
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 That licence (CYC-053937) was revoked following a review hearing in June 2020, a copy of the revoked licence can be found at **Annex 2**.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.

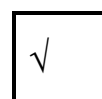
Contact Details

Author:
Lesley Cooke
Licensing Manager

Tel No. 01904 551515

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

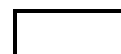
**Report
Approved**



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