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MEETING	LICENSING HEARING
DATE	15 NOVEMBER 2012
PRESENT	COUNCILLORS BOYCE, GILLIES AND HORTON

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**28. CHAIR**

RESOLVED: That Councillor Boyce be elected as Chair of the meeting.

**29. INTRODUCTIONS****30. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal, prejudicial or pecuniary interests that they may have in the business on the agenda. None were declared.

**31. MINUTES**

RESOLVED: That the minutes of the Licensing Hearings held on 24<sup>th</sup> January 2012 and 11<sup>th</sup> June 2012 be approved and signed by the Chair as a correct record.

**32. THE DETERMINATION OF AN APPLICATION BY CHONG HUNG CHUN TO VARY A PREMISES LICENCE SECTION 35 (3)(A) IN RESPECT OF REGENCY RESTAURANT, 16 BARBICAN ROAD, YORK, YO10 5AA. (CYC-009221)**

Members considered an application by Chong Hung Chun to vary a premises licence in respect of Regency Restaurant, 16 Barbican Road, York.

In coming to their decision, the Sub-Committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives.

The following were taken into account:

1. The application form.
2. The Licensing Officers report and her comments made at the hearing. She advised the application was to vary an existing licence to vary the hours of operation, extend the licensable area, vary the hours for a number of licensable activities, and to extend the opening hours, and for the removal of the embedded conditions and conditions listed under Annex 2 of the licence. The premises are located outside of the Special Policy Area. A number of conditions had been agreed with North Yorkshire Police prior to the hearing.
3. The representations made at the hearing by the applicants solicitor. She advised that the premises would not be run as a nightclub and that access to the karaoke rooms would only be offered to customers who had purchased a meal in the restaurant. Two door supervisors would be employed to monitor the smoking areas and customers leaving the premises late at night. It was confirmed that a sound consultant had been employed by the applicant to ensure that noise nuisance is minimal.
4. The representations made by the Council's Planning Enforcement Officer in writing and at the hearing who advised that a planning application had now been submitted and that his main concern was regarding noise nuisance in a primarily residential area.
5. Representations made at the hearing by the Ward Councillor on behalf of some of the representors. He advised that local residents had no objection to the premises continuing to operate as a restaurant but had concerns about people leaving the premises in the early hours of the morning and causing noise nuisance. He also advised that the smoking arrangements to the front of the premises are inadequate due to the narrow footpath and proximity to resident's homes.
6. The representations made at the hearing by local residents who raised concerns about the potential for an

increase in noise levels and anti social behaviour in the area late at night.

7. Written representations made by local residents during the consultation period.

The Sub-Committee were presented with the following options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

Members chose Option 2 and imposed the following conditions:

1. Prior to using the karaoke rooms customers must have consumed a meal in the restaurant, excluding snacks.
2. Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access for licensable activities and where the public can consume alcohol. For the purpose of clarity this will include all rooms and stairways to which the public have access for licensable activities and where the public can consume alcohol.
3. It will be maintained, working and recording at all times when the premises are open.
4. The recordings should be of sufficient quality to be produced in Court or other such hearing.
5. Copies of the recordings will be kept available for any Responsible Authority for 28 days.
6. Copies of the recordings will be made available to any Responsible Authority within 48hrs of request.

7. Copies of the recordings will display the correct time and date of the recording.
8. All OFF SALES shall be made in sealed containers save for those that are intended for consumption within the building.
9. After 2400hrs the only door used by members of the public to enter the premises shall be the main door on to Barbican Road.
10. Last public entry to the premises shall be 2400hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 2400hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).
11. After 2400hrs customers who have left the venue to smoke shall be monitored by a Door Supervisor in a clearly demarked area at the front of the venue which will not block the footpath.
12. Two SIA Door Supervisors shall be provided at the venue from 2400hrs until the close of business, with at least one staffing the main door on to Barbican Road.
13. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
14. Standard one pint capacity, half pint capacity and "high ball tumbler" drinking glasses will be strengthened glass (tempered glassware) in design whereby in the event of breakage the glass will fragment and no sharp edges are left.
15. Drinking glasses of any type should not be allowed to enter or leave the premises whilst under the customers care.
16. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and the opening times of the venue.

17. Such training (referred to in Condition 16) will be refreshed and documented every 6 months.
18. Such training records (referred to in Condition 16) should be kept for at least 3 years.
19. Such training records (referred to Condition 16) will be made available for inspection upon request by any Responsible Authority.
20. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.
21. Both the above documents (referred to in Condition 20) will be kept for at least 3 years.
22. Both the above documents (referred to in Condition 20) will be available for inspection upon request by any Responsible Authority.
23. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
24. So as to ensure the Licensing Objective *the prevention of crime and disorder* is not undermined there shall be a maximum capacity of 100 persons of which there shall be no more than 30 persons on the first floor and no more than 20 persons on the second floor.
25. When the karaoke rooms are being used there shall be at least one member of staff permanently situated on each floor of the venue on which the room is being used.
26. The member of staff shall monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.
27. The members of staff situated on the first and second floor shall be in direct radio link with the Door Staff.

28. All alcohol consumed in the karaoke rooms shall be served by way of waiter/waitress service.
29. No dancing is to take place on the ground floor of the building at anytime.
30. All users of the karaoke rooms must have evidence of their room hire on their food bill as suitable evidence of food purchase.
31. All doors and windows shall be closed during regulated entertainment or, when entertainment is not provided, after 23:00hrs each night (except for ingress and egress).
32. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
33. Clear signage shall be displayed requesting that customers respect neighbouring residents and leave the premises quietly.
34. The use of external areas shall be restricted to 10:00hrs – 23:00hrs each day. After this time, customers shall only be permitted at the front of the property, fronting onto Barbican Road, for the purpose of smoking.
35. A detailed noise management plan shall be devised prior to the premises operating. The plan should be submitted and agreed by the local licensing authority to their reasonable satisfaction prior to its implementation. It shall show how nearby residential properties will be protected from noise generated at the premises. The agreed noise management plan shall be implemented at all times during regulated entertainment.

All relevant mandatory conditions shall continue to apply.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.45 am].