



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 This licence was revoked at a hearing before the Licensing Sub-Committee on 8th June 2020 following a review brought by City of York council in relation to the premises undermining the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**