

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: 10-12 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 checked="" type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input checked="" 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 premises licence for a ground floor restaurant in York's Cumulative impact area for licensable activities as follows:-

Sun - Thurs 1100-2300 and Fri/Sat 1100-2400

The premises sits within York's CIA (Cumulative impact assessment area) 'Amber 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. The current policy came into effect on 24th March 2022 and runs until 2027 and which states:-

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 "

And

9.14
 "Amber zones have also been identified in this area, again due to the high concentration of licensed premises, the

impact of which has led to a high level of occurrences in relation to crime and disorder related issues. Therefore, unless the application relates to a food led operation, as details in paragraph 9.15, the Council should refuse all applications within the amber zones 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 these zones. A map showing the amber zones can be found in the assessment.”

Furthermore the CIA policy states at para 9.15

“Applications for the grant or variation of a premises licence in the cumulative impact area may be considered more favourably if the applicant can demonstrate, through the operating schedule, that the premises is going to be predominantly food led with:

- alcohol being sold/supplied ancillary to a meal, with substantial food (more substantial than a bag of crisps or a bowl of olives or nuts);
- being served throughout the duration of the operating hours;
- no vertical drinking, all customers seated at tables;
- set number of table covers;
- table service only, no customers at the bar; “

Whilst the applicant has offered 21 conditions as part of the operating schedule within the application there is no mention of no vertical drinking, all customers to be seated at tables, a set number of table covers and table service only, with no customers at the bar.

A condition that has been offered at point 15 on the additional material is:-

“Staff will be trained to ask customers to use the premises in an orderly and respectful manner and will take steps to prevent the drinking of alcohol in the retail unit”. As members will see from the plan submitted with this application there is no retail unit on the plans for this application, so this aspect needs to be clarified.

The Statement of Policy also states:-

8.13 “Even though the traditional drinking up time was not carried over into the Act the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.”

Again this has not been offered within the operating schedule.

In Section M of the application it states Para A, “the applicant accepts that there have been problems with regard to the management of these premises in the past but he was not involved in those practices and wishes to start afresh now. Mr Wan Wei Leung will not be involved”

At para-C states “ there have been previous issues with, amongst other things unauthorised sale of alcohol but these have been addressed and the applicant will maintain rigorous standards right across the board going forward”.

The premises has previously applied for two separate premises licences both being refused by a Licensing Sub-Committee following a hearing the most recent being on 25th January 2021.

At no time have the police identified any unauthorised sale of alcohol from the premises but have objected to the previous applications believing if granted the licensing objectives would be seriously undermined.

The Section 182 guidance provides applicants with clear guidance with regards to completing their operating schedule namely:-

8.43 - “Applicants are expected to include positive proposals in their application on how they will manage any potential

risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application: any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy".

Based on the above it does not appear that the applicant has considered York's Statement of licensing Policy, as there is no reference to the Amber Zone and why their application should be considered as an exception to the policy.

Upon receiving this application North Yorkshire Police have conducted due diligence checks in relation to the applicant who is also the proposed Designated Premises Supervisor.

Alongside the concerns raised above North Yorkshire Police do not support this application for a premises licence under Section 18(9) of the Licensing Act, as it is believed the applicant and proposed Designated Premises Supervisor Mr Koay, would undermine the Crime Prevention Objective.

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 Koay, is the current Premise Licence Holder and DPS of Sky Blue 16 Barbican Road York, which was granted on 29th April 2021. As part of his application for this premise he offered, a number of conditions similar to those contained in this application. Appendix 1- Premise Licence Sky Blue

On 22nd January 2022 North Yorkshire Police received a report of an alleged spiking incident which had taken place at Sky Blue. Following this report and as a result of information received from the investigating officer who had been unable to obtain CCTV, or staff details, (both conditions on the Premise Licence,) a visit was conducted to the premises on 18th February 2022 by North Yorkshire Police Licensing officers PC Sam Bolland and PC Kim Hollis. At the time of the visit the Premises was failing to comply with a number of Premise Licence Conditions which resulted in a Section 19 Closure Notice under the Criminal Justice and Police Act being issued to the Premises. Appendix 2 Closure Notice Part 1, Closure Notice Part 2

On 21st June 2022 at 1200hrs PS Booth Force Licensing Manager for North Yorkshire Police and PC Hollis York Licensing officer attended a pre-arranged meeting at Sky Blue with Mr Koay Premise Licence Holder and DPS, who was accompanied by his legal representative Mr Walker and the manager of the Premises Mr Man Wei Lueng. Mr Koay had been advised in advance of the meeting that it was to discuss concerns around the criminal investigation and the previous Section 19 notice issued.

At this time PS Booth conducted a further inspection under Section 179 of the Licensing to ascertain if the Premises were adhering to all the Premise Licence Conditions.

It was again established that Premise Licence Conditions were being breached and a further Section 19 Closure Notice was issued. Appendix 3

Mr Koay has failed to ensure that as a Premise Licence holder and DPS for Sky Blue, that conditions attached to the licence are being adhered to resulting in two Section 19 notices being issued within a five-month period. In that application the following was offered:-

"The applicant is putting in place proper structures, to make the business work successfully going forward – including proper training and management – and with a wholly new management team in place".

The manager presently at Sky Blue is Mr Man Wei Lueng who was part of the management of the Premises when it was

Licensed as The Regency which had its licenced revoked in June 2020 and whom Mr Koay has stated will not be involved with this application but is clearly one of his staff, and who had previously tried to apply for a Premises Licence for 10-12 George Hudson Street.

North Yorkshire Police would therefore suggest that Mr Koay has not delivered what he offered as part of his licensing application regarding Sky Blue and have no confidence regarding what he is offering within this application for 10-12 George Hudson Street to be adhered to.

He has demonstrated that he is not a responsible operator that adheres to conditions attached to a Premise Licence.

North Yorkshire Police cannot support this application in the Cumulative Impact Area, and for the exceptional reasons highlighted in respect of Mr Koay as the proposed Designated Premises Supervisor (please refer to the statement of PS Booth) and respectfully ask members to refuse the application.

Accompanying Documentation:-

Appendix 1 - Premise Licence 16 Barbican Road York

Appendix 2 - Section 19 Notice issued 18/02/22 Part 1 and Part 2

Appendix 3 - Section 19 Notice issued 21/06/22

Statement PS133 Booth

Exhibit JB/01

Exhibit JB/02

Exhibit JB/03

Signature: J Booth

Date: 23/06/22

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**