply to the application as the application did not concern off sales.

The Licensing Manager drew attention to the representations made in Annex 5 on the grounds of prevention of crime and disorder, public safety, and prevention of public nuisance, and the Agreed Conditions with North Yorkshire Police in Annex 3.

In response to questions from members, the Licensing Manager confirmed that:

- Parking was primarily a planning matter, but the Sub-Committee could consider prevention of public nuisance in regard to parking.

4. The Applicant's Representation at the hearing.

Philippa Myers and Kate Starkey (the Applicants) presented their case and noted that the premises had been a pub in the community from 1886 and closed in August 2024; the opening hours applied for mirrored the hours of the previous licence for the premises, along with amendments following liaison with North Yorkshire Police; the licenced hours applied for were available on page 15 of the agenda with the agreed conditions with North Yorkshire Police on page 52 of the agenda.

They confirmed that the main offering at the pub would be food, and that investment had been made to improve the kitchen and the premises to reflect this. They continued to state that a dispersion policy would be in place to remind customers to leave quietly and respectfully.

In response to questions from members, the Applicants confirmed that:

- They were happy with the conditions agreed with North Yorkshire Police regarding the use of CCTV etc.
- The beer garden is a small outside space which was not included in this application and was not up for consideration by the Sub-Committee but could be considered within future applications.
- The premises through previous licences had a strong food representation, though this had been lost in recent years up to its closure – the aim was for the premises to again have a strong representation for quality food for people to drive to and want to visit for food.
- They wanted to make the opening hours mirror the licensable hours and wanted to create a nice representation of the pub.

The Applicants were then given the opportunity to sum-up.

They concluded that they wanted to keep up effective communication with the local community and the village, and that they wanted to help bring the community together around the premises.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for. This option was rejected.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was approved.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was rejected.

Option 4: Refuse to specify a person on the licence as premises supervisor. This option was rejected.

Option 5: Reject the application. This option was rejected.

In approving Option 2, the Sub-Committee resolved to grant the licence for the following activities and timings with modified/additional conditions imposed by the Sub-Committee (Option 2), namely the additional conditions agreed with North Yorkshire Police as set out in Annex 3 of the agenda (excluding condition 4), and as follows:

Proposed Activity	Timings
Live Music – Indoors	10:00-23:00 Sunday to Thursday 10:00-00:30 Friday and Saturday
Recorded Music - Indoors	10:00-23:00 Sunday to Thursday 10:00-00:30 Friday and Saturday
Late Night Refreshment – Indoors & Outdoors	23:00-00:30 Friday and Saturday New Year's Eve until 02:00
Supply of Alcohol – On the premises	10:00-23:00 Sunday to Thursday 10:00-00:30 Friday and Saturday New Year's Eve until 02:00
Opening Hours	10:00–23:30 Sunday to Thursday 10:00–01:00 Friday and Saturday New Year's Eve until 02:00

Reasons for the Decision:

- i. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- ii. The Sub-Committee noted that the premises are not located in the Cumulative Impact Area.
- iii. The Sub-Committee carefully considered the written representations and noted that the majority expressed support for the pub re-opening but raised concerns regarding the prevention of crime and disorder and prevention of public nuisance objectives, particularly the proposed opening hours and hours of live and recorded music given the proximity of the premises and its outside spaces to residential premises. The Sub-Committee acknowledged that the application did not extend to the outside area. The Sub-Committee also considered and noted residents' concerns regarding parking and its impact on the licensing objectives.
- iv. The Sub-Committee further noted that the Applicant had worked with North Yorkshire Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Applicant and North Yorkshire Police had agreed a number of conditions, set out in Annex 3 of the agenda. These conditions include a reduction in opening hours and the hours of licensable activities. Specifically, the Sub-Committee noted that the opening hours and timing of licensable activities on a Thursday had been brought in line with that of other weekdays, namely that licensable activities would cease at 23:00 and the premises would close at 23:30. The Sub-Committee were satisfied that these conditions would promote the licensing objectives.
- v. The Sub-Committee noted that condition 4 proposed by North Yorkshire Police in Annex 3 (which would have required off sales to be in sealed containers) was not appropriate to this application as the Applicant was not seeking a licence for off sales at this time.

- vi. As the Applicant had mediated with North Yorkshire Police there were no representations from the Responsible Authorities and the Sub-Committee gave this great weight.
- vii. The Sub-Committee had regard to paragraph 7.5 of the Council's Statement of Licensing Policy which states that the Council will have regard to the location and character of premises when considering the licensing objectives. The Applicants' business model has food and family at the forefront. The Sub-Committee noted that Stockton On The Forest is a relatively large village and the Applicants are local residents who have taken steps to engage with other local residents and are committed to continuing to do so going forward. The Sub-Committee further noted that the Applicant has obtained a leaseholder for the premises who will run the pub going forward and they have previous experience of running successful and responsible village pubs in other areas of York. In light of the evidence given by the Applicant and the conditions agreed with North Yorkshire Police, the Sub-Committee was satisfied that the premises would be operated responsibly and the licensing objectives would be promoted.
- viii. Accordingly, in all of the circumstances of the case and based on the evidence presented to it, the Sub-Committee was satisfied that the decision to grant the licence subject to the additional conditions agreed with North Yorkshire Police was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr Nicholls, Chair

[The meeting started at 10.05 am and finished at 10.43 am].

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City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	13 July 2026
Present	Councillors Kilbane, Mason, and Nicholls
Officers in Attendance	Helen Sefton – Senior Licensing Officer Sandra Branigan – Senior Lawyer

1. Chair (10:09am)

Resolved: That Councillor Kilbane be elected Chair of the hearing.

2. Apologies for Absence (10:09am)

No apologies for absence were received.

3. Introductions (10:09am)

Introductions were made.

4. Declarations of Interest (10:10am)

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests.

Councillor Kilbane declared an interest in that he had on occasion been offered free tickets for Museum Gardens events, but did not accept them, and all offers were recorded within his register of interest. He reported that through his role on the Board of York BID, he had not been involved within York BIDs letter of support for the application.

5. Exclusion of Press and Public (10:11am)

Resolved: That the press and public be excluded from the meeting during the sub-committee's deliberations and decision making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

6. The Determination of an Application by Futuresound Events Ltd for a Premises Licence (Section 18(3) (a) in respect of York Museum Gardens, Museum Street, York (CYC-084107) in respect of York Museum Gardens, Museum Street, York (CYC-084107) (10:12am)

Members considered an application by Futuresound Events Ltd for a Determination of Application for a Premises Licence (Section 18(3)(a) Licensing Act 2003) in respect of Museum Gardens, Museum Street, York, YO1 7FR. In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the Hearing:

1. The Prevention of Public Nuisance.
2. The Prevention of Crime and Disorder.
3. The Protection of Children from Harm.
4. Public Safety.

In coming to its decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objective, including:

1. The application form.
2. The papers before it including the written representations received from local residents and responsible authorities.

3. The Director of Environment & Regulatory Services' Report and Senior Licensing Officer's comments made at the Hearing.

The Senior Licensing Officer outlined the report and annexes. The Senior Licensing Officer confirmed that the premises was not located within the Cumulative Impact Area (CIA), consultation had been carried out correctly, there had been two representations from responsible authorities, of which North Yorkshire Police had withdrawn their representation and had agreed conditions with the Applicant, members were then directed to the representations made by local residents regarding prevention of public nuisance and crime and disorder. The Senior Licensing Officer confirmed that the application as amended by the Applicant outlined the request for sale of alcohol and regulated entertainment on no more than 6 days per year; there was no restriction requested on opening hours.

In response to questions from Members, the Senior Licensing Officer confirmed that it was not uncommon for premises to operate under multiple licences.

4. The Applicant's Representation at the Hearing.

The Solicitor representing the Applicant, Jon Payne, presented their case.

Mr Payne discussed shadow licences and how a second licence for the premises provides accountability for Futuresound Events Ltd's events; Futuresound Events Ltd would be front and centre of events taking place at the premises. He mentioned Futuresound Events Ltd's experience within the industry, how the application was also supported by York Museums Trust and the need to promote economic growth should be considered. No enforcement actions had ever been taken under the operating of the Applicant's previous licences. Mr Payne referenced City of York Council's (CYC) Licensing Policy which discussed the development of a rich culture of entertainment, which this licence would offer.

The Safety Advisory Group was given the opportunity of consultation before the application was submitted, and the application had been modified following the representation submitted by North Yorkshire Police; the Event Management Plan would give all members of the Safety Advisory Group the opportunity to comment, and the Sound Management Plan would detail sound levels and the sound profile for events; this allowed for a consensus to be agreed for sound levels. Mr Payne noted that licensing objectives had not been breached during previous events held.

Gareth Hance, the Applicant's Independent Sound Consultant, noted that from 2018, the 'Pop Code' (The UK Noise Council's Code of Practice on Environmental Noise Control at Concerts) was considered outdated and was no longer maintained, although it was still used by Local Authorities; it was no longer considered relevant as it was not evidence based and was instead based on assumption.

Kathryn Blacker, CEO (Chief Executive Officer) of York Museums Trust, discussed the need to diversify their income to different areas and the need to generate 70% of their own income and the support that this licence would provide in this. She highlighted that York Museums Trust had worked with the Applicant for three years and had changed events based upon feedback received from residents; they wanted to make sure events worked for residents and didn't negatively impact on those working and living in the area.

In response to questions received from Michael Golightly, Public Protection, as a Responsible Authority at the Hearing, Mr Payne, on behalf of the Applicant, confirmed that:

- It was possible following the granting of the licence for the Applicant and York Museums Trust to use their licences to increase the number of events that could be held, but this would require strong event management and there would be the possibility of a review if problems were to arise from this.

In response to questions received from: Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents; Jeremy Brookes; and Christopher Gray; Mr Payne, on behalf of the Applicant, confirmed that:

- As part of the agreement with North Yorkshire Police, it was preferable to hold consecutive events rather than spacing them out in the year. Events would be scheduled appropriately following proper consultation. Holding consecutive events meant that infrastructure did not need to constantly be erected and dismantled. The Museum Gardens would then be reopened when events were not yet on, but when infrastructure was set up.
- Noise impact did not always come from noise levels but also depended upon the individual profile of the event.
- York Museums Trust worked hard to make sure the Museum Gardens were the best they could be, and during events access was granted right up to the time of the event starting, and signs were installed to show the outside areas that were still accessible. The Museum Gardens were located in a special location and had a unique selling point which should be enjoyed by everyone; they wanted to support local people's access to events.
- As comedy nights were not licensable it therefore could not be predicted if all events would be music or comedy.
- The licence conditions would determine the notice given for events.
- Egress for events was directed through Museum Street in order to not impact Marygate Street where only artists exited; Marygate residents were consulted with, and this was work in progress.
- Work could be undertaken to potentially hold events alongside York Museum Trust's own licence to hold events over four consecutive weekends in order to mitigate the constant erection and dismantling of infrastructure, this would be done through the Event Management Policy where notification could be sent to the Event Safety Advisory Group.
- The Sound Management Plan would allow for sound limits to be reduced where needed to mitigate public nuisance.

5. The representation of Public Protection, Responsible Authority, at the hearing.

Michael Golightly, on behalf of Public Protection, presented their case.

He reported that York was a small city that allowed music to travel across the city, he outlined the buildings and the residents neighbouring the premises and discussed how noise travelled up the river from the premises to impact further areas.

Mr Golightly told the Sub-Committee that the 'Pop Code' was still recognised and was still in use within CYC's guidance. He noted that the existing licence for York Museums Trust allowed for flexibility for what was currently being applied for.

Mr Golightly informed the Sub-Committee that a Noise Management Plan would need to be published one month from the granting of the licence, in order for Public Protection to provide feedback about what events would be taking place, but there was a need of an agreement on noise levels for events, and to consider whether noise consultants would be needed for events, or not. It was noted that once noise levels increase above 65dBA (A-weighted decibels), noise complaints would be increased and there was a need to consider the cumulative impact of all events held, if noisier events would also be held.

Mr Golightly advised that stage orientation had a big effect on noise levels and outlined the possibility of the licence resulting in an increase of up to nine louder events; this would run against national noise advice. There was already a robust and adequate licence in place for the premises and there were no conditions in place which would inhibit the events sought through this application.

In response to questions from the Applicant, Mr Golightly, on behalf of Public Protection, confirmed that:

- It was possible to not follow the Pop Code guidance and not cause a nuisance, just as it was possible to follow the guidance and still cause public nuisance.
- Cumulative Impact was the important factor in determining public nuisance for this premises.
- Difficulties and impracticalities in measuring noise levels lead to the Council not usually applying powers granted to it through the Noise Act 1996.
- Complaints were received following an event in summer 2025 from which the Council then liaised with the Museum Gardens.
- Background levels taken at one point in time could fluctuate and be different to other times.
- Relevant noise information should be included within the Noise Management Plan, and wider information could be used to support this.

In response to questions received from: Marabel Clarke, representing Martin Clarke on behalf of Mary Gate Residents; Jeremy Brookes; and Christopher Gray; Mr Golightly, on behalf of Public Protection, confirmed that:

- Public Nuisance could be caused by any noise frequency, including low level continuous sound frequency overnight.

In response to questions received from the Sub-Committee, Mr Golightly, on behalf of Public Protection, confirmed that:

- Guidance that has been relevant in the past, such as the 'Pop Code', was still used due to nothing overriding it.
- A statutory nuisance relies upon how it effects people rather than the type of noise.
- The noise levels of the Museum Garden's Proms events had not been tested as no issues had been raised.
- Some events may receive more complaints but commit fewer breaches as sound can reaching wide areas creating the assumption that sound must be loud at the source.

6. The representation of Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents, at the Hearing.

Ms Clarke, Mr Whittington, and Mr Reid set out their case and reported that as Mary Gate Residents they did not feel they had been properly consulted with in regard to the Application, and that the Application did not honour the unique historical character of the Museum Gardens. They noted that access to and from the Museum Gardens remained an issue during events, and that communication and engagement needed to be improved.

Ms Clarke discussed monitoring that had been conducted around Marygate and found that although parking, loading and unloading had been taking place without any complaints, the blocking of the street was causing an issue. Between 2200 and 0800 hours the noise levels were recorded at 76dB on average during songs, and low-level sound all night from the drink cooler was causing public nuisance at a low frequency, although it was a quiet noise.

Ms Clarke had recorded sound levels at a recent concert at the premises resulting in findings of between 79-88 dB. She then reported an error within the evidence submitted by the Applicant, in that the Sound Map, seen on page 47 of the agenda, showed Recording Station R7 being located within her house, and not within the Gardens opposite where it is actually located. She continued by stating that this type of music was too loud for the venue and other types of events were perfectly acceptable, and many tourists to the Museum Gardens received no notification of possible closures of the gardens.

Mr Reid reported that he was a Churchwarden at St Olave Church and he had been assured by the Applicant that there would not be any sound checks during church services, and the church's schedule has been shared with the Applicant. He suggested that the Applicant review their security for events to prevent people from climbing over the wall of the graveyard for events. Sparse parking issues were also raised, with many spaces being taken by visitors from residents.

In response to questions from the Sub-Committee, Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents, confirmed that they did not support back-to-back events at the premises as this was disruptive to residents, and they requested an annual plan of events in order to support engagement with residents on events taking place.

7. The representation of Jeremy Brookes, a local resident, at the Hearing.

Mr Brookes set out their case, informing the Sub-Committee that he had put up with various roadworks and infrastructure improvements causing road restrictions in the past from the railway, and he didn't wish to put up with further continuous noise from Museum Gardens, as this did not benefit residents.

He stated that many supporters of the application were tourism organisations and were not residents, and the events requested would mean losing use of the Gardens during the hottest period of the year. The lack of advertisement of the closure of Museum Garden during events was mentioned, and he discussed how events brought in too many tourists for a small city as York and could bring noisy stag and hen groups. This number of tourists in York was too many.

He stated that it was understandable of York Museums Trust to support this application and seek these events as they needed the funds. He discussed York Museums Trust providing grants of £300k to organisations not based in York. He also mentioned that at an earlier meeting in Bootham, York Museums Trust had mentioned they supported the application, but wanted to decrease the number of days, but did not amend their letter of support or halt the progress to do this.

He highlighted the influence of North Yorkshire Police over this application, and in comparison, the lack of influence residents had, and suggested that an application for further event days would be sought in the future if this application were to be approved. Mr Brookes suspected that more event days would be requested if the application was approved.

If the application were to be approved, Mr Brookes suggested the following additional licence conditions: Measuring background noise levels, currently set at 15dB, at times the concerts will be on, require at least 14 days from the closure of one event and the start of another, and a limit of only one event per month. He concluded by stating that it was unlikely that the refusal of this application would lead to the closure of the premises.

[The hearing adjourned at 12:00pm and reconvened at 12:07pm]

Michael Golightly, on behalf of Public Protection, was then given the opportunity to sum-up.

He noted that there was already a well-rounded licence for the premises in place, and that the extra six days requested could not be supported by national guidance. He stated that another day of more than 65dBA would lead to an increase in complaints and public nuisance – 15dBA above the background level could not be supported, and the conditions suggested were not robust enough. He concluded by confirming that Public Protection could not support this application.

Marabel Clarke, Dick Whittington and Buff Reid, representing Martin Clarke on behalf of Mary Gate Residents, were then given the opportunity to sum-up.

Marabel noted that they were supportive of York Museums Trust but required active engagement from the Applicant in regard to the planning of events.

Jeremy Brookes was then given the opportunity to sum-up.

He offered a correction to his previous comments regarding the grants of £300k provided by York Museums Trust in that this was not a grant and was instead a funnel of funds.

He commented on the increase of noise pollution within the local area and suggested that the background noise level recorded was not done in the residential area where people live, which is different to where the premises is.

The Applicant was then given the opportunity to sum-up.

Mr Payne, the Solicitor representing the Applicant, discussed how the application promoted a mix of culture and music which supported national and council policy. He indicated that there was public support for the application, while there were unknown concerns regarding sound levels. He stated that the 'Pop Code' was no longer relevant and so objecting to the application on this basis was flawed, and suggested that just because there were complaints, it didn't mean there was public nuisance. He added that there was a perfectly good licence in place at the moment with a perfectly good condition applied and noted how a Sound Management Policy could mitigate concerns raised and was a requirement on previous licences. Mr Payne urged the Sub-Committee to only consider relevant and valid representations made, and highlighted efforts made to engage with the public on the scheduling of events, of which opportunities were not always taken up by residents. He concluded by offering a condition for a phone number to be provided in order to resolve issues as they arise.

In response to questions from the Sub-Committee, Michael Golightly, on behalf of Public Protection, confirmed that an increase of 15dBA in background noise was not viable and a total noise level of 65dBA could not be supported and agreed on by Public Protection.

In response to questions from the Sub-Committee, the Applicant confirmed that:

- Futuresound Events Ltd and York Museums Trust worked together regarding the scheduling of events, and they prioritised ensuring there was always a space at the Museum Gardens for residents.
- It had been demonstrated that although it was difficult to work within the limits of an additional 15dBA (totalling 65dBA), it is possible. The Applicant's own surveys showed different sound levels to those conducted by CYC.
- Work had been undertaken to liaise with residents on parking concerns, such as with the Bootham South Residents' Association. Work had also been undertaken with the Local Link Magazine about sharing information there; it was important to improve engagement.

- Through this application the aim was to take the burden and risk of event management from York Museums Trust, allowing them to continue their own events safely. Three lower sound level events would continue as usual, by York Museums Trust, with the three louder events being operated by Futuresound Events Ltd. There were no plans to reduce the licence already held by York Museums Trust in case plans change in the future or if the relationship between the Applicant and York Museums Trust changes.
- Events held at the Museum Gardens gave residents the opportunity to attend events without leaving York.

In response to questions from the Sub-Committee, Mirabel Clarke confirmed that the events held were mostly peaceful but if an extension to the events permitted was granted it could encourage further disruption and drinking.

[The hearing adjourned at 12:35pm and reconvened in private session at 12:40pm. The hearing reconvened in public session at 1:36pm]

The Sub-Committee resolved to grant the licence with modified/additional conditions (Option 2), as set out below:

Proposed Activity	Timings
Live music – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Recorded music – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Performance of Dance – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Other entertainment – indoors and outdoors	11:00 to 22:30 Thurs/Fri/Sat 12:00 to 22:30 Sun
Supply of Alcohol – On the premises	11:00 to 22:30 each day
Opening Hours	Unrestricted Mon to Sun

Modified Conditions

Modified Condition 1:

This licence shall be valid for a period of no more than six event days per annum to be held over two consecutive weekends between 1 June and 31 July each year.

Modified Condition 2:

The Premises Licence Holder (PLH) shall give notice to the Licensing Authority (LA) and to the Police of any event date/s no later than four months before the first day of the event.

Modified Condition 6:

A draft ESMP shall be submitted to the LA and to the Police no less than four calendar months in advance of the event. The ESMP shall give due regard to the Purple Guide and shall include references to: -

- Adverse weather plan
- Alcohol management plan
- Anti-drugs policy
- Crowd management, security and stewarding policies and plans (including, but not limited to search policy and procedure, drug control, weapons, eviction, ejection and deflection, counterterrorism)
- Emergency response plan
- Event schedule (to include operating hours of all licensable activities) which takes into account the cumulative impact on local residents of noisy events (i.e. typically those in excess of 65 Db (A)).
- Fire safety plan
- Medical plan
- Sound management plan (to include operating hours, how off site and front of house sound levels will be monitored and how any complaints of sound will be dealt with)
- Risk assessment
- Site map
- Traffic management plan
- Contact details of key personnel
- The location of the rendezvous points for Responsible Authorities
- The location of free water dispensing points
- Glass management within the VIP area & prevention from leaving the area
- CCTV coverage, including details of data holder, data storage, accessibility to recordings, monitoring responsibility and reporting.
- Any other detailed plans agreed with the LA and the Police.

Modified Condition 7:

The final published ESMP shall be Submitted to the LA and to the Police at least 14 days before the first day of the event. The final ESMP will account for advice received via the SAG consultation process and have changes clearly logged. This version will only be amended in the 14 days prior to the event with the prior written approval of the LA and the Police or during the event in the case of emergency or where the changes are typographical in nature. Such changes will be notified in writing to the LA and to the Police as soon as reasonably practicable.

Additional Conditions

- i. Prior to submission of the draft ESMP to the LA and to the Police pursuant to condition [6], the PLH shall:
 - Hold at least one consultation meeting with local residents which shall be minuted by the PLH; and
 - Submit a copy of the minutes to the LA.
- ii. In addition to the consultation meeting referred to in condition [above] the PLH shall hold quarterly meetings with local residents to hear residents' concerns surrounding events. Each meeting shall be minuted by the PLH and the PLH shall submit a copy of the minutes to the LA within 14 days of the meeting.

Reasons for the Decision

The Licensing Sub-Committee noted that there was an existing licence for Museum Gardens, held by York Museums Trust which enables the Trust to hold music events in the Gardens. This was a new application by Futuresound Events Ltd which did not replace the existing licence held by the Trust. The application is for up to six event days per annum to be held over two consecutive weekends between 1 June and 31 July.

The Applicant has agreed a list of conditions with the Police, on the basis of which the Police have withdrawn their representation. The Police are the Sub-Committee's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Having considered those conditions at the hearing and during deliberations, the Sub-Committee agree that they are appropriate and proportionate, as modified by the Sub-Committee. The Sub-Committee noted residents' concerns that back-to-back events will be disruptive for residents but considered that holding consecutive events would strike a balance between the impact of events on the locality and policing the event.

The Sub-Committee carefully considered the representations from Public Protection and local residents in respect public nuisance. The Sub-Committee focussed in particular on the effect of events on local residents and whether it may be disproportionate and unreasonable. The Sub-Committee was concerned that the licensing objective of protection from public nuisance would be undermined without appropriate and sufficient proposals to address the issues raised. Condition 6 requires an Event Safety Management Plan for an event which includes, amongst other things, a sound management plan in respect of operating hours, how off site and front of house sound levels will be monitored and how any complaints of sound will be dealt with. The Sub-Committee placed considerable weight on the assurances given by the Applicant's solicitor at the hearing that events would be scheduled appropriately following proper consultation and that the sound management plan would allow for sound limits to be reduced where needed to mitigate public nuisance.

Overall, the Sub-Committee was content that, through the operating schedule and the additional conditions imposed by the Sub-Committee, sufficient mitigation measures had been put in place to minimise the risk of noise nuisance or public disorder and to promote public safety and the protection of children from harm. It considered that the conditions are appropriate and proportionate to promote the licensing objectives.

Cllr Kilbane, Chair

[The meeting started at 10.00 am and finished at 1.28 pm].

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Licensing Act 2003 Sub Committee

24 September 2026

Report from the Director – Environment and Regulatory Services

Section 52(2) Review of Premises Licence CYC-068154 Sky Blue, 16 Barbican Road, York, YO10 5AA**Summary**

1. This report seeks Members determination of an application for a review of a premises licence which has been made under the Licensing Act 2003 in respect of Sky Blue, 16 Barbican Road, York YO10 5AA, Premises Licence Number CYC-068154.
2. Name of applicant: Home Office Immigration Enforcement
3. Summary of Review: The application to review the premises licence relates to the following licensing objective:
 - The prevention of crime and disorder
4. A copy of the application for review is attached at Annex 1 and is briefly summarised as follows:

Between 2014 and 2025 Immigration Compliance and Enforcement Officers have conducted multiple visits to 16 Barbican Road which has traded as The Regency Restaurant and Sky Blue, during each of the visits they have encountered and arrested illegal workers at the premises. The dates, numbers and details of these enforcement visits are listed within the evidence pack which accompanies the review application. Details of civil penalty notices issued are also included, the penalties remain unpaid.

The 2025 visits undertaken and arrests made form the basis of this latest review.

The application also contains an evidence pack.

5. A copy of the current premises licence and plan is attached at Annex 2. The premises licence currently authorises the following:

Licensable Activity	Current Days & Hours
Live Music – indoors	10:00 to 03:30 everyday
Recorded Music – indoors	10:00 to 03:30 everyday
Performance of Dance – indoors	10:00 to 03:30 everyday
Other entertainment – indoors	10:00 to 03:30 everyday
Late Night Refreshment – indoors	23:00 to 03:30 everyday
Supply of alcohol (on & off the premises)	10:00 to 03:30 everyday
Opening Hours	10:00 to 04:00 everyday
For all licensable activities/opening hours the following non-standard timings apply	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day An additional hour on the day that British summertime starts.

6. The premises licence was granted on 29 April 2021.

Consultation

7. Consultation was carried out by the Applicant and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of a review by licensing authority. Copies of the application were served on all responsible authorities and the premises licence holder. Notice of the application was displayed in the vicinity of the premises, on the exterior noticeboard at West Offices and on the Council's website.
8. A representation was received from North Yorkshire Police; it appears at Annex 3.
9. A map showing the location of the premises is attached at Annex 4.

Other Relevant Information

10. The current premises licence was granted by the Licensing Authority in April 2021. In November 2022 the licence was the subject of a review application made by North Yorkshire Police and was subsequently revoked at a Licensing Sub-committee hearing. The premises licence was then reinstated upon appeal. The address has held a premises licence since September 2005 (when the Licensing Act 2003 came into force), that licence was also the subject of a review application in February 2020 and that licence was revoked at a Licensing Sub-committee hearing held in June 2020.

Options

11. By virtue of S52(4) of the Act, the Sub-Committee may in making their decision take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
12. Option 1: To modify the conditions of the licence (i.e. to alter, omit or add any new condition).
13. Option 2: To exclude a licensable activity from the scope of the licence.

14. Option 3: To remove the Designated Premises Supervisor.
15. Option 4: To suspend the licence for a period not exceeding three months.
16. Option 5: To revoke the licence.
17. Option 6: Take no action

Where the Sub-Committee takes a step mentioned in Option 1 or Option 2, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Otherwise, the modification of conditions or the exclusion of a licensable activity will be permanent.

In deciding which, if any, of these steps to take, the Sub-Committee should direct its mind to the cause or causes of the concerns which the application and representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

The Sub-Committee may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

Analysis

18. The following could be the result of any decision made by this Sub-Committee:
19. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
20. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
21. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.

- 22. Option 4: This decision could be appealed by the premises licence holder, the review applicant or any of the representors.
- 23. Option 5: This decision could be appealed by the premises licence holder.
- 24. Option 6: This decision could be appealed by the review applicant or any of the representors.

The decision of the Sub-Committee will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

- 25. Members are reminded that they may only use their discretion to take remedial action in relation to matters that are raised by this review and are relevant to the promotion of the licensing objectives.

Council Priorities

- 26. The Licensing Act 2003 has 4 objectives; the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
- 27. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications for review the Council are supporting the licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

28.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – The decision made by this Sub Committee is subject to appeal rights to the Magistrates Court.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

29. All Members of the Licensing Act 2003 Committee have received full training on the Act and the Regulations governing hearings. They are aware that any decision which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
30. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

31. Members determine the application.

Reason: To address the application for review received as required by the Licensing Act 2003.

Contact Details

Author:

Helen Sefton,
Senior Licensing Officer
Ext: 2422

Chief Officer Responsible for the report:

Dave Atkinson,
Director of Environment and Regulatory Services

**Report
Approved**

✓ **Date** 28 August 2026

Wards Affected: Fishergate Ward

Annexes

Annex 1 - Copy of Application for Review of Premises Licence and Evidence Pack: (Redacted and Unredacted (Confidential))

Annex 2 - Copy of Premises Licence, including Layout Plan

Annex 3 - Representation from North Yorkshire Police (including Appendices)

Annex 4 - Map showing location of Premises

Annex 5 - Legislation and Policy Considerations

Licensing Authority: City of York
By Email : licensing@york.gov.uk

Application for the 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 that 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 Home Office Immigration Enforcement

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

Sky Blue 16 Barbican Road	
Post town York	Post code YO10 5AA

Name of premises licence holder or club holding club premises certificate (if known)

Mr Kheng Chooi Koay

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

CYC - 068154

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)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

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

Please tick ✓ yes

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

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**Home Office****Immigration Enforcement Licensing Compliance Team**6th Floor, 2 Ruskin Square

Dingwall Road

Croydon

CR0 2WF

Telephone number (if any)

E-mail address (optional)

ie.licensing.reviews@homeoffice.gov.uk

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

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

Please tick one or more boxes ✓

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

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

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

Please refer to accompanied review pack for detailed information

Please tick ✓

yes

Have you made an application for review relating to the premises before?

☐

If yes, please state the date of that application

Day	Month	Year

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

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 4)

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

Signature **S Monawar**

.....

Date **29 July 2026**

.....

Capacity **Responsible Authority**

.....

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

Home Office

Immigration Enforcement Licensing Compliance Team

2 Ruskin Square

Dingwall Road

Post town

Croydon

Post Code

CR0 2WF

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address (optional)

ie.licensing.reviews@homeoffice.gov.uk

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.

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Premises Licence Review

Sky Blue
16 Barbican Road
York
YO10 5AA

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Case Summary

Immigration Compliance and Enforcement (ICE) officers from North-East, Yorkshire and Humber have conducted multiple intelligence-led enforcement visits to 16 Barbican Road, York, following intelligence that illegal working was taking place at the premises. Between 2014 and 2019, when the premises traded as The Regency Chinese Restaurant, four enforcement visits resulted in immigration offending and illegal working being identified. More recently, while trading as Sky Blue Restaurant and Karaoke Bar, further intelligence-led multi agency enforcement visits were conducted on 17 July 2025 and 10 December 2025, during which two additional illegal workers were encountered.

- On 7 June 2014, ICE officers conducted an enforcement visit which resulted in the arrest of two Chinese nationals for immigration offences, including a student who had overstayed and an illegal entrant.
- On 21 May 2015, a further enforcement visit resulted in the arrest of one Chinese national for the immigration offence of working in breach of his visit visa conditions.
- On 8 September 2017, an enforcement visit resulted in the arrest of six Chinese nationals for immigration offences, including four overstayers and two individuals who had entered the United Kingdom without leave.
- On 6 September 2019, a multi-agency enforcement visit resulted in the arrest of three Chinese nationals by Immigration officers for immigration offences, including two individuals working in breach of their visitor conditions and one illegal entrant.

Across the four enforcement visits conducted while the premises traded as The Regency, a total of 12 individuals were arrested for immigration offences. Although the premises subsequently traded under the name Sky Blue, immigration enforcement concerns at the address continued.

ICE officers attended Sky Blue Restaurant and Karaoke Bar, 16 Barbican Road, York, on 17 July 2025 following intelligence that illegal working was taking place at the premises. Entry was gained using powers under section 179 of the Licensing Act 2003. One worker was encountered and arrested after it was established that he did not hold the right to work and was in breach of his immigration bail conditions.

The premises was revisited on 10 December 2025 following further intelligence that illegal working was taking place. This was a multi-agency enforcement visit led by North-East, Yorkshire and Humber Immigration Compliance and Enforcement (ICE). Entry was again gained using powers under section 179 of the Licensing Act 2003. Officers encountered and arrested a further worker who did not hold the right to work in the United Kingdom.

The 17 July and 10 December 2025 enforcement visits resulted in two separate illegal working encounters at the premises and form the basis of this review application.

Licensed Premises History

The premises has been subject to a number of licensing reviews, licence variations and management changes over time. The key licensing history is summarised below:

- **28 September 2005** – Premises licence CYC/009221 granted for 'The Regency' by City of York Council.
- **25 June 2015** – [REDACTED] became premises licence holder and Designated Premises Supervisor (DPS).
- **07 February 2020** – A Review application was submitted by the Public Protection Team at City of York Council following two separate multi agency visits in 2017 and 2019, involving Immigration Enforcement, both visits are recorded in the case summary above. Licensing breaches were also identified.
- **08 June 2020** – Premises Licence CYC/009221 was revoked by the Sub-Committee following a review hearing concerning multi-agency enforcement visits involving Immigration Enforcement. An appeal against revocation was subsequently lodged.
- **08 December 2020** – The appeal in respect of revocation of the Premises Licence was dismissed.
- **29 April 2021** – A new premises licence CYC-068154 was granted under the name Sky Blue 16 Barbican Rd York YO10 5AA. [REDACTED] listed as premises licence holder and Designated Premises Supervisor (DPS).
- **30 June 2022** – A Review application was submitted by North Yorkshire Police.
- **17 November 2022** – Following a Premises Review hearing Licence CYC-068154 was revoked following evidence of persistent breaches of licence conditions and a spiking allegation.
- **11 October 2023** – Following an appeal against revocation of Premises Licence CYC-068154, and consent order granted by the court, the licence was reinstated.
- **03 April 2024** – A Minor variation was granted relating to the use of karaoke rooms.

- **10 December 2025** – Closure notice of premises licence CYC-068154 made under Section 19 served by North Yorkshire Police.
- **23 December 2025** – DPS variation granted. Current Designated Premises Supervisor listed as **Ms Yuk Chuan PANG**.

The premises continues to operate under the name Sky Blue.

Company and Management Information

The premises currently trades through Sky Blue York Ltd, which was incorporated on 11 May 2021 and remains an active company. The key company and management history is summarised below.

- 11 May 2021 – Sky Blue York Ltd incorporated (Company No. 13389214).
- 11 May 2021 – Kheng Chooi KOAY appointed as company director.
- 15 December 2024 – KOAY ceased to be a company director.
- 16 April 2025 – KOAY reappointed as company director.
- 18 March 2026 – Companies House records show KOAY resigned as company director and was reappointed on the same date. KOAY is currently listed as the active director of Sky Blue York Ltd.

Civil Penalty

CP Ref 333845

A £40,000 penalty was issued to Sky Blue York Ltd. on 14 October 2025. Sky Blue York Ltd. objected to the penalty which was considered and on 20 November 2025 it was decided to maintain the penalty. Sky Blue York Ltd. lodged an appeal against the penalty, which was struck out, the penalty and litigation costs remain unpaid and outstanding and have been referred to third-party debt collection agency.

CP Ref 336620

A £45,000 penalty was issued to Sky Blue York Ltd. on 22 January 2026. Sky Blue York Ltd. provided further evidence which was considered and on 26 February 2026 it was decided to maintain the penalty. The penalty remains unpaid and outstanding and has been referred to third-party debt collection agency.

Enforcement Visit: 17 July 2025

Upon entering the premises at 17:48hrs, immigration officers encountered the following individuals:

██████████ – Worker

██████████ was encountered in the kitchen wearing an apron which he discarded as officers approached him.



██████████'s discarded apron.

An illegal working interview was conducted in Mandarin with the assistance of an interpreter. ██████████ confirmed that he understood the interview process and signed the relevant documentation. ██████████ initially denied working at the premises, stating that he had only attended to show a friend how to prepare vegetables and was not employed. He claimed he had taught himself cooking online and was only assisting informally. ██████████ stated that he attends the premises once every several months but confirmed that on this occasion he had travelled from Birmingham.

When questioned about his presence, ██████████ stated he had been asked to attend by a friend named ██████████. Officers presented evidence including a staff rota, which showed ██████████ working four days a week over the past month. ██████████ denied this, stating that it was not his name. When informed that CCTV footage shows him entering and working in the kitchen, he again denied working and claimed he had only been present that day. ██████████ initially stated that he was not being paid, however later said that his friend would take him for a meal in return for helping and had also paid for his bus ticket. ██████████ acknowledged that he is not allowed to work

and suggested this was why he did not want to admit working, stating he did not wish to upset his friends or take money from them.

Home Office checks showed that [REDACTED] entered the UK on a student visa which was valid from September 2009 to February 2011. [REDACTED] has submitted multiple applications for leave which have all been refused. [REDACTED] did not have any outstanding applications at the time of the enforcement visit. [REDACTED] did not hold the right to work in the UK.

[REDACTED] – Assistant manager

During the illegal working employer interview, [REDACTED] stated that he is the assistant manager of the premises, a role he has held for approximately one to two years. He confirmed that the business is owned by KOAY.

When questioned in relation to [REDACTED], [REDACTED] confirmed that [REDACTED] had been working at the restaurant for one month as a kitchen porter. [REDACTED] stated that [REDACTED] works three to four days per week. [REDACTED] stated that KOAY would have hired [REDACTED] as he normally hired staff. [REDACTED] was unsure if any right-to-work documents were provided, whether checks were carried out, or whether the business was aware of [REDACTED]'s immigration status.

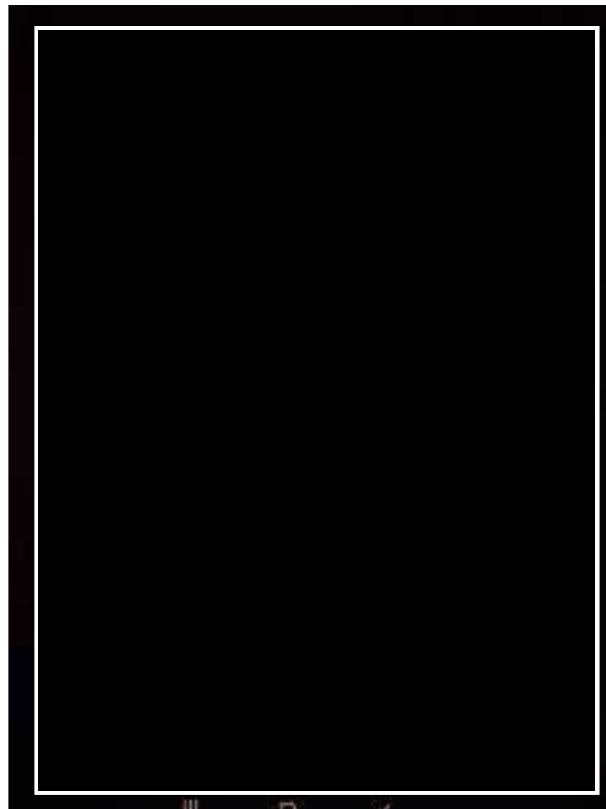
Enforcement Visit: 10 December 2025

Entry was gained to the premises at 17:48hrs. Upon entering, immigration officers encountered the following individuals:

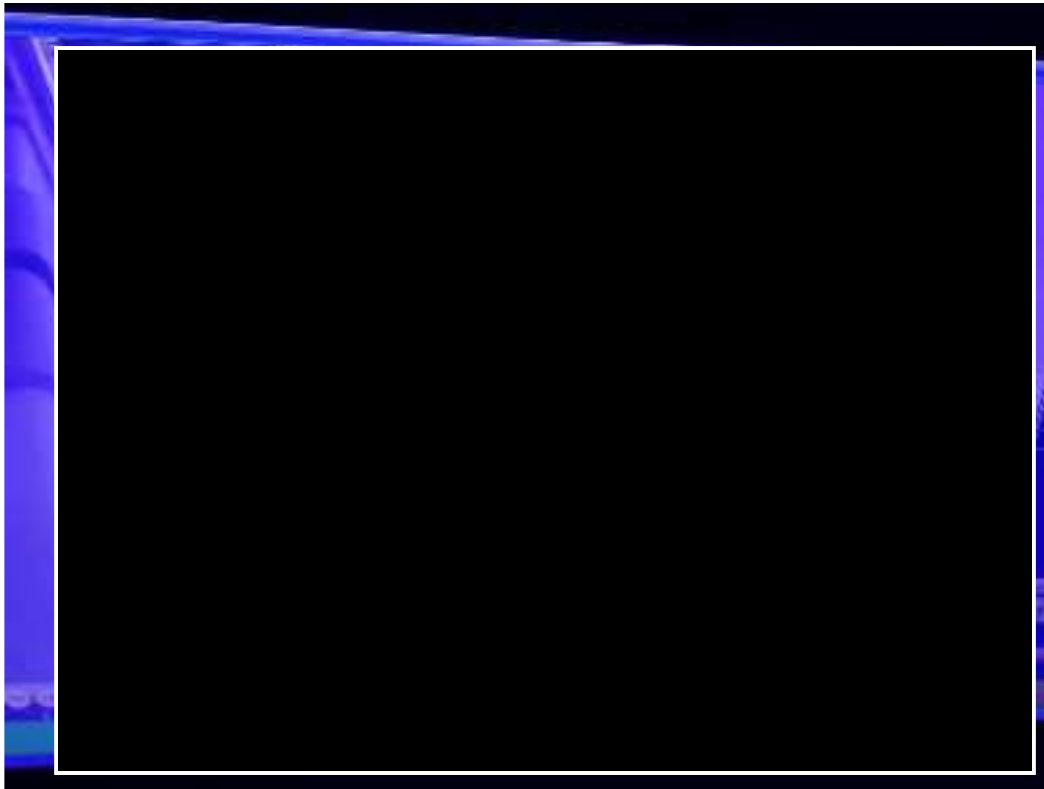
██████ (no full name found on any systems) – Worker

██████ was encountered in the kitchen and appeared nervous when approached by officers. An illegal working interview was conducted in Indonesian with the assistance of an interpreter. ██████ confirmed that he understood the questions put to him and signed the interview record to confirm that his answers were true and accurate. ██████ stated that he arrived at the premises at approximately 10:00am and normally remains until around 21:00hrs. He stated that he attends the premises around twice a week and described his role as preparing food in the kitchen, including prepping vegetables. ██████ confirmed that he is paid £30–£40 per shift and sometimes receives food. ██████ also confirmed that he is provided accommodation nearby free of charge, arranged by restaurant workers, and that he does not pay rent. He stated that a colleague known as ██████ allowed him to work, although he confirmed that this individual is not the boss.

Officers also found pictures on his phone of him working in the kitchen and messages between colleagues. CCTV footage also showed him cleaning the karaoke room.



Text confirming ██████ has been working.



CCTV footage of [REDACTED] cleaning the karaoke room.

In relation to pre-employment checks, [REDACTED] stated that he was not asked to provide any documents and did not show proof of his right to work. He confirmed that he was simply asked to help and began working without any checks being carried out.

Home Office checks showed that [REDACTED] entered the country on a visit visa which was valid from February 2017 to August 2017. No further applications were submitted to regularise his stay in the UK. [REDACTED] has never held the right to work in the UK. [REDACTED] departed the UK on 11 January 2026 using the Voluntary Return Scheme (VRS).

Additional Concerns:

It is pertinent to note that the previous premises licence holder (when the business was trading as The Regency), [REDACTED], was encountered and mentioned during both enforcement visits.

During the enforcement visit on 17 July 2025, [REDACTED] was encountered at the premises. He provided immigration officers with a false name however officers subsequently confirmed his identity after checking his driving licence.

[REDACTED] was also present during the enforcement visit on 10 December 2025, arriving at the premises whilst officers were present. During that encounter, [REDACTED] stated that he neither owned nor controlled the business and identified Kheng Chooi KOAY as the owner. However, following enquiries with City of York Council, officers were informed that [REDACTED] remained recorded as the owner of the business.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

Across two enforcement visits, Immigration Enforcement encountered two individuals working illegally at the premises. In both instances, the individuals were clearly carrying out duties integral to the operation of the business, including preparing food, cleaning, and assisting in the kitchen. Evidence obtained, including rota information, CCTV footage and mobile phone images, demonstrated that their work was ongoing rather than incidental. Both individuals confirmed that no right-to-work checks were conducted prior to them undertaking duties at the premises.

The repeated encounter of illegal workers over separate visits demonstrates a pattern of non-compliance. The visits were approximately six months apart and, despite the passage of time, illegal working was identified on both occasions.

Illegal workers were engaged in activity at the premises on two separate occasions. Employers are required to conduct right-to-work checks before employment commences and guidance on carrying out those checks is readily available. All employers are dutybound by law to conduct these checks, and guidance can be found on the GOV.UK website. It is also an offence to employ illegal workers where there is reason to believe that a person does not have permission to undertake the work in question.

Further concerns arise from the way work was arranged and remunerated. In one case, [REDACTED] was paid approximately £30–£40 for shifts, another worker, [REDACTED], was not paid wages and instead received meals and travel support in return for his work. These practices indicate a lack of proper employment controls while also providing an unfair commercial advantage over compliant businesses.

Under Section 15 of the Immigration, Asylum and Nationality (IAN) Act 2006, employers can face a civil penalty if they employ someone who does not have the legal right to work in the UK. The civil penalty process is administered by an independent separate team.

A civil penalty referral notice was served based on the findings of officers. This referral was considered by the Civil Penalty Compliance Team.

Sky Blue York Ltd has been subject to multiple civil penalties, including a £40,000 penalty issued on 14 October 2025 and a further £45,000 penalty issued on 22 January 2026. An objection was received for the second civil penalty on 12 November 2025, which was maintained on 18 November 2025. An appeal was received on 17 February 2026, though it was struck out on 24 March 2026. Both penalties have been maintained following consideration and remain unpaid and outstanding.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence even in the first instance should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to review the premises licence.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

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

Sky Blue, under the control of Kheng Chooi KOAY, has been found employing illegal workers on two separate occasions. The license holder would have been aware of his responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

Immigration Enforcement asks that the premises licence is **revoked**.

Immigration Enforcement submits that merely remedying the existing situation, for example through the imposition of additional conditions or a period of suspension, would be insufficient in light of the repeated illegal working identified at the premises.

The information and supporting evidence contained within this review application are provided for the Sub-Committee's consideration when determining the appropriate and proportionate outcome.

Appendix – Supporting Evidence

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

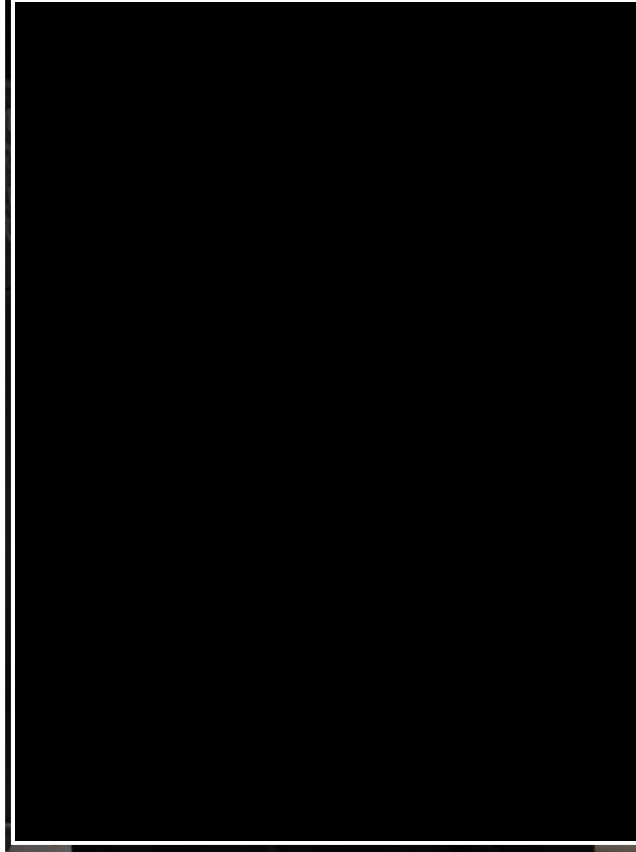
[REDACTED]

[REDACTED]

Encounter	
Details	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	[REDACTED] [REDACTED]
Time	17:49
Creation date	17-07-2025 17:49:51
[REDACTED]	
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
Languages	
Languages spoken	English, Mandarin
Interpreter used?	No
Encounter	
[REDACTED]	
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED] [REDACTED]	[REDACTED]

Why do you suspect the person of an immigration offence?	Intel suggests illegal workers present. Previous visits have found illegal working.
Where was the person located?	Kitchen was wearing apron removed apron.
Declared immigration status	Applying for a student visa.
How and when did the subject last enter the UK?	2009 on a student visa,
[REDACTED]	[REDACTED]
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Photo of subject



[REDACTED]

Identity Documentation

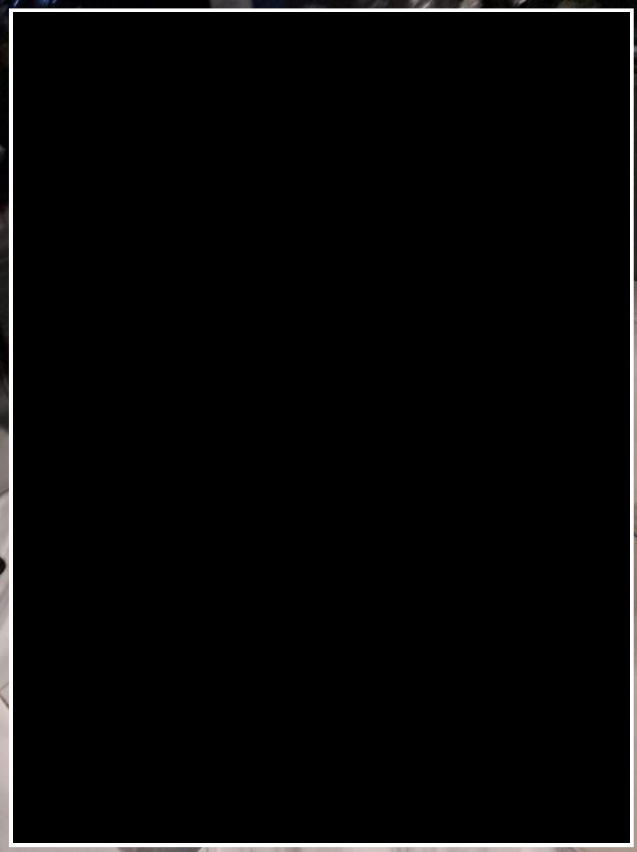
No documentation provided.

Notes

He was wearing an apron and found in the kitchen area but removed this when I started to speak to him.

where did you sleep last night	My friends. In Birmingham
you travelled from Birmingham this morning and arrived at 1pm.	Yes
do you have bus ticket to show me	No they printed ticket on the spot
what time did you leave Birmingham	8 or 9
what time do you intend to stay at blue sky for tonight	About 9pm going back tonight.
How much was bus ticket?	About £21
who asked you to come here today	My friend. [REDACTED]
How have you supported yourself?	I don't have a job I care for my friends child and clean the house
your name is on a rota and it shows you have been working 4 days a week for the last month	I don't know
can you confirm or deny you have been working here four days a week	That's not my name
we are going through cctv footage and have footage showing you going in and out of the kitchen	I don't know.
I would prefer you were honest with me and tell the truth	I have only been working here today
Are you being paid to shoe your friend what to do today?	No I just helped my friend he will take me for a meal next week
who paid for bus ticket?	The ticket was £10 or £20 he was going to take me for a meal.
so having spoken to the manager downstairs, she has told officers you have worked here for one month as a kitchen porter, why are you not admitting this yourself?	No she is confusing me with someone else
she knows exactly who she is speaking about why will you not admit this?	No no she is confusing me.
are you willing to open your phone and show me your photos?	*opened the phone and showed us*
what is this photo of? it's a postit note taken from this location	It's a note for me
why have you taken a picture of stock here in blue sky on the 8th July 2025 on your phone?	Why are you asking me all these?
why do you have orders pinned up to the kitchen taken inside the sky blue	I don't know

restaurant on your phone that you have taken here in the last month?	
please tell me the truth you are clearly working here, why are you lying to me?	I'm not allowed to come to work
it's that why you are lying about working?	I don't want to upset my friends for working
your friends are here at blue sky?	No my friends I live with they told me not to make money
why would your friends tell you to not make money?	No I feel bad taking my friends money, it is shameful.
OK so let me just clarify, are you working here?	No I'm just helping my friend
Control	
No details provided.	
Remuneration	
No details provided.	
Pre-employment Checks	
No details provided.	
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature [REDACTED]	17-07-2025 19:01:31

Observations	
Observations	He was wearing a black apron on arrival wwhich he quickly removed when he was stopped from leaving the kitchen
Do you suspect this person of illegal working?	Yes
Photo 1	 Captionwearing kitchen cloggs

Photographs

he took his apron off when
immigration officers encountered him



apron



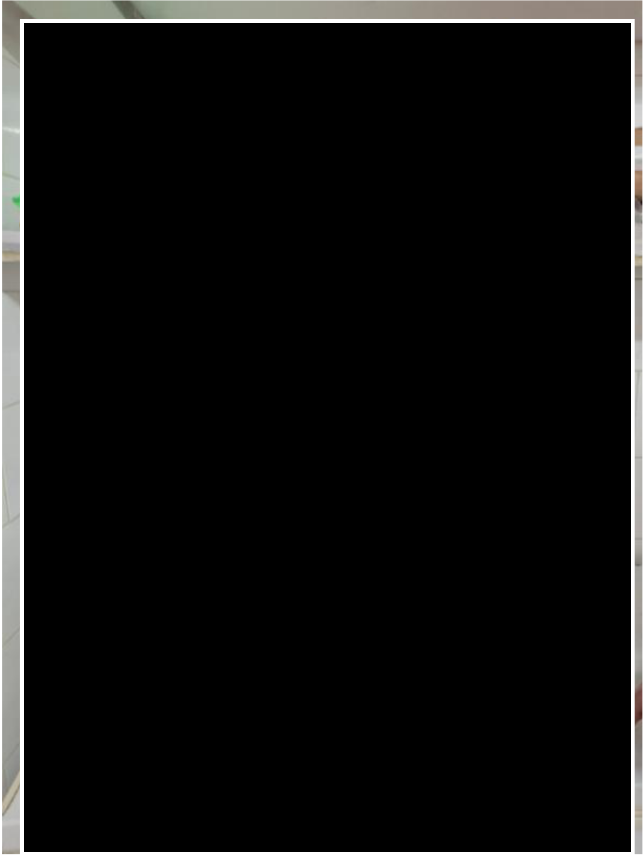
what time did [REDACTED] start this evening?	I don't know it's my day off.
Who employed [REDACTED]?	I don't know.
I find that odd your the assistant manager and you don't know.	It must have been Mr Koay.
do you know if [REDACTED] provided any documents?	I don't know.
Who is in charge of hiring staff here?	Normally Mr Koay.
Were you or Mr Koay aware of [REDACTED] [REDACTED]'s immigration status?	I don't know.
Do you know how [REDACTED] is paid?	I don't know.
How are other members of staff paid?	By card.
do you have any pay details for [REDACTED] [REDACTED]	Normally Mr Koay deals with it.
do you know [REDACTED]'s home address?	No sorry.

Declaration by Employer

I confirm that I have understood all the questions and that the details are true and correct.

Signed by [REDACTED]	 17-07-2025 18:47:43
----------------------	---

[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

[REDACTED]	[REDACTED]
A [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED] [REDACTED]	
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Photo of Subject	
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	 [REDACTED]

[illegible]

Photographs

photo

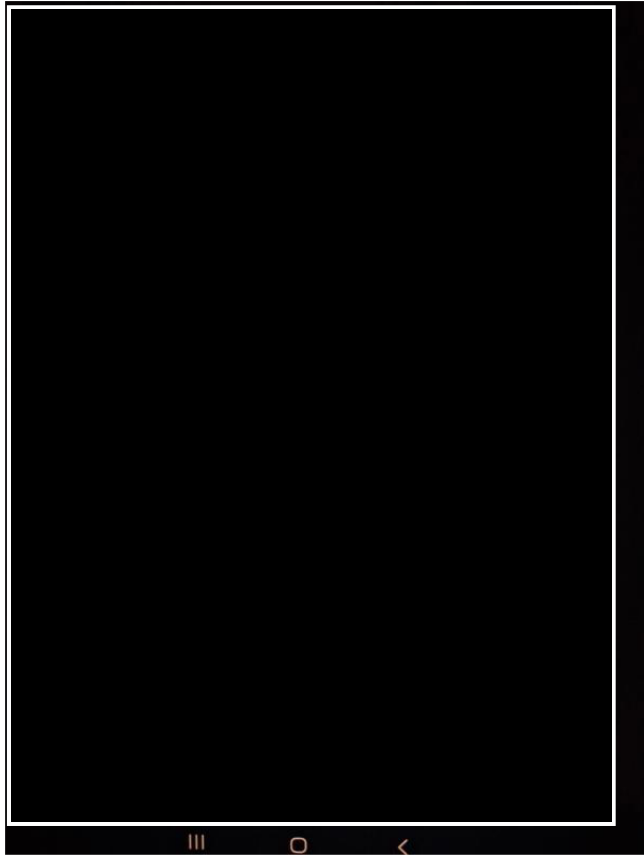


photo 2

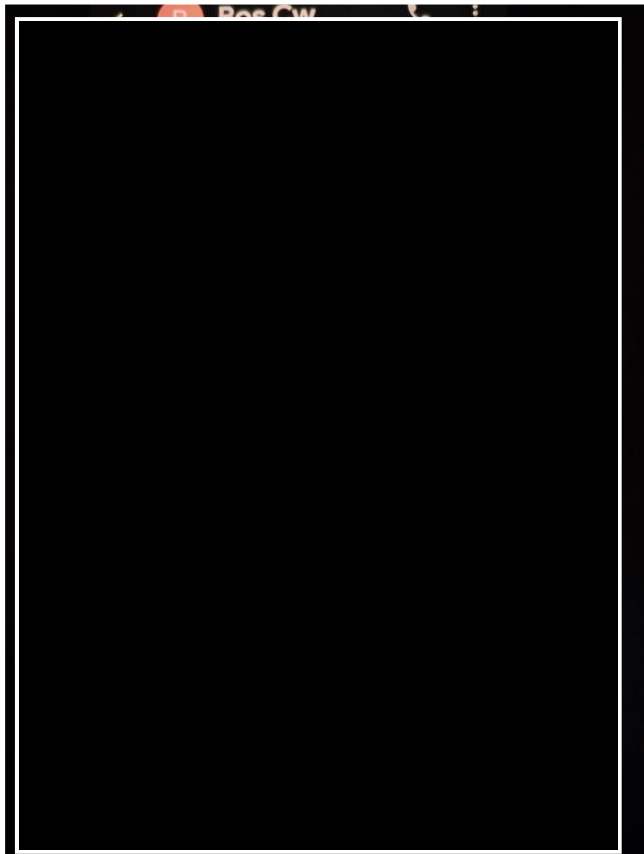
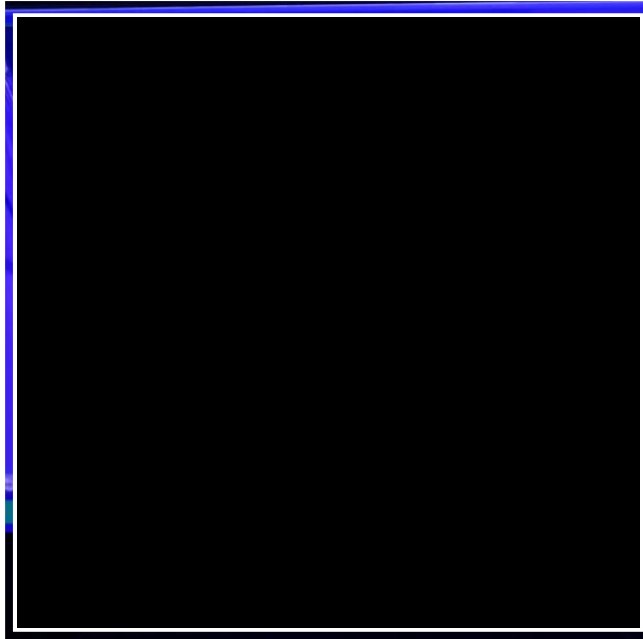


photo 3	

Photographs

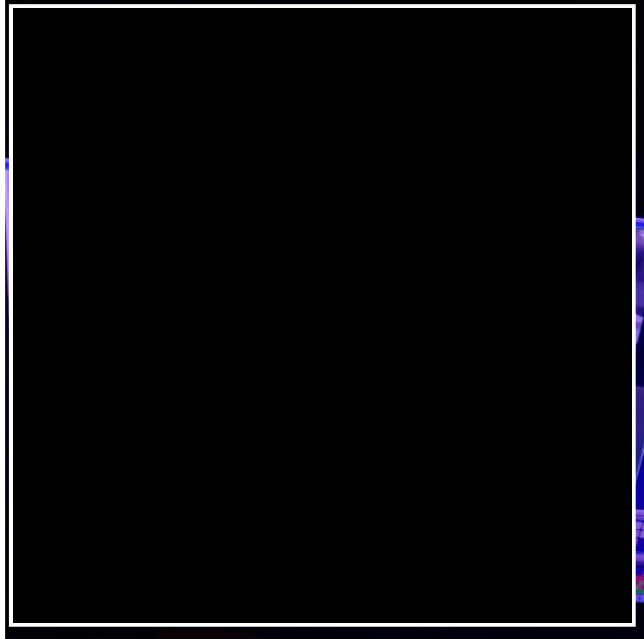
arrested person cleaning



again cleaning



Sat down having a break



So you don't know who allowed you to start working in blue sky?	No
So why did you arrive today if nobody allowed you to?	■■■■ allowed me
Who is ■■■■	A colleague who works in the kitchen
■■■■ told us that she is the boss	No she isn't
Remuneration	
do you get paid for this help?	Yes
how much?	£30/40 a shift
so you are working 12 hours a shift for £30/40?	Yes, I just help them
I advise you be honest	I am sticking to my work
so you get paid less than £3 an hour?	I only work 3/4 hours a shift?
but you arrived at 10am this morning and you're leaving at 9?	yes sometimes I meet my friends in the kitchen and just talk to them
do you get anything else for working?	Sometimes I get food
who gives you the £30/40 you get for work?	I don't know the name of who it is, it's a man
you live in the building next to blue sky, who allowed you to live there?	I stay for here by the restaurant workers for free
do you pay rent?	No
Pre-employment Checks	
when ■■■■ allowed you to work at blue sky, did she or any other manager ask you to show proof you have permission to work in the UK?	They asked me for help
helping, especially as you are being paid if a form of work. so did any manager or owner ask you for proof you have permission to work in the UK?	They asked me to work, so I showed nothing

Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ([REDACTED])	 10-12-2025 13:23:19
Observations	
Observations	Admission, observed working in the kitchen preparing food
Do you suspect this person of illegal working?	Yes

Encounter	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
ProntoID	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
Time	17:58
Creation date	17-07-2025 17:58:24
Main Identity	
Identity source/type	Declared
Full name	[REDACTED]
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
Languages	
Languages spoken	Mandarin
Interpreter used?	Yes
[REDACTED]	
Does the individual understand the interpreter?	Yes
Encounter	
[REDACTED]	
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED]	

Identity Documentation	
No documentation provided.	
Notes	
Did initially give me wrong name said he was but they gave me his driving licence	

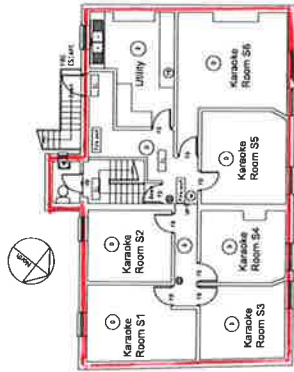
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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All dimensions and levels to be provided on the drawing.
If in doubt refer to the practice before work starts.
The Practice shall remain responsible for any variations to the drawing. It is the responsibility of the client to ensure that the drawing is correct and that it is in accordance with the relevant standards and specifications.
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Copyright is reserved.
No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from the Designer.
All materials to be used shall conform to relevant British Standard specifications where applicable.



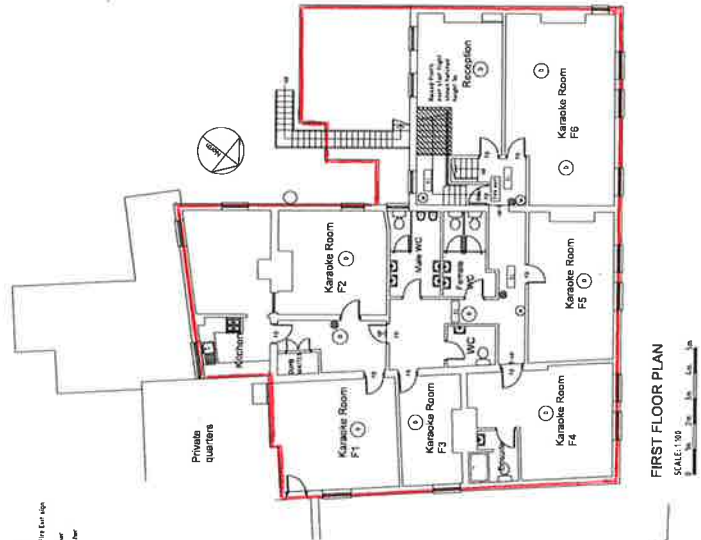
SECOND FLOOR PLAN
SCALE: 1:50

Key To Symbols

- ① New installed water or hot fire water
- ② Emergency lighting
- ③ Fire door
- ④ Fire alarm call point
- ⑤ Fire alarm call point
- ⑥ Fire alarm call point
- ⑦ Fire alarm call point
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GROUND FLOOR PLAN
SCALE: 1:50



FIRST FLOOR PLAN
SCALE: 1:50

Project	16 BARBICAN ROAD YORK YO10 5AA
Drawing Title	LICENSING DRAWING: SECOND AND FIRST AND SECOND FLOOR PLANS
Client	Stephen Wood Architectural Services Ltd 20 Stouddale Way, Crayke, North Yorkshire YO23 8DZ Tel: 01432 852300 Email: info@stephenwood.co.uk
Scale	1:100 @ A1
Date	July 2012
Drawn	SW
Check	
Draw No.	B.R. (16) / 01
Rev	A1

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number CYC - 068154

Postal address of premises:

Sky Blue
16 Barbican Road

Post town: **York**Post code: **YO10 5AA**

Telephone number: 01904 466785

Expiry date: This licence has no expiry date.**Licensable activities authorised by the licence:**

Live Music
Recorded Music
Performances of Dance
Other Entertainment
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

LIVE MUSIC
Indoors

Monday
10:00 - 03:30

Tuesday
10:00 - 03:30

Wednesday
10:00 - 03:30

Thursday
10:00 - 03:30

Friday
10:00 - 03:30

Saturday
10:00 - 03:30

Sunday
10:00 - 03:30

RECORDED MUSIC

Indoors

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

PERFORMANCE OF DANCE

Indoors

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

OTHER ENTERTAINMENT

Indoors

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 03:30	Tuesday 23:00 - 03:30	Wednesday 23:00 - 03:30	Thursday 23:00 - 03:30
Friday 23:00 - 03:30	Saturday 23:00 - 03:30	Sunday 23:00 - 03:30	

SUPPLY OF ALCOHOL

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

Non-standard timings for the above:

From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.

An additional hour on the day that British summertime starts.

The Opening Hours of the Premises

Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 01:00 - 04:00
Friday 10:00 - 04:00	Saturday 10:00 - 04:00	Sunday 10:00 - 04:00	

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day that British summertime starts.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Name: Mr Kheng Chooi Koay

Address: 28 St Philips Grove
York
YO30 6JP

Telephone number:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Ms Yuk Chuan Pang

Address:

28 St Philips Grove
York
YO30 6JP

Telephone number: None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

23/00197/LAPER – North Yorkshire Council

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where 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.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (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).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (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.
7. 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: 25ml or 35ml; and
 - iii. still wine in a glass: 125ml;
 - 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.

MANDATORY CONDITION - ALCOHOL PRICING

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 rate 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.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), 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, the licence must include a condition that each such individual must -

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of section 4 of that Act.

2. But nothing in subsection (1) requires such a condition to be imposed -

- a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
- b) in respect of premises in relation to -
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section -

- a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
- b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

1. A digital colour CCTV system will be installed and maintain to cover all licensable areas of the premises, and the outside perimeter of the premises. The premises licence holder must ensure that:

- a) The CCTV system is maintained, working and recording at all times that the premises are open.
- b) The CCTV system records clear, evidential quality, images enabling the identification of individuals to be produced in Court or other such hearing.
- c) CCTV cameras have an unobstructed view of all licensable areas.
- d) All recorded footage is securely retained for a minimum of 28 days.
- e) Copies of recordings shall be made available to a responsible officer of any Responsible Authority within 48 hours of the request (subject to Data Protection law requirements).
- f) Copies of the recordings will display the correct time and date of the recording.
- g) A daily check of the CCTV system will be undertaken and documented in the incident book. Any faults identified will be reported to the Licensing Authority and Police within 24 hours and rectified as soon as reasonably practicable.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection law requirements.

2. Documented staff training will be given regarding staff's members' obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Training records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority. Documented refresher training shall be given to staff annually.

3. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

4. The premises shall operate as a restaurant and karaoke bar and not as a vertical drinking establishment providing food and non-alcoholic drinks.

5. There shall be a minimum of 60 table covers available at all times on the ground floor.

6. A min of 2 SIA registered door staff shall be provided at the premises from 2400 hours to the close of business Fridays, Saturdays, Sunday's leading into a bank holiday and any day where a Race meeting is held at York Racecourse (save for the Family meeting held in September and the first meeting in May).

7. At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands.

8. When SIA Door Supervisors are on duty, they shall sign in and out of the premises in a register and shall provide their full name and SIA number.

9. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.

10. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

11. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

12. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

13. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

14. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

15. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

16. The outside area will be regularly cleared and kept tidy.

17. The premises licence holder will operate a full HR management system where all relevant documents are stored for each individual member of staff.

18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.

19. The premises licence holder will work with Peninsula (or any other HR company) to carry out checks on the Home Office website and verify identification documents such as right to work documents to ensure that all new members of staff can be legally employed.

20. No new member of staff will be able to work at the premises unless they have provided satisfactory proof of identification and right to work.

21. After 00:00hrs the only door used by members of the public to enter the premises shall be the main door on to Barbican Road.

22. Last public entry to the premises shall be 00:00hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 00:00hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).

23. Where the karaoke rooms are being used there shall be at least one member of staff permanently situated on each floor of the venue on which the room is being used and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.

24. The members of staff situated on the first and second floor shall be in direct radio link with the door staff and will ensure that all alcohol consumed in the karaoke rooms is served by way of waiter/ waitress service. No dancing is to take place on the ground floor of the building at any time.

25. After 00:00hrs customers who have left the venue to smoke shall be monitored by a Door Supervisor in a clearly demarked area at the front of the venue which will not block the footpath.

26. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

27. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

28. The use of external areas shall be restricted to 10:00hrs – 23:00hrs each day. After this time, customers shall only be permitted at the front of the property, fronting onto Barbican Road, for the purpose of smoking.

29. A detailed noise management plan shall be devised prior to the premises operating. The plan should be submitted and agreed by the local licensing authority to their reasonable satisfaction prior to its implementation. It shall show how nearby residential properties will be protected from noise generated at the premises. The agreed noise management plan shall be implemented at all times during regulated entertainment.

30. Drinking glasses of any type will not be allowed to enter or leave the premises whilst under the customers care.

31. All doors and windows shall be closed during regulated entertainment or, when entertainment is not provided after 2300 each night – except for ingress and egress.

32. A personal licence holder will be present on the premises at all times that licensable activities are taking place.

33. The Licensing Authority and Police will be given notice in writing if the designated premises supervisor is to be absent from the premises for longer than seven days. It is the responsibility of the premises licence holder to notify these responsible authorities of a deputising point of contact who will be available to responsible authorities in the absence of the designated premises supervisor.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Coaches attending the premises must not park, idle, pick-up, or drop-off on either Barbican Road or Wellington Street at anytime.
2. Coach noise is to be assessed via the noise management plan.
3. A leaflet containing the premises duty manager(s) contact details and the City of York Council's noise patrol contact details must be provided to all properties on Barbican Road, Wellington Street, Lawrence Court and Barbican Mews prior to the premises operating, and each October thereafter.
4. The smoking area for the premises is to be assessed and agreed by the Council's Public Protection team.

Annex 4 – Approved Plan

Plan Number: B.R. (16)/ O1 July 2012



For and on behalf of
The Director of Environment,
& Regulatory Services

Licensing Services
Hazel Court EcoDepot
James Street
York, YO10 3DS

Date: 29 April 2021
23 December 2025 (DPS Variation)

Phone: 01904 552422

Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 068154

Postal address of premises:

Sky Blue
16 Barbican Road

Post town: York

Post code: **YO10 5AA**

Telephone number: 01904 466785

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Live Music
Recorded Music
Performances of Dance
Other Entertainment
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

LIVE MUSIC
Indoors

Monday
10:00 - 03:30

Tuesday
10:00 - 03:30

Wednesday
10:00 - 03:30

Thursday
10:00 - 03:30

Friday
10:00 - 03:30

Saturday
10:00 - 03:30

Sunday
10:00 - 03:30

RECORDED MUSIC

Indoors

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

PERFORMANCE OF DANCE

Indoors

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

OTHER ENTERTAINMENT

Indoors

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 03:30	Tuesday 23:00 - 03:30	Wednesday 23:00 - 03:30	Thursday 23:00 - 03:30
Friday 23:00 - 03:30	Saturday 23:00 - 03:30	Sunday 23:00 - 03:30	

SUPPLY OF ALCOHOL

Monday 10:00 - 03:30	Tuesday 10:00 - 03:30	Wednesday 10:00 - 03:30	Thursday 10:00 - 03:30
Friday 10:00 - 03:30	Saturday 10:00 - 03:30	Sunday 10:00 - 03:30	

Non-standard timings for the above:

From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day

An additional hour on the day that British summertime starts.

The Opening Hours of the Premises

Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 10:00 - 04:00
Friday 10:00 - 04:00	Saturday 10:00 - 04:00	Sunday 10:00 - 04:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Name and (registered) address of holder of premises licence:

Name: Mr Kheng Chooi Koay
Address: 28 St Philips Grove
York
YO30 6JP

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Ms Yuk Chuan Pang

State whether access to the premises by children is restricted or prohibited

Challenge 25 policy in operation.



For and on behalf of
The Director of Environment,
& Regulatory Services

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Date: 29 April 2021
23 December 2025 (DPS Variation)

Phone: 01904 552422

Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

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

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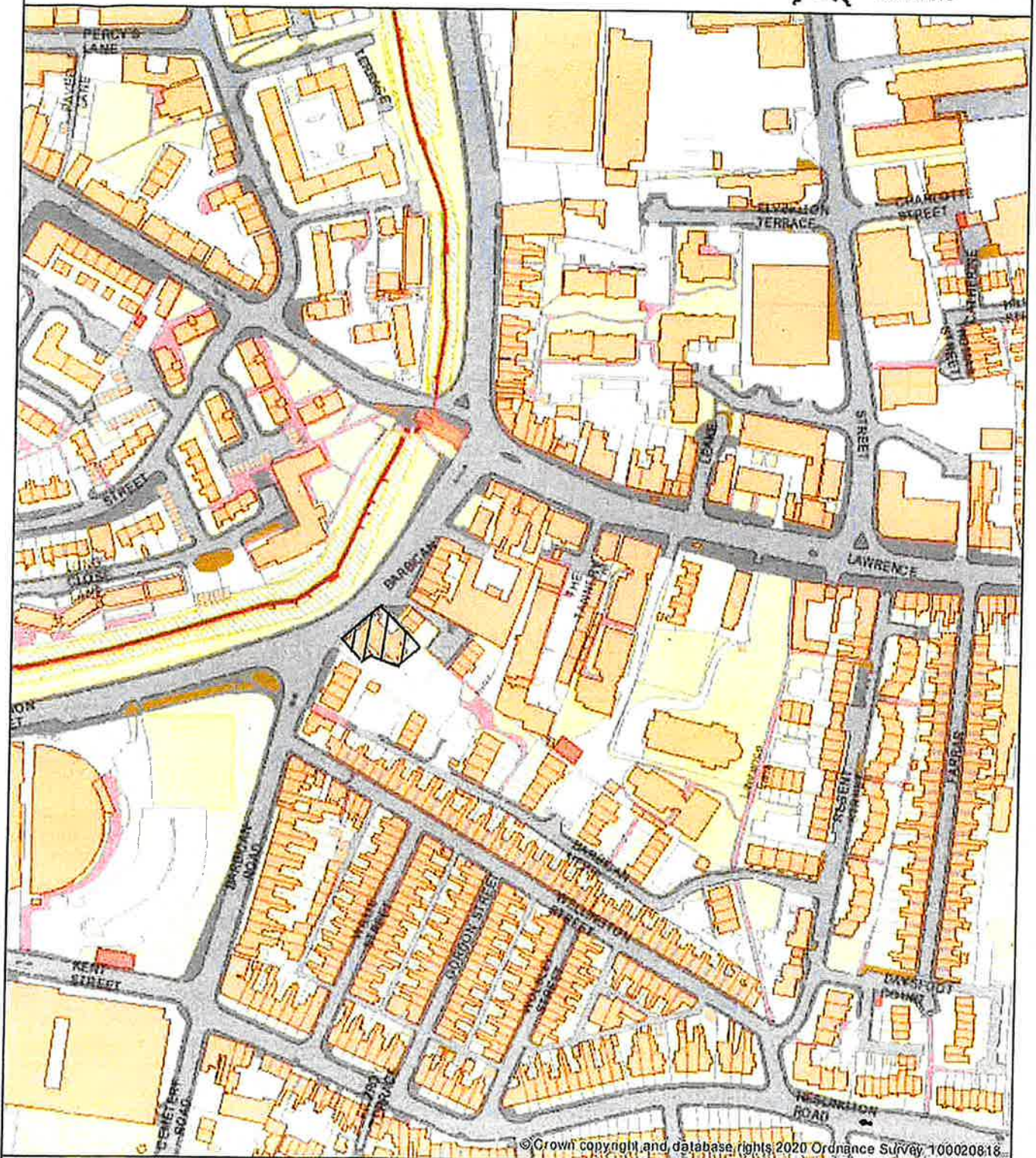
By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Annex 4 -

16 Barbican Road



Date:

Author: n/a

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Legislation and Policy Considerations**Review of Premises Licence**

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s51 Application for review of premises licence; s52 Determination of application for review; s53 Supplementary provision about review.
2. The following provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertising of reviews.
3. The following provisions of the Secretary of State's guidance apply to this application: Chapter 10 Conditions attached to premises licences and club premises certificates and Chapter 11 Reviews.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 8.0 Licensing Hours;13.0 Review of licences.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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