

Licensing/Gambling Hearing

To: Councillors D'Agorne, Galvin and Mason
Date: Monday, 22 February 2021
Time: 10.00 am
Venue: Remote Meeting

AGENDA

1. Chair

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

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

4. Minutes

To approve the minutes of the Licensing Hearings held on 25 January 2021 and 1 February 2021.

5. The Determination of a Section 18(3) Application by Mr Wing Lun Man for a premises licence in respect of Regency Restaurant and Supermarket, 2 -4 George Hudson Street, York, YO1 6LP (CYC-067691)

Democratic Services officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - fiona.young@york.gov.uk

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我們也用您們的語言提供這個信息 (Cantonese)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, 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.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At

any hearing of an application, 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.

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. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. 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.

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 extend or 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 repeated or 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.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

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 the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
17. The Chair will provide the Sub-Committee 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 *(if present)* on law and jurisdiction.
18. 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 wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)

- paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. 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.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.

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- Applicant
- Representors & the relevant Responsible Authorities

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	25 January 2021
Present	Councillors Hook, Mason and Pearson (Substitute for Cllr Warters)
Apologies	Councillor Warters

28. Chair

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

29. Introductions

The Chair introduced those participating in the hearing: Members of the sub-committee, the Applicant, the Applicant's Barrister, the Police Representor and her three witnesses, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser to the sub-committee, the Democracy Officer, and the Litigation Solicitor who was shadowing the Legal Adviser.

30. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. 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. Minutes

Resolved: That the minutes of the Licensing Hearing held on 9 November 2020 be approved as a correct record, to be signed by the Chair at a later date.

33. The Determination of a Section 18(3)(a) Application for a Premises Licence by Mr Man Wei Leung in respect of Haizhonglao Hot Pot & BBQ, 12 George Hudson Street, York, YO1 6LP (CYC-067498)

Members considered an application by Man Wei Leung for a premises licence in respect of Haizhonglao Hot Pot & BBQ, 12 George Hudson Street, York YO1 6LP.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this hearing:

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

In coming to their 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 objectives, including:

1. The application form.
2. The papers before it.
3. The additional documents submitted by Counsel for the Applicant before the start of the hearing *[to be published online in a supplement to the agenda]*.
4. The Licensing Manager's report and her comments at the Hearing. The Licensing Manager outlined the report and the annexes, highlighting the location of the premises within the Red Zone of the cumulative impact assessment area (CIA) approved by Council on 21 March 2020. She noted that the Applicant had complied with all statutory requirements in terms of consultation. She drew attention to the representations received from North Yorkshire Police, including the witness statements submitted as additional papers (pages 73-111 of the agenda papers). Finally, she advised the Sub Committee of the options open to them in determining the application.

Counsel for the Applicant noted that the options did not make reference to the power under Section 18(4)(c) of the Licensing Act to exclude the Applicant from being appointed as Designated Premises Supervisor (DPS).

In response to a question from the Chair to the Licensing Manager regarding the layout of the premises, the Applicant confirmed that it was intended to place dishes on 'conveyor belts' for customers to make their choice.

5. The representations made at the hearing by Duncan Craig (Counsel for the Applicant) on behalf of the Applicant.

Mr Craig stated that, although the application referred to a 'robot restaurant', all ordering would be via human interaction, including age verification checks; only food would be served by robots. He said that regulated entertainment is to be excluded from the scope of the application. He drew attention to the additional documents, which had been prepared in order to address Police concerns regarding the experience of the Applicant and deficiencies in the Operating Schedule submitted with the application. He conceded that the original application was not satisfactory and noted that it had not been produced by the Applicant himself. The additional documents included a CV demonstrating the Applicant's extensive experience in the restaurant trade, and 26 proposed conditions to replace the Operating Schedule in its entirety. These took account of the location of the premises and incorporated the conditions suggested by the Police including to ensure it can only operate as a restaurant (Conditions 8-12) as well as opening hours (Condition 12). Condition 13 addressed concerns around the involvement of Mr Zhong Le Chen by excluding him from the running of the premises. This condition could be expanded to exclude other persons of concern (Wenlin Chen and Yan Tong Feng), although no person with a lawful interest in the building could be denied entry. The documents also included the lease signed by the Applicant and a letter from the landlords confirming that no rent would be due until permission had been granted to operate the licensed premises.

Mr Craig went on to state that the Applicant's involvement in the Regency restaurant had been as a restaurant manager; he had not been involved in the recruitment of staff. Although the Applicant had been present at the Regency when the police visited, he was not the DPS or licence holder for that premises. Should this application be granted, he would not want any interference from anyone else. He had never been in trouble with the police and had held a personal licence since November 2005 with no issues. Although the address on his personal licence was incorrect, this was quite common and not considered a prosecutable offence. Mr Craig stated that the Applicant had made efforts to engage with the authorities, having met the police on site and engaged Counsel for the hearing. He could

operate the premises as a restaurant without a licence, so granting the application would bring him within the regulatory framework more effectively than refusing it. Members were therefore requested to grant the application and allow the Applicant this opportunity to make something of his life.

In response to questions put by Members of the Sub-Committee:

- The Applicant confirmed that he would agree to the removal of off-sales from the application;
- Counsel for the Applicant confirmed that, by indicating that the Applicant would never have a chance like this again, he was referring to the Applicant's age, the fact that he had not run his own business before, and that the premises were already fitted out so would not require a capital outlay;
- The Applicant described his role at the Regency as being like a 'head waiter' responsible for training of floor staff and the quality of front of house service, with no involvement in recruitment or administration.

6. The representations made by PS Jackie Booth on behalf of North Yorkshire Police, in writing and at the hearing. PS Booth referred to her statement at page 55 of the hearing papers and the statements of the witnesses submitted as additional information [*redacted versions of the three exempt statements to be published in a supplement to the agenda*]. She confirmed that the police objected to the application on the grounds that to grant it would undermine the licensing objectives of prevention of crime and disorder and prevention of public nuisance. This was due to the location of the premises with the CIA Red Zone and the police's view that the Applicant was not suitable to be the licence holder and DPS. She noted that this was the second application to be submitted for these premises, the first one having been refused.

PS Booth went on to state that she and PC Hollis had contacted the Applicant at the Regency restaurant after receiving the current application. At that time, he had told them that he wasn't aware of the previous application and that he had completed the form for the current application himself. Today, however, it had been stated that Wen Lin Chen had completed the form. Referring to the additional papers, PS Booth confirmed that the conditions now proposed were acceptable, with the exception of Condition 13. This was because there were concerns around the involvement of a number of people in addition to Zhong Le Chen. She re-iterated that the police did not consider the Applicant a suitable person to be the premises licence holder and DPS, due to the exceptional circumstances set out in the

witness statements. In particular, he had been present on occasions when police and licensing officers visited the Regency and found breaches of the licence and Immigration officers removed persons with no right to work in the UK. He had told officers that he was responsible for operating the premises at that time, and Section 19 notices had been issued to him personally. As a personal licence holder, he would have been aware of the implications of this. Given all the circumstances, the police were of the opinion that the Applicant was a 'cloak' for the involvement of other persons in the new application.

Helen Sefton, Licensing Officer at City of York Council, was called as a witness. She stated that on the two occasions she had visited the Regency (in 2017 and 2019) she had discussed staff training with the Applicant and he had confirmed he was the person responsible for that. He had also admitted that the address on his personal licence was incorrect and should be altered, and she had advised him to inform the responsible authorities.

In response to questions from Counsel for the Applicant:

- Helen Sefton agreed that it was not uncommon for licence holders to fail to inform the authorities of a change of address.
- PS Booth confirmed that the Applicant had not been prosecuted in connection with investigations at the Regency and had no criminal convictions. He had stated at the time of the visits that he was operating the premises; however, there was no suggestion he had been the DPS of the Regency. Action had been taken against other parties, the result of which was a review of the licence of the Regency. There had been no criminal proceedings.
- PS Booth confirmed that she had had interactions with the Chen family and that she knew them as persons involved in operating licensed premises. She stated that, in her experience, they had failed to take responsibility for these activities.

In response to questions from members of the Sub-Committee, PS Booth stated that, from additional information provided, she believed the Applicant to be a front man for the Chen family, put forward by them to be the licence holder and DPS because he had no convictions. She remained concerned that, in view of past events, his involvement with them would continue as they are investors and stakeholders in the premises.

The Representatives and the Applicant were each then given the opportunity to sum up.

PS Booth summed up, re-iterating the concerns of the police in respect of the Applicant's suitability to be the licence holder and DPS given his previous statements, which were inconsistent with what he was now saying, and his involvement at the Regency. The question was whether he would have any control, or be able to ensure that the conditions offered were adhered to. His record demonstrated that he had not done so in the past, although he was fully aware of what was required. She stated that it was for the sub-committee to consider whether the Applicant was a fit person to hold the licence and suggested that the application be refused even if there were an alternative DPS.

Mr Craig summed up on behalf of the Applicant. He confirmed that the application form had been completed by Alan Man, an interpreter [*he later corrected this to Wen Lin Chen*]; however, the Applicant had read it through and made amendments. He stated that the Applicant had taken steps to address the police concerns by the proposed conditions, had taken out a lease on the premises and not tried to hide the involvement of the previous applicants. A condition had been proposed to deal with this issue. The premises were low-risk. The Applicant was a man of good character, aged 57, and had worked in restaurants for a long time. Mr Craig invited the Sub-Committee to grant the application, stating that there was nothing to support the suggestion that the Applicant was connected with the Chen family in the way the police had implied and it was not right to punish him because of where he had worked previously as he was not the DPS or licence holder.

The following point of clarification was provided:

- PS Booth confirmed that the proposed condition no.13 remained unacceptable to the police as a method of excluding other parties from involvement in the running of the premises, because the landlords would still have right of entry.

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 rejected.

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: Reject the application. This option was approved.

The Sub-Committee noted that a fifth option was to refuse to specify a person in the licence as a premises supervisor (section 18(4)(c)).

Resolved: That the application for a premises licence be rejected.

Reasons:

- (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 premises are located within an area where a Cumulative Impact Policy applies. It is within the red zone of this area. The Statement of Licensing Policy sets out that this special policy will create a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused following receipt of representations, unless the applicant can demonstrate why the operation of the premises involved will not add to the impact of premises with this zone. The policy is not absolute and the Sub-Committee is required to consider the circumstances of each application on its merits.
- (iii) The Sub-Committee notes in particular the concern of the Police that granting the application would add to the cumulative effect of having more licensed premises in the CIA.
- (iv) The Sub-Committee has considered the submissions made by Counsel for the Applicant, the style of the premises and the package of conditions submitted shortly before the hearing. It is noted that the Applicant recognised that the original operating schedule proposed was inadequate and that a large number of robust conditions have now been circulated by the Applicant and considered by the Police to be satisfactory, save for condition 13. However, the Police do not have confidence that the premises would be run and operated in accordance with the conditions and that the Applicant would be a responsible licence holder (or DPS) and consider that the licensing objectives would not be upheld.

- (v) The Sub-Committee considers that the evidence of the Police carries great weight in accordance with paragraph 9.12 of the statutory Guidance.
- (vi) The Sub-Committee has to be confident that the applicant would comply with any licensing conditions imposed and is concerned that without good standards of management the licensing objectives would not be upheld. The Sub-committee concludes that it is not satisfied that there would be good standards of management and that licensing objectives would be upheld in light of the Applicant's track record of involvement at the Regency when there were serious failings at those premises. They also share the Police concerns that as premises licence holder, the Applicant would be linked to investors who would be likely to undermine the crime and disorder objective given their history with the Regency.
- (vii) The Sub-Committee is not satisfied from the evidence before it that the Applicant has rebutted the presumption against granting a licence for a new premises situated in the CIA and concludes on the evidence that granting the licence would undermine the licensing objective of preventing crime and disorder and public nuisance.
- (viii) Even if the Committee had reached a view that the Cumulative Impact Policy did not bite, it would still have refused this application on its merits. This is for the reasons set out in (vi) above.

Cllr A Mason, Chair

[The meeting started at 10.00 am and finished at 1.20 pm].

Meeting	Licensing/Gambling Hearing
Date	1 February 2021
Present	Councillors Mason, Melly and Norman

34. Chair

Resolved: That Cllr Mason be elected to act as Chair of the meeting.

35. Introductions

The Chair introduced those participating in the hearing: Members of the Sub-Committee, the Applicant, the Barrister representing local residents and his witness, the resident representing himself, the Public Protection officer, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser to the Sub-Committee, the Democratic Services officer, and the Litigation Solicitor who was shadowing the Legal Adviser.

36. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared.

37. 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.

38. The Determination of a Section 18(3) Application by Mr Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York, YO24 1DR (CYC-67482)

Members considered an application by Simon Cowton for a premises licence in respect of St George Hotel, 6 St George Place, York YO24 1DR.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this hearing:

- The Prevention of Public Nuisance
- The Protection of Children from Harm

In coming to their 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 objectives, including:

1. The application form.
2. The papers before it.
3. The additional plans submitted by Mr Bryce before the hearing.
4. The Licensing Manager's report and her comments at the hearing. The Licensing Manager outlined the report and the annexes, noting that the premises were not located in the Cumulative Impact Area and that consultation had been carried out correctly. She highlighted the additional conditions agreed with North Yorkshire Police in Annex 3 and the objections of Public Protection in Annex 4, confirming that the Police did not oppose the application. She acknowledged the additional information published in the Agenda supplement and the plans submitted by Mr Bryce. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to questions from Counsel for the residents, the Licensing Manager confirmed that the Applicant had a personal licence. She said she had no knowledge of the premises prior to the application and agreed that details of

operating hours for service of alcohol were not provided in the Applicant's plan at page 33 of the papers. In response to questions from Mr Bryce, she confirmed that it was not a requirement for licensed premises to have a bar, and that the application was for a licence to cover both the garden and the whole hotel.

5. The representations made at the hearing by yourself (henceforth referred to as the Applicant).

The Applicant stated that his intention was not to open a beer garden or bar available to the general public. His application was a direct response to the problems caused by Covid-19, in particular the need to provide safe spaces to meet and eat. The main objective was to enhance the service provided to guests of the hotel, and extend it to local residents and anyone else who wanted a safe dining experience. He also wanted to help his business survive and to protect jobs. He regretted that, due to shielding, he had been unable to hold meetings with local residents and respond to their concerns in person. However, he had been available on the phone and the only resident who had contacted him was in favour of the proposals.

The Applicant further stated that the glass pods he intended to install had a maximum capacity of six people. They were self-contained, weather-proof and made of high-quality materials. They would be available to pre-booked diners only, and alcohol would be served only with a meal. Bookings would not be accepted from stag and hen parties and never had been. Neither would bookings be taken from parties of more than six people. Only hotel guests and pre-booked diners would be admitted to the garden. Racegoers would not be excluded from booking to dine. Off sales were included in the application to enable diners to purchase a bottle of wine to take away with them.

The Applicant went on to state that there would be a maximum of 48 customers in the garden (up to 6 per pod). To minimise disruption further, he proposed an earlier closing time of 9:30 pm on Sundays to Thursdays (last orders at 9:00 pm) and 11:00pm on Fridays and Saturdays (last orders at 10:30pm). Referring to planning consent for the pods, he said he had been advised on 5 November 2020 that this was not required and had begun

construction of concrete platforms on that basis. Having later been informed that the platforms did require consent, he had since submitted a planning application.

With reference to the operating schedule, the Applicant said he did not anticipate any increase in alcohol-induced anti-social behaviour or crime, since alcohol would be sold only to customers eating on the premises. There would be two fully-trained members of staff on site at all times and he would be happy to meet regularly with ward members and residents to ensure that their experience [of the operation] was a positive one. He took fire safety very seriously and would comply with all requirements in respect of fire exit markings and appliances. The 'fire pit' would be purely decorative, consisting of a raised steel bowl 2m wide, containing a burner occupying less than half that diameter. In respect of safe service of alcohol, he would comply fully with all police requirements and had consulted a professional adviser with regard to CCTV. All staff were trained in the Licensing Act objectives and would apply an age verification policy and keep the required records. Alcohol would not be sold late at night and customers would be reminded, in correspondence and by notices at the premises, to respect the residential area. Out of hours security was provided by a night manager who lived less than 10 minutes from the premises and received alerts from the on-site CCTV cameras. The pods were lockable, and the garden would be fenced off and locked. There were 2m high walls on two sides of the garden.

The Applicant said he did not think that the development would cause significant extra traffic. There were 7 parking spaces on site for hotel guests; other customers would be directed to parking on Knavesmire Road. Neither did he anticipate any noise nuisance. He had carried out tests using decibel meters, which indicated that noise levels from the pods would be no higher than background levels. There were no facilities for playing music and the premises would not be open late at night. There would be no deliveries before 9am; refuse was collected once per month. There would be no service of takeaway food to create litter. The dining area was at the rear of the premises, and there would be no street drinking.

Unaccompanied children were not allowed on the premises and the garden was not visible from the street.

In response to questions from the Public Protection officer, the Applicant said he had carried out the sound tests himself using an Iphone app, by playing music quite loudly in one pod and measuring the sound level from a distance of 2m. He agreed that this did not amount to scientific data or a professional assessment.

In response to questions from Counsel for the residents, the Applicant stated that:

- He also intended to serve alcohol in the dining room inside the hotel, which currently seated a maximum of 16 people, and would agree not to exceed this capacity should the application be granted.
- He did not intend to apply the 9:30 pm time limit to hotel guests dining indoors and had not anticipated other customers dining indoors with guests.
- The pizza oven would be a mobile unit and would be subject to the same operating hours as the pods.
- He and his staff would use their judgement in deciding the ratio of food to alcoholic drink to be accepted in a customer's order.
- There would be a minimum of 2 members of staff on duty and serving customers during operating hours; orders would be taken via an app. There would also be a 'restaurant manager' not involved in serving or cooking food.
- The application was not time-limited, and he intended to continue the operation post-Covid.
- The exact location of the smoking area had not been decided, but it would be in the car parking area at the back of the hotel; this area abutted the boundary fence of 4 St George's Place. It would be covered by CCTV but not subject to controlled hours, as the garden area would be closed to non-guests outside operating hours.
- He followed the risk assessment guidance, but as a non-lawyer was not familiar with the reference to Section 182.

In response to questions from Mr Bryce, the Applicant stated that the plan at page 33 of the papers was of the footprint of the hotel. He said there was no reason why he

had not submitted a clearer plan of the basement. The room to the left of the dining room on the plan was a guest bedroom. There was no bar in the hotel, and only one dining room.

In response to questions from members of the Sub-Committee, the Applicant confirmed that he would be content to remove the additional hours applied for on Christmas Eve and New Year's Eve, substituting a finish time of 9pm on Christmas Eve, and accept a condition to limit service of alcohol to table service only. He said that the menu for food service was 'evolving', but he was expecting to serve proper 3-course meals of a Mediterranean type, including pasta, salads, antipasti and desserts, not just pizza.

In response to a question from the Legal Adviser, the Applicant agreed that it would be possible for customers to play music inside the pods on their own devices.

[At this point there was discussion between the Legal Adviser and Counsel as to whether music on licensed premises before 11pm could be conditioned from the outset or only on review of the licence.]

Finally, the Licensing Manager asked the Applicant to clarify what was shown on the plan at page 33 of the papers. The Applicant confirmed that it was intended to show every floor, including the basement. The area marked 'dining room' was meant to be the on ground floor. He said the plan was a mistake, a terrible plan, and that it was not his intention to licence the basement. The Licensing Manager confirmed that, since the application did not cover the basement and other plans of the ground floor had been submitted, she had no further concerns.

6. The representations made at the hearing by Michael Golightly, City of York Council Public Protection.

Mr Golightly stated that the application was for the premises to operate from 11:00 am to 11:00 pm, 7 days per week, in a quiet residential area. Each of the 8 pods could contain up to 8 people (or 6 as the Applicant now stated), and the external area could accommodate more. Although further conditions had been offered by the

Applicant, these had either not been formally agreed or were not sufficiently robust. As the application stood, there could be a bar outside. There was also some confusion around who would use the pods. Customers could include racegoers, in which case stringent conditions would be needed. The sound tests had not been carried out by a qualified technician and no details were available in respect of reverberation, background noise levels, the cumulative impact of noise from all the pods in use simultaneously, or sound insulation. The conditions agreed were insufficient to control noise from licensable activities. Public Protection therefore recommended that the application be refused on the grounds of public nuisance unless the issue of conditions could be resolved.

In response to questions from the Applicant, Mr Golightly explained that admitting racegoers to the premises would increase the risk of anti-social behaviour and noise, which meant that door staff would normally be required on race days. Taking pre-bookings and serving alcohol only with meals would help, but more precise details on the handling of bookings would be required in order to mitigate the risk.

In response to questions from Counsel for the residents, Mr Golightly said he could not think of any premises operating in a similar way in a residential area in York and confirmed that there were no other licensed premises close to the application site. He agreed that to site a smoking area beneath a child's bedroom window would be poor management, though in public protection terms this was about the noise rather than the smoke. He confirmed that disturbed sleep was relevant to public protection, but light was less of an issue because it could be controlled, e.g. by putting up curtains. He agreed that kitchen smells could be a statutory nuisance and that exposure to bad language was relevant to the protection of children from harm. He could not comment on the frequency of rubbish collection, but agreed that businesses should plan for the collection of commercial waste. He agreed that the impact of Air B&B premises in a residential area could be significant if they were not well managed, and said there had been an increase in complaints about such premises in York.

In response to questions from Mr Bryce, Mr Golightly stated that noise inside adjacent buildings was not a concern from a licensing point of view where there was no regulated entertainment or music. In preparing his representations he had only examined the external area.

In response to questions from members of the Sub-Committee, Mr Golightly stated that it might be possible to mitigate the public protection risks if the application were significantly altered. However, there was still a risk it could introduce noise into an area where noise did not currently exist. He said he had not had time to discuss conditions with the Applicant over the Christmas period. However, he had doubts as to whether the premises were suitable for this type of operation. The location of the pizza oven was a further concern, since even an external location could be a risk. He agreed that the Applicant should have submitted a planning application for a change of use before applying for a premises licence. He confirmed that no noise complaints had been received about the premises as it currently operated. However, once the whole premises was licensed, there could potentially be a bar in any of the rooms. He agreed that it would not be possible to agree conditions to mitigate the risks at this hearing.

7. The representations made at the hearing by Leo Charalambides, Counsel for a number of residents of St George's Place and Moorgarth Avenue.

Mr Charalambides stated that it was important to focus on what the application was for - an outdoor food and drink-led development in a hitherto darkened garden within a cul-de-sac, in an entirely residential area. With up to 48 customers in the pods and some outside them, plus staff and hotel guests, there could be a significant number of people in the area at any one time. The Public Protection officer had been unable to give an example of a similar operation in York. The Sub-Committee was being asked to authorise the use of a garden as a restaurant or bar; however, this was a planning issue. On that basis alone, the Applicant should be required to obtain planning permission before seeking a licence.

Mr Charalambides submitted that the application was not a response to Covid as stated by the Applicant, but about a long-term investment in an unauthorised restaurant / bar. The application was 'ill thought out and irresponsible' in the context of the Licensing Act guidance and the Council's statement of licensing policy. The residents had taken the time and trouble to make representations, hold meetings and instruct Counsel, and they should be listened to. Paragraph 9.38 of the guidance made it clear that the 'overall interests of the local community' were a relevant consideration, while commercial interests were not. The Applicant had failed to comply with his basic responsibilities, including the requirement to submit 'clear and legible' plans.

Mr Charalambides said he was chilled by the Applicant's response to the Sub-Committee that the menu was 'evolving', concerned that he had started building before engaging with the planning process, and shocked that the police had agreed conditions. He had asked the police to attend the hearing but they were not available. He stated that the Applicant had failed to undertake the local enquiries and risk assessments required by the Licensing Act guidance, including risks associated with the smoking area, cooking, race days, and people loitering outside the premises. The Applicant's responses to questions indicated that he had not thought this through and was unfamiliar with the guidance.

Mr Charalambides drew attention to:

- The statements of the residents, and in particular their references to break-ins at the premises;
- The issue of preserving privacy and data protection in the glass pods and how this would be addressed;
- The protection of children from harm - which harm, under paragraph 222 of the guidance, could include bad language and limiting children's enjoyment of their own gardens;
- The lack of parking facilities and information on where and how parties of diners would be organised, and potential public nuisance resulting from this.

He urged the Sub-Committee, even just on these few examples, to reject the application.

Cllr Crawshaw, Ward Member for Micklegate, was called as a witness. He confirmed that St George Place was a quiet residential street in his ward, with a small supported-living area at the top of the street and larger houses towards the bottom. There had been no complaints about noise in the area until last year, when he started to receive reports that racegoers congregating at Knavesmire Gates were causing problems. This was about 100m from the entrance to St George Place. One of the biggest problems he had to deal with as a ward councillor was the noise from small groups of 3-5 people sitting drinking on the wall at Little Knavesmire, which sounded more like 20-40 people and carried as far as Albermarle Road. There were also issues with Air B&B premises on The Mount. People would tolerate occasional noise from their neighbours but noise from commercial premises on a regular basis would often become a problem. He and his fellow ward member Cllr Kilbane had been contacted by a significant number of residents and he was disappointed that the Applicant had not contacted ward members. In his own experience with music venues, complaints usually related to the smoking and external areas. He considered that this was the wrong idea for the area and would be disastrous for St George Place and Moorgarth.

The following residents represented by Mr Charalambides were then called to comment individually:

- Mark and Helen (Representor 18) said that noise, disturbance and pollution from the premises would affect their enjoyment of their garden, their children's health and ability to sleep and also their privacy, as it was possible to see into the family's bedrooms and dining room from the pods.
- Derek (Representor 15) said that noise would be a significant issue for him and his family, as they lived close to the premises and all, including their young son, slept at the rear of the house. Their use of their own garden would also be affected.
- Rebecca (Representor 14) said that having over 40 people in the garden of the premises would have a huge impact in terms of noise; this would affect her children who were doing university work at home and was inappropriate for the area.

- Sean (Representor 11) pointed out that the premises were in a conservation area and said that the noise was bound to carry, as there was a clear line of site down a line of domestic back gardens to the pods, and the operation would disrupt the residential character of the area.

In response to questions from the Applicant as to how he could allay residents' concerns, Mr Charalambides advised that he should start the process again from the beginning by completing the application properly, providing an operating schedule that addressed the licensing objectives and then engaging with the responsible authorities and the residents. The additional documents he had submitted were an attempt to engage retrospectively, contained inconsistencies, were unclear, and did not begin to address the concerns raised.

In response to questions from members of the Sub-Committee, Mr Charalambides acknowledged that the police had agreed the operating schedule and the Applicant had offered earlier closing times, but said it was local residents who were the experts on crime in their area. Already there had been an increase in crime and disorder, with break-ins at the premises, and drug users and anti-social behaviour in the wooded area nearby. Although there were no specific problems associated with the current bed and breakfast operation, the application was likely to exacerbate certain types of disorder in the area, including those associated with the racecourse. He called on Cllr Crawshaw to expand upon this.

Cllr Crawshaw explained that on race days up to 40,000 people attended the racecourse, resulting in a significant number of anti-social behaviour incidents. Ward members held meetings with residents at the start and end of every season and their complaints greatly exceeded the incidents officially recorded by the police. There had already been an increase in problems at the Knavesmire gates and this application would provide a further focus for anti-social behaviour, drawing it further up St George Place. Noise travelled further than most people realised.

In response to further questions from the Sub-Committee:

- Mr Charalambides stated that the hearing was for members to make decisions in the interests of the local community.
 - Cllr Crawshaw said he had not objected to the application because he had misunderstood that part of the Licensing process; it was a mistake on his part.
8. The representations made at the hearing by Anthony Bryce, a local resident.

Mr Bryce supported the submissions made by Counsel for the Applicant. He added that he found it hard to believe that the basement would not be used for any purpose and stated that there was the potential to modify the premises over time and for the basement to be used by drinkers. This would increase capacity, attract more people to the premises and exacerbate the problems it would cause.

The Representors and the Applicant were each then given the opportunity to sum up.

The Public Protection officer summed up. He said that the application had been submitted over Christmas and he had not had much time to consider it. However, nothing he had heard today had allayed his concerns about noise nuisance; in fact it had caused additional concerns. This was a highly residential area, and the premises were overlooked by gardens and dwellings. No professional sound tests had been carried out on the pods. It was not clear that any achievable conditions could be attached in order to prevent noise. He therefore advised that the application be refused on the grounds of public protection and protection of children from harm.

Counsel for the residents summed up. He said it was clear that the Applicant had not considered the nature of the location and the character of the area. The application was changing and evolving to suit the questions being asked. The Public Protection officer had said that he had extra concerns, and Paragraph 9.12 of the guidance stated that particular regard should be taken of evidence from an expert. Members were looking at a proposal to develop a bed & breakfast operation in an entirely residential area into what was effectively a stand-alone

glass restaurant and bar in a residential garden. This was simply not suitable for the area, and he urged them to reject the application.

Mr Bryce summed up. He stated that this was an ill thought-out and opportunistic plan to exploit the premises for financial gain. He said that the Applicant was not interested in its effect on the neighbourhood because he lived away from the area. Residents would suffer visual and aural detriment and loss of parking space. If granted, the application would set a dangerous precedent. The Applicant had no experience of running licensed premises, had shown a lack of involvement, had avoided submitting accurate plans with clear details, and could not be relied on to comply with conditions.

The Applicant summed up. He thanked everyone for their involvement and said he had listened carefully to the objections and taken them on board, especially the comments about noise and disruption to amenity. He stated that this was not a profit-motivated endeavour but an attempt to diversify and provide something unique to encourage people to visit and ensure the success of the guest house business. He wanted to take on new employees as well as retain current staff. He appreciated that the objections were based on a 'worst case scenario' and would be happy to curtail his opening hours, including not opening in the evenings on Sundays to Tuesdays if that would help. He would also be happy to limit the number of customers in the garden to 24. He did not think that the restaurant would draw racegoers up to St George Place, as he was not offering a bar and there was no seating in the garden area (except the pods). His purpose was to provide safe, comfortable, warm private dining areas and he would not seek to attract the type of customer who would detract from that atmosphere. He accepted that the original application had not been detailed, but said he had subsequently submitted very detailed operating principles.

The following points of clarification were provided:

- On the issue of imposing conditions on music that was not a licensable activity, as discussed earlier, the Legal Adviser and Counsel for the residents

confirmed that they had not changed their positions; however, the latter agreed that this was a grey area.

- Members agreed that they could consider conditions relating to the number of customers permitted in the garden area, the areas to be licensed, the operating hours, and table service of alcohol with a substantial meal.
- The Applicant confirmed that he would agree to any conditions that would make his objective for customers to enjoy a meal in safety and comfort work. If alcohol could only be served indoors, this may be a problem.

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 **rejected**.

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: Reject the application. This option was **approved**.

Resolved: That the application for a premises licence for St George Hotel, 6 St George Place, York YO24 1DR be rejected.

Reasons:

(i) The Sub-Committee noted that no representation had been received from the Police, having agreed additional conditions with the Applicant prior to the hearing. The Sub-Committee further noted the submissions from Mr Charalambides, that he had invited the Police to attend the hearing, but they had been unable to do so due to other diary commitments.

(ii) The Sub-Committee considered the evidence of the Applicant, in particular the additional information he provided about his proposed business, and operating hours, and noted that he accepted that his application had not been adequate that there were no complaints linked to the current business, and he had submitted further information in support of his application. However the Sub-Committee were concerned that it remained unclear how / where the Applicant intended elements of his new business to be conducted / operate on the premises, the plans submitted by the Applicant were not sufficiently clear, the business model was not sufficiently developed, the requirements / impact of planning consent on his intended business model was not known, the Applicant had prepared insufficient risk assessments, there was no certainty about how the glass pods would be used, e.g. would the occupants be enclosed at all times or would windows / doors remain open, and no professional noise assessment had taken place. All of which reflected to the Sub-Committee that the application was ill-prepared, and lacking in detail, such that they did not have confidence that the Licensing Objectives would be upheld.

(iii) The Sub-Committee considered the evidence of the Public Protection officer carried great weight, in particular the lack of professional sound tests, insufficient risk assessments and preparation conducted by the Applicant, such that he was not satisfied

that any achievable conditions could be attached to the licence to satisfy his concerns. The Sub-Committee noted that in his summary to them, Mr Golightly stated he had greater concerns about the application after hearing the evidence during the hearing.

(iv) The Sub-Committee considered that the evidence of both Mr Charalambides on behalf of a number of local residents, and Mr Bryce himself a local resident. They noted that the Premises is located in an entirely residential area of the city, specifically in a cul-de-sac, within a conservation area. That there is no similar licensed premises in the city. They also noted the evidence that complaints were not always made to the Police by local residents, and noise complaints had been received in other areas close to the Applicant's premises linked to groups gathering outdoors in smaller numbers to those expected by the Applicant in the premises garden area. The Sub-Committee noted that the Applicant had not conducted any meaningful engagement with the local residents or ward councillors prior to submitting his application.

Cllr A Mason, Chair

[The meeting started at 10:10 am and finished at 2:50 pm].



Licensing Act 2003 Sub Committee

18 February 2021

Report from the Assistant Director – Planning & Public Protection

Section 18(3) (a) Application for a premises licence for:

Regency Supermarket and Restaurant, 2 – 4 George Hudson Street, York, YO1 6LP

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-67691
3. Name of applicant: Wing Lun Man
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Recorded Music(Indoors)	10:00 – 23:00 Sun to Thurs 10:00 – 00:00 Fri/Sat
Sale of alcohol (on & off sales)	10:00 – 23:00 Sun to Thurs 10:00 - 00:00 Fri/Sat (Fri & Sat only the restaurant will be open until 00:00)
Opening times	10:00 – 23:00 Sun to Thurs 10:00 – 00:00 Fri/Sat

Background

6. A copy of the application can be found at **Annex 1**, including a plan(s) of the premises.

7. The premises is described in the application as a supermarket and restaurant.
8. This site previously had the benefit of a premises licence which was granted in 2015. That licence (CYC-053937) was revoked following a review hearing in June 2020, a copy of the revoked licence can be found at **Annex 2**.
9. An overview of the circumstances in which entertainment activities are not licensable can be found at **Annex 3**.

Promotion of Licensing Objectives

10. The operating schedule submitted by the applicant can be found at **Annex 4** as the applicant provided this as an additional document. The operating schedule details how the licensing objectives would be met.

Special Policy Consideration

11. This premises is located within the cumulative impact assessment (CIA) area approved by full council on 21 March 2019. The assessment can be found at **Annex 5**. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at **Annex 6**.

Consultation

12. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
13. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

14. North Yorkshire Police have made a representation on the grounds that the licensing objective of the prevention of crime and disorder will be undermined by the granting of this application. Furthermore the applicant fails to demonstrate how this application would not add to

the cumulative impact of licensed premises already experienced within the CIA especially the Red Zone.

15. The Police representation is attached at **Annex 7**.

Summary of Representations made by Other Parties

16. There have been no other representations received from other persons.
17. A map showing the general area around the venue is attached at **Annex 8**.

Options

18. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
19. Option 1: Grant the licence in the terms applied for.
20. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
21. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
22. Option 4: refuse to specify a person in the licence as the premises supervisor.
23. Option 5: Reject the application.

Analysis

24. The following could be the result of any decision made this Sub Committee:-
25. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
26. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
27. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

28. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

29. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
30. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

- 31.
- **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **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

32. 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 made which is unreasonable or unlawful

could be open to challenge resulting in loss of image, reputation and potential financial penalty.

33. 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

34. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

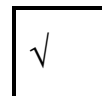
Contact Details

Author:
Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:
Mike Slater
Assistant Director for Planning and Public Protection.

**Report
Approved**



28/01/2021

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate Ward



For further information please contact the author of the report

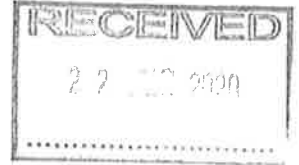
Background Papers:

- Annex 1** - Application form & Plans
- Annex 2** - Copy of revoked Licence CYC 05937
- Annex 3** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 4** - Operating Schedule
- Annex 5** - Cumulative Impact
- Annex 6** - Licensing Policy Annex
- Annex 7** - North Yorkshire Police Representation
- Annex 8** - Map of area

Annex 9 - Mandatory Conditions

Annex 10 - Legislation and Policy Considerations

Annex 1.



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street,
York, YO10 3DS

Application for a premises licence to be granted 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/We WING LUN MAN
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description REGENCY SUPERMARKET AND RESTAURANT 2-4 GEORGE HUDSON STREET			
Post town	YORK	Postcode	YO1 6LP
Telephone number at premises (if any)	01904 651 003		
Non-domestic rateable value of premises	£ 49,500 -		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MAN			First names WING LUN		
Date of birth				, I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes	
Nationality BRITISH CITIZEN					
Current residential address if different from premises address		25 CYPRESS POINT LEYLANDS ROAD			
Post town	LEEDS			Postcode	LS2 7LB
Daytime contact telephone number			e		
E-mail address (optional)		N			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see					

note 15 for information)

SEE ATTACHED PASSPORT COPY

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
18	01	2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

PLEASE REFER TO OPERATING SCHEDULE SHEET ATTACHED.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				Please give further details here (please read guidance note 4)	
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	<u>Please give further details here</u> (please read guidance note 4) NORMAL CHINESE MUSIC FROM MUSIC PLAYER.	Both	<input type="checkbox"/>
Tue	10:00	23:00			
Wed	10:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	10:00	23:00			
Fri	10:00	24:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	10:00	24:00			
Sun	10:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 4)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 4) FRIDAY & SATURDAY CLOSED AT 24:00 HRS. (RESTAURANT ONLY, EXCLUDE SUPERMARKET)	Both	<input checked="" type="checkbox"/>
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	10:00	23:00			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10:00	24:00			
Sun	10:00	23:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	24:00			
Sat	10:00	24:00			
Sun	10:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name WING LUN MAN	
Date of birth	
Address	
Postcode	
Personal licence number (if known) LEEDS/PERL/10410/20	
Issuing licensing authority (if known) LEEDS CITY COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	24:00	
Sat	10:00	24:00	
Sun	10:00	23:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

PLEASE REFER TO PROMOTION OF FOUR LICENSING OBJECTIVES SHEETS ATTACHED .

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her
--------------------	--

	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	18/12/20
Capacity	MANAGER

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

ANSWER TO THE QUESTION PART 3 . OPERATING SCHEDULE,

Operating Schedule

Regency Supermarket and Restaurant are operating from Sunday 10:00-23:00, Monday to Thursday 10:00-23:00, Friday and Saturday 10:00-24:00. The licensable activities I intend to carry out for my application includes on and off Supply of Alcohol and Recorded Music (Indoor) from Monday to Sunday and Late Night Refreshment from Friday and Saturday (Restaurant only, exclude supermarket).

Delivery service will be provided for both supermarket and restaurant. This service will be operated same time as opening hours Sunday 10:00-23:00, Monday to Thursday 10:00-23:00. Friday and Saturday 10:00-24:00.

When comes to age-restricted items such as; knife, beer, wine, cooking wine and other alcoholic drinks, Challenge 25 age verification policy will be operated within the supermarket, restaurant, online and delivery service. For delivery service, same age verification policy will be operated, drivers will check the customer's ID for all orders containing age-restricted items, even if the customer looks older than the legal age for buying those items. All staffs training will be given and all training record will be kept and made available immediately upon request from any responsible authority.

There will be two duty manager running the supermarket and restaurant, and both manager are personal licence holders. All staff will be made aware that anti-social behaviours would not be tolerated on the premises.

I will appoint myself as a Designated Premises Supervisor (DPS) who has day-to-day responsibility for the running of the business, as I have been working in the retail and catering industry for over 10 years within the role.

ANSWER TO THE QUESTION PART "M" - LICENSING OBJECTIVES.

Promotion of Four Licensing Objectives**a) Here are the steps I intend to take to promote the four licensing objectives**

We will focus the steps to be taken to promote the licensing objectives, which must be addressed when licensing functions are undertaken. Each objective is of equal important. Effective training to all staff, so that they are aware of the premises licence and the requirements to meet the four licensing objectives.

b) The Prevention of Crime and Disorder

A digital colour CCTV system has been installed for the premises that will cover both indoor and outdoor area, which included entrances, exits, supermarket shop floor, restaurant sitting area and the backyard area of the premises in order to address the prevention of crime objective. The CCTV system will be maintained, working and recording at all times 24 hours a day, 7 days a week. The recordings will be of good evidential quality to be produced if necessary. Copies of the recordings will be kept available for any responsible authority for 28 days. (Subject to Data Protection Requirement). Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request. (Subject to Data Protection Requirement). Copies of the recordings will display the correct time and date of the recording. Duty Manager will 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 Requirement).

To tackle any disorder from the customer on the restaurant, we will reduce the potential for excessive queue lines with a well managed and efficient door policy. (Online or Telephone booking system policy). Gradual change in music style and increasing lighting levels if necessary. Staff training in preventing disorder will be provide to give them the knowledge and confidence to deal with difficult situations. Again, we do not encourage excessive drinking.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. A clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed at the supermarket. Not selling of alcohol to drunk or intoxicated customers. Customer will not be sought by means of personal solicitation outside or in the vicinity of the premises. Prevention and vigilance in illegal drug use at the retail unit area. All staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the supermarket and restaurant area.

c) Public Safety

A full risk assessment taking into account. Public Safety will be carried out at the premises to identify potential hazards posed to staff or customer and setting out precautions to manage the hazards. A glass collection policy for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Signs will be put up to remind customer no drinks are allow to take out of the premises. Spillages and broken glass will be

cleaned up immediately to prevent floors from becoming slippery and unsafe. We will provide a free taxi phone service and a safe waiting area for customer inside the premises.

All staff will be trained adherence to environmental health requirements. Training and implementation of underage ID checks (Challenge 25 age verification policy). All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air-condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The Prevention of Public Nuisance

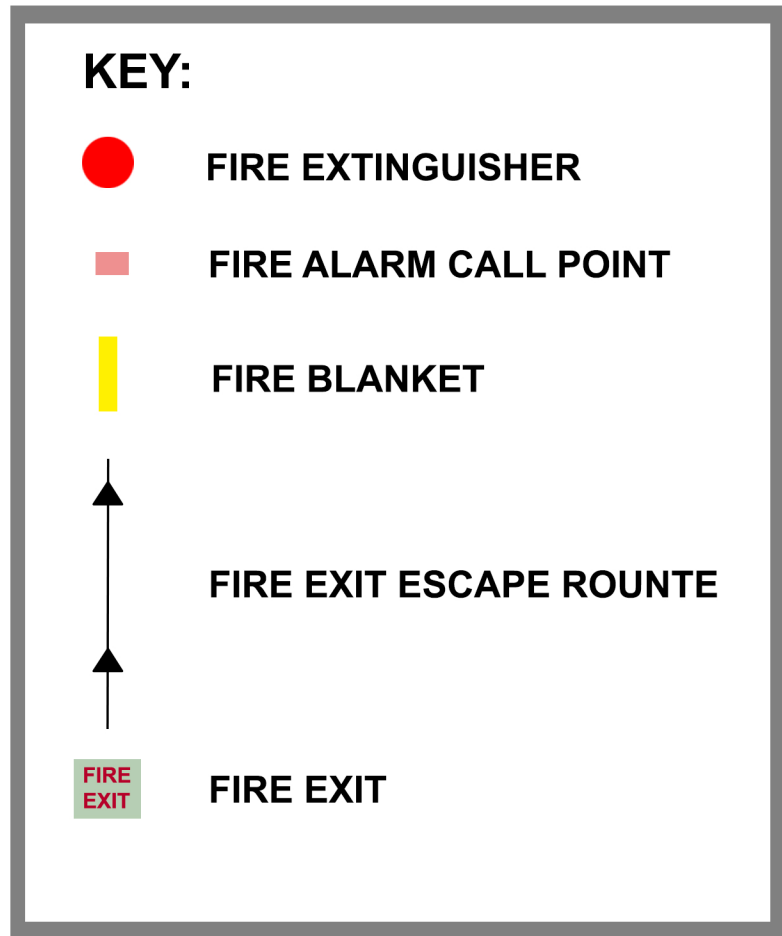
All staff will be trained on the content of the policy to ensure a commitment to good noise management. All record will be kept of the date and name of the person trained and made available for inspection by the local Licensing Authority. When customers leaving our premises, we will remind customers to leave quietly. Signs will be put up asking customers to respect the needs of local residents and our staff will supervise customers leaving premises after closing time.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside the premises, again notice will be put up to remind our customers.

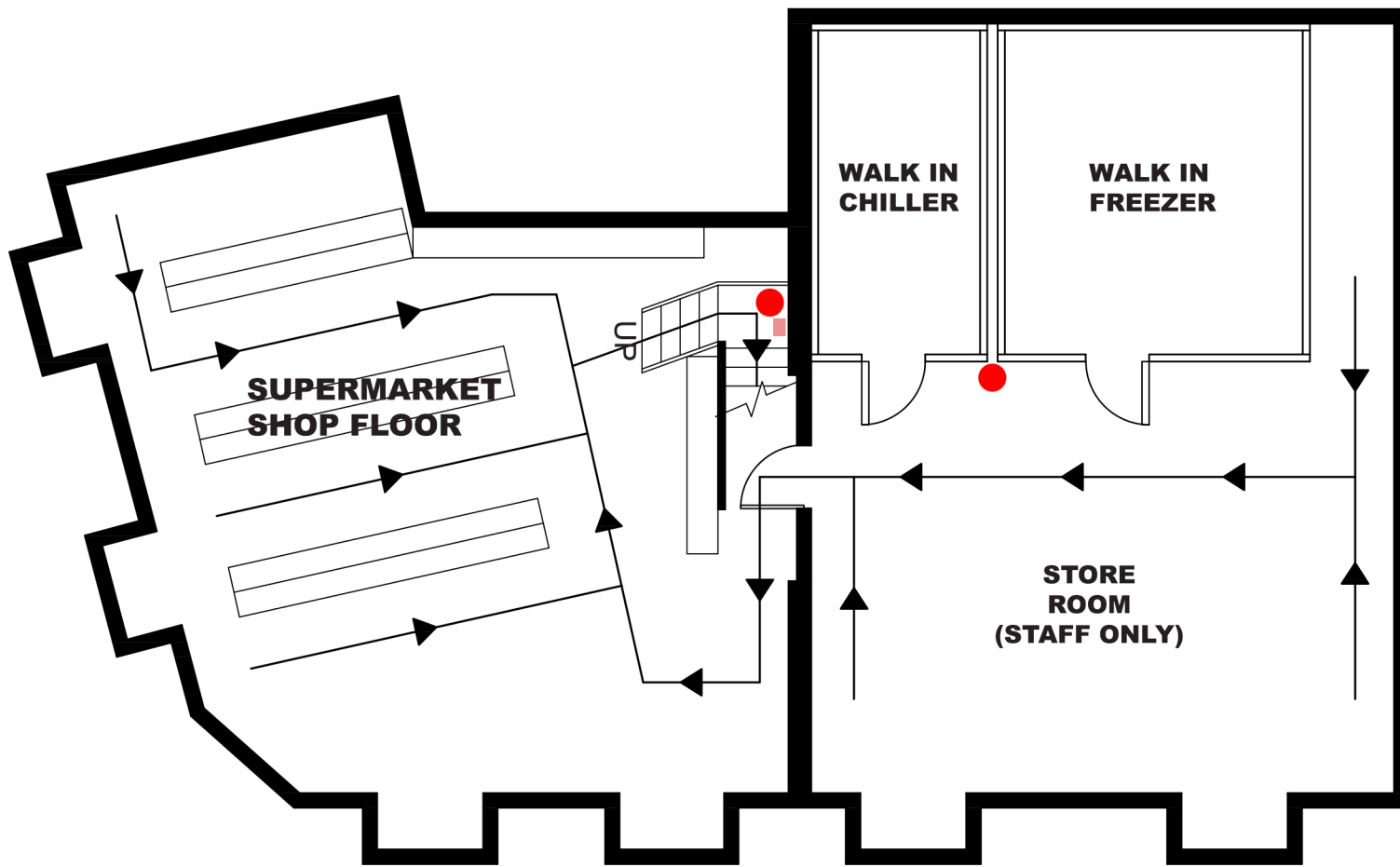
The movement of bins and rubbish outside the premises will be kept to a minimum after 23:00. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents. Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The Protection of children from Harm

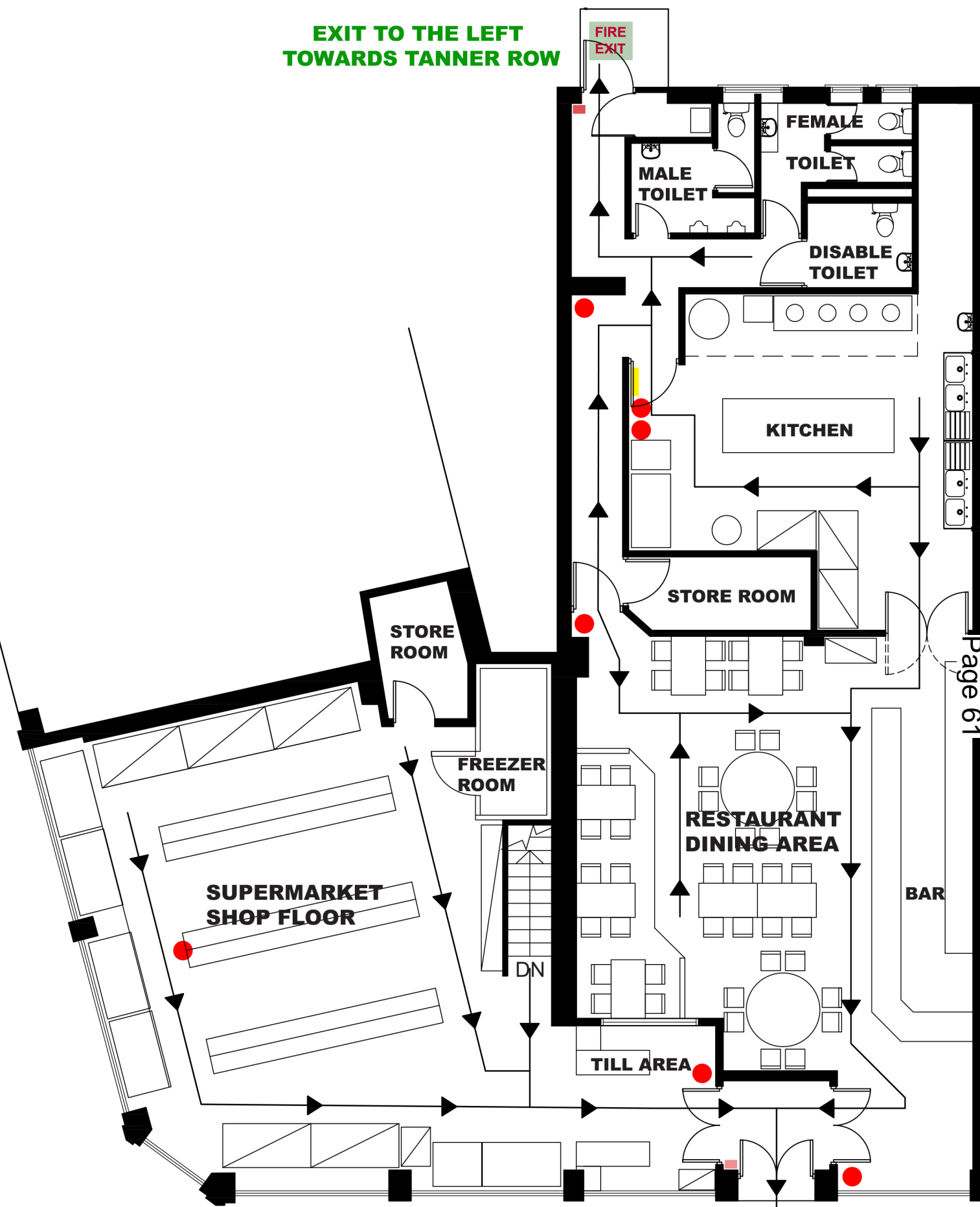
We will operate a Challenge 25 Age Verification Policy, that the only acceptable proof of age identification shall be a current passport, photo card and driving licence, military ID card, or identification carrying the PASS logo. We will display relevant signs at point of sale. No proof, no sale, age verification policy. Staff training will be giving on when and how to refuse a sale. Documented staff training will be given regarding staff's obligation under the Licensing Act 2003. All records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.



**ASSEMBLY POINT
OUTSIDE
THE SOCIETY BAR
PEDESTRIAN AREA
AT TANNER ROW**



BASEMENT PLAN



GROUND FLOOR PLAN

**EXIT TO
GEORGE HUDSON STREET**

**EXIT TO THE LEFT
TOWARDS TANNER ROW**



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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

ANNEX 2

Part 1 Premises details

Premises licence number
CYC - 053937

Postal address of premises:

**2-4 George Hudson Street
York**

Post town: **York**

Post code: **YO1 6LP**

Telephone number: 01904 623656

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Recorded Music
Late Night Refreshment
Supply of Alcohol

RECORDED MUSIC

Indoors

Monday
10:00 - 00:00

Tuesday
10:00 - 00:00

Wednesday
10:00 - 00:00

Thursday
10:00 - 00:00

Friday
10:00 - 03:30

Saturday
10:00 - 03:30

Sunday
10:00 - 00:00

LATE NIGHT REFRESHMENT

Indoors

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

SUPPLY OF ALCOHOL

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

The Opening Hours of the Premises

OPENING HOURS

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

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 Zhongle Chen
Address: 21a Blake Street
York
YO1 8QJ

Telephone number:

Email address: service@ukregency.com

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

Name: Mrs Yan Tong Feng

Address:

[REDACTED]

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:

Leeds City Council
LEEDS/PERL/10402/20

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

Licensing Objectives

Prevention of Crime & Disorder

1. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.

2. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
 3. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises (excluding toilets).
 4. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.
 5. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.
 6. 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.
 7. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
 - a) retail sale of alcohol;
 - b) age verification policy;
 - c) conditions attached to the Premises Licence;
 - d) permitted licensable activities;
 - e) the licensing objectives; and
 - f) opening times for the venue.
- with such records being kept for a minimum of 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].
8. The premises shall operate the Challenge 25 policy for the sale of alcohol.
 9. An incident book / refusals register will be kept at the premises and made available on request to an authorised officer or the police which will record the following:-
 - a) all alcohol related crimes reported to the venue
 - b) any complaints received regarding alcohol related crime and disorder
 - c) any faults in the CCTV system
 - d) any refusal of the sale of alcohol
 - e) any visit by a relevant authority or emergency service.
 10. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
 11. All alcohol on sales will be ancillary to a meal, sold by waitress service and for seated consumption only.
 12. The restaurant section of the premises will be securely dividable from the Supermarket area when the Supermarket is not in use. The restaurant will be laid out with seating and tables to accommodate a minimum of 40 seated patrons at any one time.
 13. There shall be a minimum of one door supervisor on duty at the restaurant premises from 23:00hrs to close of business at all times when open to the public & undertaking licensable activity beyond 01:00hrs.

14. Where door supervisors are on duty they shall sign in and out of the premises log book, providing full details of their name and SIA number.

15. The Designated Premises Supervisor shall be responsible for risk assessing the need for additional door staff at the venue on days of York Races, on Fridays, Saturdays or bank holidays or other locally or nationally significant events.

Public Nuisance

16. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and area quietly.

17. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

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

No hearing held

Annex 4 – Approved Plan

Plan Number Endorsed on the 12/08/2015

For and on behalf of
The Director of Economy
& Place

Date: 10/09/2015
12/02/2020 (DPS Variation)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



PREMISES LICENCE SUMMARY

Part B

Part 1 Premises details

Premises licence number
CYC - 053937

Postal address of premises:

**2-4 George Hudson Street
York**

Post town:

Post code: **YO1 6LP**

Telephone number: 01904 623656

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Recorded Music
Late Night Refreshment
Supply of Alcohol

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

RECORDED MUSIC
Indoors

Monday
10:00 - 00:00

Tuesday
10:00 - 00:00

Wednesday
10:00 - 00:00

Thursday
10:00 - 00:00

Friday
10:00 - 03:30

Saturday
10:00 - 03:30

Sunday
10:00 - 00:00

LATE NIGHT REFRESHMENT

Indoors

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

SUPPLY OF ALCOHOL

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

The Opening Hours of the Premises

OPENING HOURS

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

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 Zhongle Chen
Address: 21a Blake Street
York
Yo1 8QJ

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

Mrs Yan Tong Feng

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

No Restrictions

For and on behalf of
The Director of Economy
& Place

Date: 10/09/2015
12/02/2020 (DPS Variation)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

Home Office – Guidance Issued Under Section 182 of the Licensing Act 2003

Section 16 Regulated Entertainment

Overview of circumstances in which entertainment activities are not licensable

16.5 There are a number of exemptions that mean that a licence (or other authorisation¹⁸) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education – teaching students to perform music or to dance;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

16.7 The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500. If organisers are uncertain as to audience sizes or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation. Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that requires an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

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ANSWER TO THE QUESTION PART 3 . OPERATING SCHEDULE /

Operating Schedule

Regency Supermarket and Restaurant are operating from Sunday 10:00-23:00, Monday to Thursday 10:00-23:00, Friday and Saturday 10:00-24:00. The licensable activities I intend to carry out for my application includes on and off Supply of Alcohol and Recorded Music (Indoor) from Monday to Sunday and Late Night Refreshment from Friday and Saturday (Restaurant only, exclude supermarket).

Delivery service will be provided for both supermarket and restaurant. This service will be operated same time as opening hours Sunday 10:00-23:00, Monday to Thursday 10:00-23:00. Friday and Saturday 10:00-24:00.

When comes to age-restricted items such as; knife, beer, wine, cooking wine and other alcoholic drinks, Challenge 25 age verification policy will be operated within the supermarket, restaurant, online and delivery service. For delivery service, same age verification policy will be operated, drivers will check the customer's ID for all orders containing age-restricted items, even if the customer looks older than the legal age for buying those items. All staffs training will be given and all training record will be kept and made available immediately upon request from any responsible authority.

There will be two duty manager running the supermarket and restaurant, and both manager are personal licence holders. All staff will be made aware that anti-social behaviours would not be tolerated on the premises.

I will appoint myself as a Designated Premises Supervisor (DPS) who has day-to-day responsibility for the running of the business, as I have been working in the retail and catering industry for over 10 years within the role.

ANSWER TO THE QUESTION PART "M" - LICENSING OBJECTIVES.

Promotion of Four Licensing Objectives**a) Here are the steps I intend to take to promote the four licensing objectives**

We will focus the steps to be taken to promote the licensing objectives, which must be addressed when licensing functions are undertaken. Each objective is of equal important. Effective training to all staff, so that they are aware of the premises licence and the requirements to meet the four licensing objectives.

b) The Prevention of Crime and Disorder

A digital colour CCTV system has been installed for the premises that will cover both indoor and outdoor area, which included entrances, exits, supermarket shop floor, restaurant sitting area and the backyard area of the premises in order to address the prevention of crime objective. The CCTV system will be maintained, working and recording at all times 24 hours a day, 7 days a week. The recordings will be of good evidential quality to be produced if necessary. Copies of the recordings will be kept available for any responsible authority for 28 days. (Subject to Data Protection Requirement). Copies of the recordings shall be made available to any Responsible Authority within 48 hours upon request. (Subject to Data Protection Requirement). Copies of the recordings will display the correct time and date of the recording. Duty Manager will 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 Requirement).

To tackle any disorder from the customer on the restaurant, we will reduce the potential for excessive queue lines with a well managed and efficient door policy. (Online or Telephone booking system policy). Gradual change in music style and increasing lighting levels if necessary. Staff training in preventing disorder will be provide to give them the knowledge and confidence to deal with difficult situations. Again, we do not encourage excessive drinking.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. A clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed at the supermarket. Not selling of alcohol to drunk or intoxicated customers. Customer will not be sought by means of personal solicitation outside or in the vicinity of the premises. Prevention and vigilance in illegal drug use at the retail unit area. All staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the supermarket and restaurant area.

c) Public Safety

A full risk assessment taking into account. Public Safety will be carried out at the premises to identify potential hazards posed to staff or customer and setting out precautions to manage the hazards. A glass collection policy for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Signs will be put up to remind customer no drinks are allow to take out of the premises. Spillages and broken glass will be

cleaned up immediately to prevent floors from becoming slippery and unsafe. We will provide a free taxi phone service and a safe waiting area for customer inside the premises.

All staff will be trained adherence to environmental health requirements. Training and implementation of underage ID checks (Challenge 25 age verification policy). All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air-condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The Prevention of Public Nuisance

All staff will be trained on the content of the policy to ensure a commitment to good noise management. All record will be kept of the date and name of the person trained and made available for inspection by the local Licensing Authority. When customers leaving our premises, we will remind customers to leave quietly. Signs will be put up asking customers to respect the needs of local residents and our staff will supervise customers leaving premises after closing time.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside the premises, again notice will be put up to remind our customers.

The movement of bins and rubbish outside the premises will be kept to a minimum after 23:00. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents. Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The Protection of children from Harm

We will operate a Challenge 25 Age Verification Policy, that the only acceptable proof of age identification shall be a current passport, photo card and driving licence, military ID card, or identification carrying the PASS logo. We will display relevant signs at point of sale. No proof, no sale, age verification policy. Staff training will be giving on when and how to refuse a sale. Documented staff training will be given regarding staff's obligation under the Licensing Act 2003. All records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

Cumulative Impact

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
2. Relevant authorisations means:
 - premises licence
 - club premises certificate
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

5. As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
6. As required by the Act the Council has formally consulted on the assessment.
7. By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of

Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

8. Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
9. Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
10. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.
11. The Statement of Licensing Policy and Cumulative Impact Assessment were approved by the City of York on the 21 March 2019.

Cumulative Impact Area

12. The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
 - prevention of crime and disorder
 - prevention of public nuisance
13. North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
 - drink led premises – pubs, bars, nightclubs and restaurants/cafes;
 - entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
 - late night refreshment premises – takeaways; and
 - off licence premises – supermarkets and convenience stores.
14. A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.

9. Cumulative Impact

- 9.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative impact assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 9.2 Relevant authorisations means:
- premises licence
 - club premises certificate
- 9.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.4 The Council has included a Cumulative Impact Policy within its Statement of Licensing Policy since 2005, in relation to an area within York city centre. Due to the changes within the city centre, mainly the locations where licensed premises are predominately operating, this area has increased over the years.

Cumulative Impact Assessment

- 9.5 As required by the Act the Council has reviewed the cumulative impact area following the receipt of evidence provided by North Yorkshire Police and the Councils Public Protection Service (noise). The Council has published its first cumulative impact assessment (assessment) in relation to an area that has been identified in York city centre. The assessment is available on the Council website or from the Licensing Section. The assessment will be reviewed at least every three years as required by the Act. A map showing the area can be found in the assessment.
- 9.6 As required by the Act the Council has formally consulted on the assessment.
- 9.7 By publishing the assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council

determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation, with the reasons for departing from the Policy.

- 9.8 Where no relevant representations are received an application within the cumulative impact area will be granted in terms consistent with the operating schedule.
- 9.9 Applications for new premises licences or variations for premises situated within the cumulative impact area that are likely to add to the cumulative impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 9.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly with those authorities or through the Council's Licensing Section.

Cumulative Impact Area

- 9.11 The published assessment relates to an area within York city centre. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in this area continue to adversely affect residents, visitors and other businesses and therefore adversely affecting the promotion of the licensing objectives:
- prevention of crime and disorder
 - prevention of public nuisance
- 9.12 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:
- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
 - entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
 - late night refreshment premises – takeaways; and
 - off licence premises – supermarkets and convenience stores.
- 9.13 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have lead to a high level of occurrences in relation to crime and disorder related issues. Therefore, the Council should refuse all applications within the red zone where relevant representations are received, unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this zone. A map showing the red zone can be found in the assessment.



NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises: Regency Supermarket and Restaurant 2-4 George Hudson Street	
Post town: York	Post code (if known): YO1 6LP

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:

(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to a New Grant application for a Chinese Restaurant and Supermarket in York's Cumulative impact area for licensable activities as follows:-

Sale of alcohol for on/off sales Sun-Thurs 1000-2300hrs and Fri/Sat 1000-2400
Late Night Refreshment Fri/Sat 2300-2400
Recorded Music Fri/Sat 2300-2400

The venue previously held a Premises Licence issued by City of York Licensing Authority CYC- 053937. This licence was revoked at a hearing before the Licensing Sub-Committee on 8th June 2020 following a review brought by City of York council in relation to the premises undermining the licensing objectives as follows:-

8th Sept 2017

Removal of 1 illegal immigrant working at the venue by Immigration officers.

Designated Premises Supervisor and Premise Licence Holder Mr Zhong Le Chen not present. Present was duty manager Yan Tong FENG (also known as Tina Feng) who identified herself as the manager of the premises.

Senior Licensing Officer from City of York Licensing authority spoke to FENG and a number of breaches of the Premise Licence conditions were identified, including:-

- 1) CCTV no one available to operate,
- 2) No documented staff training.

6th Sept 2019

Removal of 1 illegal immigrant working at the premises by Immigration officers.

Again DPS (CHEN) not present, however Tina FENG present.

Breach of Premise Licence conditions, including CCTV incorrect date/time, no documented staff training, no notices asking persons to leave quietly, no incidents or refusals register.

24th Oct 2019

PC Hollis attends the premises with Nigel Woodhead from City of York Licensing Authority.

Same breaches of Premise Licence conditions identified as on 6th Sept 2019 which resulted in PC Hollis issuing a Section 19 closure notice to Julie LI, as she was the person in charge of the premises at the time. She said she had never heard of the DPS CHEN and that FENG was the manager.

On the same date 8th June 2020 an application was also heard before the Licensing Sub- Committee in respect of a Transfer application, following North Yorkshire Police objecting to the applicant for the Transfer in respect of the Licence, called Yan Tong Feng. The transfer application was refused.

Following the revocation on the 8th June, the premises lodged an appeal with the Magistrates court and so was allowed to trade and operate until a decision on the appeal was made. On 8th December 2020 the appeal was dismissed and the premises were informed that licensable activities must cease immediately.

On 29th December 2020 an application was submitted by Mr Wing Lun MAN for a new Premises Licence with him listed as the Premise Licence Holder and DPS.

Submitted within the application was an additional operating schedule outlining some proposed conditions, including:-
"There will be two duty manager running the supermarket and restaurant, and both manager are personal licence holders."

On 21st January 2021 PS Booth contacted Mr Man to discuss the application, he advised that he had been asked to work at the Premises by Yan Tong FENG (Tina as she is known as). He stated that she would be one of the personal licence holders that would work alongside him at the Premises.

Mr Man went on to explain that he was not currently working at the premises but that Tina had asked him to work for her as he has experience of working at other Licensed Premises. He confirmed that he had never undertaken the role of DPS before at a premises.

PS Booth asked Mr Man if he was aware of why the previous licence had been revoked and he stated that Tina had informed him of the circumstances and asked him if he would work at the premises and so he had applied for the New Premises Licence.

PS Booth also discussed given the premises sits within York's CIA (Cumulative impact assessment area) 'Red zone', an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy, that the conditions offered within the operating schedule were limited in respect of a restaurant.

Mr Man stated he would be willing to look at further conditions to support the application.

Following this phone conversation PS Booth emailed Mr Man to clarify points that had been discussed during the phone conversation and a response was received by the applicant.

Appendix 1.

On 26th January 2021 PS Booth contacted Lee Muscroft from Peninsula HR consultancy, following the email received from the applicant on 24th January. Mr Muscroft confirmed that in October 2020 he met with a Tina FENG at the Regency who described herself as the director. He explained the service Peninsula could provide including a detailed HR

consultancy programme for staff, including training, health and safety legislation, employment checks and detailed records held for all staff. A proposal document was drafted outlining a price for Peninsula to provide this service to the Regency. He was advised by FENG that she would have to discuss this with her business partner and would get back in touch. However Mr Muscroft states that to date The Regency have failed to engage the services of Peninsula. He has never spoken with anyone by the name of Mr MAN.

The Section 182 guidance para 4.39 states

"The Police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns."

North Yorkshire Police have to be satisfied that an individual, who performs the role of a DPS, and who will ultimately have day-to-day management of the Premises and be the point of contact for responsible authorities, is able to effectively promote the Licensing Objectives.

Mr Man has confirmed that he would be working alongside Tina FENG who is listed as the sole director on Companies house for York Regency Associates Ltd 4 George Hudson Street. She has been present on previous occasions when persons with no right to work have been encountered and when breaches of Premise Licence conditions have been identified.

On 21st October 2020 Yan Tong FENG was also issued a Section 19 following a visit to the Regency Restaurant and Supermarket by PC Hollis for breaching premises licence conditions, during the appeal period.

It is the belief FENG is using MAN whom by his own admission has not undertaken the role of a DPS before, (so is inexperienced in the role) to obtain a licence after the previous one was revoked following the appeal being dismissed and her Transfer application refused.

The concerns from a policing perspective, are that MAN will not have day to day responsibility for the premises and his inexperience as a DPS, will afford FENG control and thus undermine the Crime Prevention Licensing Objective.

The Section 182 Guidance Para 2.6 states:-

"The Prevention of crime includes the prevention of Immigration Crime including the prevention of illegal working in licensed premises".

Given the history of this venue and the persons involved in the running of this business no conditions have been offered to mitigate concerns about illegal working at the premises.

North Yorkshire Police cannot support this application for the exceptional reasons highlighted in respect of Mr MAN as the proposed Designated Premises Supervisor and respectfully ask members to refuse the application.

Signature: J Booth

Date: 26/01/21

Contact name: PS 133 Jackie Booth

Address for correspondence: **Alcohol Licensing Department Fulford Road Police Station**

Post town: **York**

Post code: **YO10 4BY**

Tel. number (if any): **01609 643273**

Email address if preferred option of contact: **NYPLicensing@northyorkshire.pnn.police.uk**

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APPENDIX 1

From: Alan Man <mansalan@hotmail.co.uk>

Sent: 24 January 2021 22:23

To: Booth, Jackie <Jacqueline.Booth@northyorkshire.pnn.police.uk>

Subject: Re: New Premises Licence- Regency Supermarket & Restaurant 2-4 George Hudson Street York

Dear Jackie Booth,

Thank You for your email and it was nice to speak with you. My replies to your email dated on 21st January, 2021 are as follows:-

- 1) I will be starting work at the Regency Supermarket & Restaurant once lockdown restrictions are lifted.
- 2) I will have a contract of employment to work at Regency Supermarket & Restaurant.
- 3) The other manager will be Yan Tong Feng (Tina). I will be a manager as well working alongside with Tina. The other duty manager called Julie Li which act as assistant manager, in case both managers not in the supermarket & restaurant. We all have personal licences.
- 4) In order to demonstrate how I intend to run the business safety and smoothly within the Cumulative Impact Area, all alcoholic beverages such as beer, wine and spirits serve in the restaurant must be consumed alongside with food, and we will operate a Challenge 25 Age Verification Policy at all time. Only customers dining in the restaurant may use the bar area, shall be no vertical drinking at the bar. Again, Challenge 25 Age Verification Policy applies to supermarket too, we will display relevant signs at point of sale. No proof, no sale, age verification policy. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. A clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed at the supermarket. Not selling of alcohol to drunk or intoxicated customers. Customer will not be sought by means of personal solicitation outside or in the vicinity of the premises. Prevention and vigilance in illegal drug use at the retail unit area. All staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the supermarket and restaurant area.

Furthermore, there will be a minimum number of tables covers available at all time, especially, during this pandemic period, limited number of customers are allowed in the restaurant. A refusals register and incident report register will be kept, and 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 restaurant and supermarket.

Such records will be kept for at least one year and will be made available immediately upon request from any responsible authority.

The sale of alcohol will be ceased 30 minutes before close of business on any given day to allow for drinking up time. We will risk assessing the need for SIA door supervisors at the premises on Friday and Saturdays or Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse. All alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers, and off sales shall be in sealed containers.

All staff will be trained on the content of the policy to ensure a commitment to good noise management. Such records will be kept for at least one year and will be made available for inspection by any responsible authority. We will remind customers to leave quietly, when leaving our premises after closing time, and signs will be put up asking customers to respect the needs of local residents and our staff will supervise customers leaving the premises.

Finally, we are planning to use "The Peninsula" - specialist in HR, Employment Law and Health & Safety support for the business, in which we want to use this consultancy service to help us to improve and monitor us to ensure that we run safety and smoothly as possible. The professional advice that a full employment law consultancy review carried out by an HR consultant, to update all staff employment documentation to ensure compliance with current legislation, best practice and to provide flexibility and protection from staffing issues.

Service Proposal for Regency has been prepared by - Lee Muscroft - Business Development Manager at Peninsula has been attached in the email for your reference.

I am amenable to considering further conditions and would be in a position to implement any that are agreed. Can you let me know in writing exactly what you're thinking of?

If there is any question, please do not hesitate to contact me by phone or email. Thank You.

Best Regards,

Wing Lun Man

From: Booth, Jackie <Jacqueline.Booth@northyorkshire.pnn.police.uk>

Sent: 21 January 2021 12:37

To: MANSALAN@hotmail.co.uk <MANSALAN@hotmail.co.uk>

Subject: New Premises Licence- Regency Supermarket & Restaurant 2-4 George Hudson Street York

Dear Mr Man,

Thank you for your time on the phone earlier to discuss the above application. As you are aware I am the Force Licensing Manager for North Yorkshire Police, part of my role is to process all licensing applications that are submitted to North Yorkshire Police in our role as a responsible authority (as defined by the Licensing Act 2003). On assessing your application for the Regency Supermarket and Restaurant, I had a number of queries which is the reason I have telephoned you to discuss the application in more detail.

I am grateful to you for providing me the information but wanted to clarify some points you mentioned during our call.

You mentioned that you are currently working at a Fish shop at 185 Meanwood Road Leeds and that you are waiting to start employment with the Regency once current lockdown restrictions are lifted is that correct?

Do you already have a contract of employment to work at the Regency?

You explained to me that Tina Feng has asked you to manage the premises as you have more knowledge than her about the management of a licensed premises is that correct?

In your operating schedule additional material you have submitted with the application you mention

,
"There will be two duty managers running the supermarket and restaurant, and both managers are personal licence holders."

You have advised me one of the managers is Tina you referred to above, can I clarify is this Yan Tong Feng? Also can you please advise me the name of the other personal licence holder you mentioned?

As explained the premises is in the Red Zone of the Cumulative Impact Area in York and as such in respect of York's statement of Licensing Policy states the following:-

"An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced."

The conditions you have offered so far go towards mitigating some risk but in my professional opinion they are not robust enough and others should be considered.

Given our conversation this morning in respect of any proposed conditions is this something that you are amenable to considering and would be in a position to implement?

I would be grateful if you could come back to me on the above by Monday 25th January 2021 when I am back on duty.

If you wish to discuss this further then please do not hesitate to give me a call?

Kind Regards

Jackie

PS133 Booth
Force Licensing Manager
Partnership Hub
Tel [REDACTED]

Mobile: [REDACTED]

Email:- Jacqueline.booth@northyorkshire.pnn.police.uk

Committed to the Code of Ethics

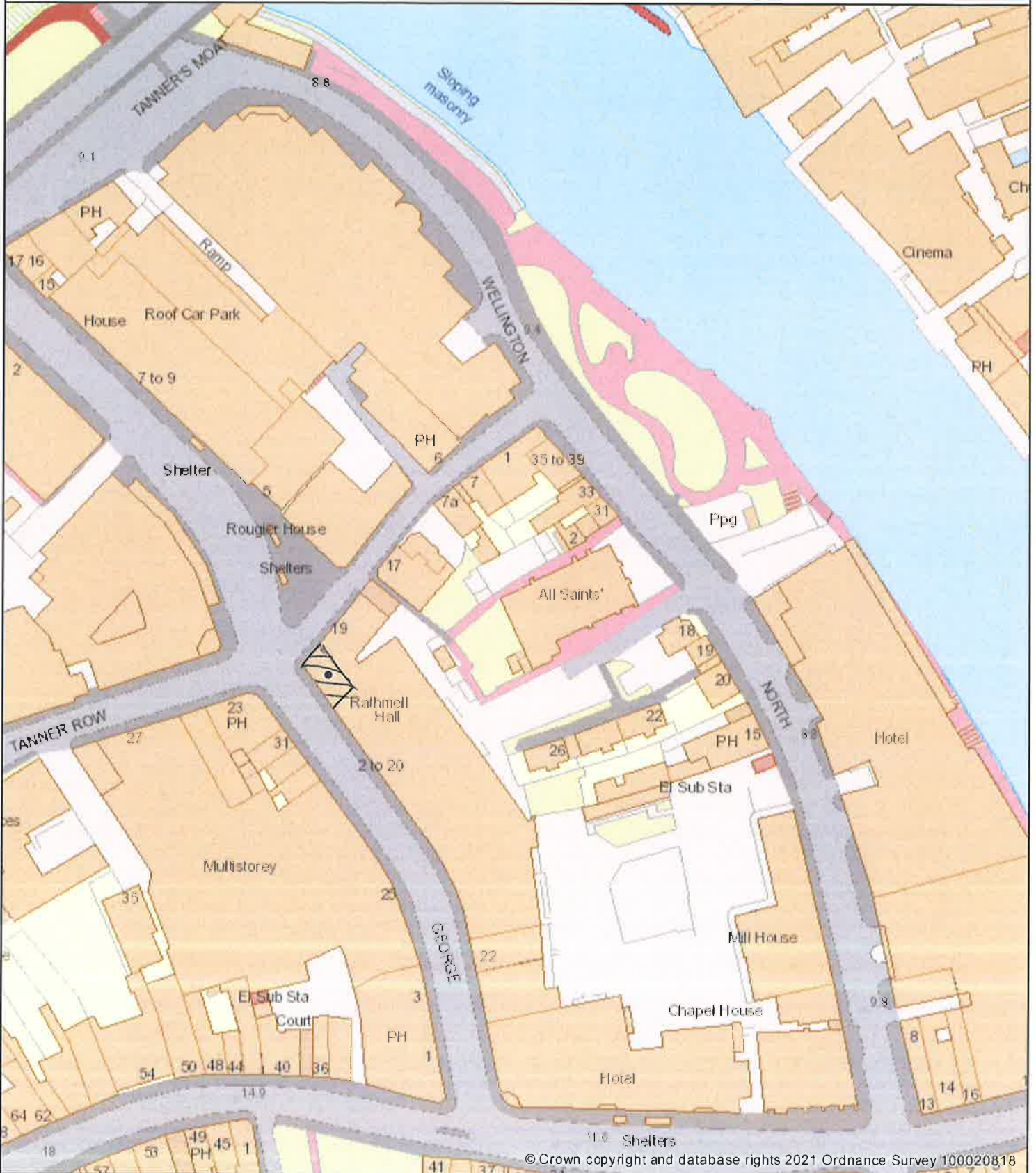
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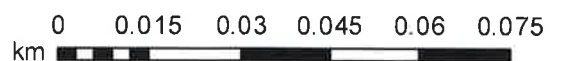
Annex 8 - Map of area



Date: 26 Jan 2021

Author: n/a

Scale: 1:1,250



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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES 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(6);
 - (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(7).
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.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
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 advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
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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