

## **Licensing/Gambling Hearing**

**To:** Councillors Hook, Mason and Warters

**Date:** Monday, 25 January 2021

**Time:** 10.00 am

**Venue:** Remote Meeting

### **A G E N D A**

**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. Exclusion of Press and Public**

To consider excluding the Press and Public 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.

**5. Minutes**

To approve the minutes of the Licensing Hearing held on 9 November 2020.

**6. 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)**

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
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For more information about any of the following, please contact the Democratic Services Officer responsible for servicing this meeting:

- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats.

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**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 REMOTE LICENSING HEARINGS**

**Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below:-
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

**Preparation for the Remote Licensing Hearing**

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

### **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. 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 and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **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 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 made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

## ORDER OF PROCEEDINGS AT THE REMOTE HEARING

### **Chair's introduction and opening comments**

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their representatives), and establish the identity of all who will be taking part.

18. The Chair will outline the procedure to be followed.
19. The Chair will proceed with the order of business on the agenda.

### **Licensing Manager**

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

### **The Application**

21. The Applicant (and/or their representative) will address the Sub-Committee and present information in support of the application and may call any witnesses to support the application, one witness at a time *[maximum 15 minutes]*.
22. The Chair will invite the Representors to ask questions of the Applicant in the following order [maximum 5 minutes each party]:
  - Police;
  - Other Responsible Authorities;
  - Ward Councillors;
  - Public representation
  - Members of the Sub-Committee;
  - The Sub-Committee's legal adviser.

### **The Representations**

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation *[maximum 15 minutes each party]*:
  - Police
  - Other Responsible Authorities
  - Ward Councillors
  - Public representation
  - Members of the Sub-Committee

24. The Chair will invite the Applicant and each other party to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

## Summaries

26. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
  - Police
  - Other Responsible Authorities
  - Ward Councillors
  - Public representation
27. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
28. 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 on law and jurisdiction.

## Determination

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. 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.
30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not)

usually within 5 working days of the hearing. There can be no further questions or statements.

31. If the Sub-Committee does not 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 Democratic Services 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 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.



City of York Council

Committee Minutes

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Meeting	Licensing/Gambling Hearing
Date	9 November 2020
Present	Councillors Galvin, Melly and Norman

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**22. Chair**

Resolved: That Cllr Norman be elected to act as Chair of the hearing.

**23. Introductions**

The Chair introduced those participating in the hearing: the Sub-Committee Members, the Applicant, the Applicant's interpreter, the Police Representor and her two witnesses, the Licensing Authority Representor, and the Senior Licensing Officer presenting the report. Also present were the Legal Adviser, the Democracy Officer and the Litigation Solicitor who was shadowing the Legal Adviser.

**24. Declarations of Interest**

Members were invited to declare at this point in the hearing 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. No interests were declared.

**25. Exclusion of Press and Public**

Resolved: That the Press and Public be excluded from the hearing:

- a) During any discussion relating to Annex 5 (c) to the report at Agenda Item 6 (The Determination of a Section 18(3)(a) Application for a Premises Licence), on the grounds that it contains information relating to an individual, which is classed as exempt under Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006, and

- b) 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) Regulation 2005.

**26. Minutes**

Resolved: That the minutes of the Licensing Hearings held on 6 August 2020 and 17 August 2020 be approved as a correct record, to be signed by the Chair at a later date.

**27. The Determination of a Section 18(3)(a) Application for a Premises Licence by Mr Wenlin Chen in respect of Haizhonglao Hot Pot & BBQ, 12 George Hudson Street, York, YO1 6LP (CYC-067017)**

Members considered an application by Wenlin Chen 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 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 and that there were no outstanding Planning issues. She drew attention to the representations received from North Yorkshire Police, including the additional information published in the Agenda Supplement, and from the Licensing Authority. Finally, she advised the Sub Committee of the options open to them in determining the application.

4. The representations made at the hearing by the Applicant, through his interpreter, Alan Man. He stated that, following the downturn in the catering industry that had resulted from the Covid-19 pandemic, he had conceived the idea of a contactless restaurant system. As a young entrepreneur, he wanted to open the country's first automated restaurant in York. He had put a lot of time and investment into this idea and saw no reason why he could not run it properly, nor why his application should not be approved.

In response to questions put to him by the Police Representor and members of the Sub-Committee, the Applicant stated that:

- He had completed the application form himself, but with assistance because he had problems with English;
  - He had gained experience of operating food-led establishments by working at the Regency restaurant on Barbican Road, York;
  - He intended to serve alcohol at the premises only with food, and would be happy to amend his application accordingly in order for this to be enforceable.
5. The representations made by PS Jackie Booth on behalf of North Yorkshire Police, in writing and at the hearing. PS Booth explained that the police objected to the application on the grounds that the premises were located within the city's CIA Red Zone, and that this, together with concerns about the Applicant's potential appointment as both the licence holder and the Designated Premises Supervisor (DPS), meant that granting the application would undermine the Crime Prevention Objective. She stated that the Applicant had not addressed these matters in his application, nor made any attempt to liaise with the

responsible authorities or offer mitigation measures. The operating schedule provided in the application was sub-standard, being unclear as to the installation and details of CCTV cameras, and giving no precise, enforceable conditions for the operation of the restaurant. Although the application was for opening hours with the sale of alcohol from 11:00-00:00, no application had been made for late night refreshment. This all suggested that the Applicant was either unfamiliar with the licensing requirements or not prepared to offer precise conditions.

PS Booth then outlined the reasons why the Applicant was not considered suitable to be the licence holder and DPS. She referred to the exempt information contained in Annex 5c and the Agenda Supplement as relevant to this matter. She stated that the Applicant was listed as the sole director of a licensed premises at 16 Barbican Road, from which the licence had been revoked for reasons of crime prevention. Statements within the exempt information indicated a link between the Applicant and persons who had undermined the prevention of crime licensing objective. The Applicant had also failed to explain why the council should depart from its Statement of Licensing Policy to grant the application in this case.

PC Kim Hollis was called as a witness. She stated that she had attended the Regency restaurant, at 16 Barbican Road, on a number of occasions and each time had struggled to obtain details of who was in charge of the premises. She also said that, despite an unprecedented number of business closures during the pandemic, there had not been a corresponding decrease in crime or public nuisance in the city. In fact, new challenges had arisen in terms of anti-social behaviour associated with off-sales of alcohol as well as sales on licensed premises.

PS Booth then resumed, noting that the application did not mention the plans for a contactless restaurant referred to by the Applicant at the hearing. She re-iterated that the Applicant had made no attempt to engage with the responsible authorities, that he had been confirmed as sole director of the 16 Barbican Road premises, and that there was nothing in the application to address the ongoing concerns with regard to the CIA.

PS Booth then responded to questions put to her by the Applicant and members of the Sub-Committee, stating that:

- The Barbican Road premises licence had been revoked following a hearing on 8 June 2020.
- An appeal against the revocation had been lodged at the Magistrates' Court and was currently pending.
- The Applicant was still listed at Companies House as a Director of the premises.
- She had tried to engage with the Applicant by calling him on the telephone number provided, but he had not answered and neither had he attempted to seek advice.
- The onus was on the person applying for the licence to contact the responsible authorities.
- An application for a restaurant premises licence within the CIA would be expected to include robust and enforceable conditions in relation to: no service of alcohol except with food, permission to serve late night refreshment, staff training, a refusals log, and signage asking customers to leave quietly.
- The Applicant could run a restaurant at the premises without a licence, relying on the existing planning permission, provided he did not serve alcohol; however granting a licence would provide more opportunities for financial gain and a consequent increase in the risk of harm, due to the need for more staff and other issues relating to the operation of the business.

6. The representations made by Nigel Woodhead, the Licensing Enforcement Officer for City of York Council, in writing and at the hearing.

Mr Woodhead explained that the premises lay within York's CIA Red Zone, an area identified in the council's Statement of Licensing Policy as being under the most stress from crime and disorder and public nuisance, as set out in paragraphs 9:13 and 9:14 of the policy. The policy stated that all licence applications in this zone, if relevant representations were received, should be refused unless the applicant could show how their application would not lead to an increase in the impact of licensed premises in the zone. Applicants were also required to demonstrate,

through their operating schedule, the measures they would take to satisfy the council and responsible authorities that granting the licence would not add to the cumulative impact. The application in this case had failed to refer to the Red Zone and to identify any measures to be taken. There was no mention of a drinking-up time; no offer of any substantial conditions; the reference to CCTV indicated that it 'should' be installed and not that it would; the operating schedule was sub-standard and not tailored to the operation of a restaurant. This demonstrated that the Applicant had not taken into account the council's statement of licensing policy or government guidance.

Mr Woodhead then responded to questions put to him by the Applicant, Police Representor and members of the Sub-Committee, stating that:

- He had not personally attempted to contact the Applicant on the phone number provided, but a Licensing officer would have done.
- The DPS (in this case, the Applicant) should be the point of contact at the premises for all authorities and be contactable at all times.
- Many more stringent conditions and checks would be needed before the licence could be granted; he was also aware that the police would require a number of conditions in relation to CCTV.

During the above questions the Applicant, through his interpreter, stated that CCTV had been installed inside and outside the premises; that footage of an incident in September had been requested by, and provided to, the police; that an experienced manager had been employed and would be training staff; that currently there were 30-40 covers at the restaurant; that notices would be displayed asking customers to leave quietly at 10:30 and reminding them of the drinking-up time; and that this would be his own business independent of his family.

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

PS Booth summed up, stating that the application should be refused because nothing had been put forward at the hearing to say why an exception should be made to the Statement of Licensing Policy in order to grant this

application within the CIA Red Zone. She also noted the concerns raised by the lack of contact with the Applicant and asked Members to consider the exempt information provided by the police.

Nigel Woodhead summed up, stating that he was in agreement with the police in this matter. The Applicant should have been aware that the premises were in the Red Zone and should have submitted information to show how this would be dealt with. Nothing said at the hearing had given him confidence that the premises would be properly run by the Applicant.

The Applicant summed up via his interpreter, stating that he believed he could manage the premises properly alongside a new manager who would be appointed. He had been through the required training and hoped to be given the chance to learn and gain more experience by starting up this business independently. As a foreigner it was difficult for him to start a business in this country, so he felt under pressure and was perhaps finding it difficult to express himself. He said that he would be happy to provide any further information required and to have conditions placed on the licence. All information was recorded and could be shown to the authorities.

The following points of clarification were provided:

- The Licensing Manager confirmed that the premises were currently vacant;
- The Applicant confirmed that he would be happy to accept any reasonable changes to conditions, new conditions, or changes to hours of operation.

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.

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.

The Sub-Committee rejected Options 1, 2 and 3, and

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

Reasons: (i) The Council's special policy relating to cumulative impact creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that the application will not add to the cumulative impact. The premises is within the red area of the Cumulative Impact Area (CIA).

(ii) The Sub-Committee notes that the cumulative impact of the number, type and the density of licensed premises in the CIA may lead to problems of public nuisance and crime and disorder and that the premises being in the CIA does not act as an absolute prohibition on granting or varying new licences within that area. Each application must be considered on its own merit and it is possible for an applicant to rebut the above presumption if they can demonstrate that their application for a premises licence would not add to the cumulative impact already being experienced in the CIA. Representations have been received from North Yorkshire Police and the Licensing Authority that the licensing objectives of prevention of crime and disorder



and prevention of public nuisance would be undermined by the grant of the licence.

(iii) The Sub-Committee considers that the onus lies upon the Applicant (to the civil standard) to evidence that the operation of the premises, if licensed, would not add to the cumulative effect of having more licensed premises in the CIA, with regard to the licensing objectives.

(iv) 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. The Sub-Committee considers that the Police concern carries great weight in accordance with paragraph 9.12 of the statutory guidance.

(v) The Sub-Committee notes that the Licensing Authority supports the Police objection.

(vi) The Sub Committee notes the Applicant has made no attempt in the operating schedule to address the CIA policy. Although the Applicant offered additional control measures at the hearing, the Sub-Committee are concerned that the Applicant has not sufficiently addressed what is a very high bar to cross in terms of premises licence applications for premises in the CIA. They consider that the Applicant has missed the point in the Council's licensing policy that where a premises licence is sought for premises within a CIA, there is a presumption that the application will be refused if an applicant does not demonstrate that granting the application would not add to the cumulative effect of having more licensed premises in the CIA. The Sub-Committee is concerned that any grant of the application in the red zone requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to

address the likely impact of the availability of alcohol in an area that already experiences a high volume of antisocial and criminal behaviour and public nuisance, these issues being factors behind the creating of the CIA in the first place. The Sub-Committee has heard nothing to satisfy it that the application has met that very high bar and that an exception to the policy applies in this particular case.

(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) Whilst the Sub-Committee notes the other matters raised in objection by the Police, including the Police evidence marked as 'exempt', it does not consider it necessary to make a determination regarding those matters given its above conclusions.

The Sub-Committee has made this decision taking into consideration the written and verbal representations, the Agenda pack and Supplementary Agenda, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

Cllr G Norman, Chair

[The meeting started at 10.00 am and finished at 12.40 pm].



## Licensing Act 2003 Sub Committee

25 January 2021

Report from the Assistant Director – Planning & Public Protection

### **Section 18(3) (a) Application for a premises licence for Haizhonglao Hot Pot & BBQ, 12 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-67498
3. Name of applicant: Man Wai Leung
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:

<b>Proposed Activity</b>	<b>Timings</b>
Recorded Music(Indoors)	11:00 – 23:00 everyday
Sale of alcohol (on & off sales)	11:00 – 23:00 everyday
Opening times	11:00 – 23:00 everyday

#### **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 contactless restaurant run by robot waiters to reduce the risk of human to human contact due to the virus transmission risk.

8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

### **Promotion of Licensing Objectives**

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

9. General

The legislation provides a clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. Each objective is of equal importance.

10. The Prevention of Crime and Disorder

A 16 channel hi-resolution colour CCTV camera system has been installed for the premises that will cover both indoor and outdoor area including the shop front and rear car park. It will be maintained, working and recording at all opening and closing time (24 hrs)

11. Public Safety

A full risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards.

12. The Prevention of Public Nuisance

All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the Licensing Authority. Signs will be put up asking/reminding customers to leave quietly and respect the local residents.

13. 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, photocard driving licence, military ID card or ID carrying the PASS logo. Relevant signs will be put up at point of sale. Staff training will be given and all training records will be kept for a minimum of one year and will be made available immediately upon request from any responsible authority.

**The applicant has produced an additional document to accompany the operating schedule which appears in full at Annex 1.**

### **Special Policy Consideration**

14. 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 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4.

### **Consultation**

15. 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.
16. All procedural aspects of this application have been complied with.

### **Summary of Representations made by Responsible Authorities**

17. North Yorkshire Police have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance 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.
18. The Police representation is attached at Annex 5.

### **Summary of Representations made by Other Parties**

19. There have been no other representations received from other persons.
20. A map showing the general area around the venue is attached at Annex 6.

### **Options**

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

### **Analysis**

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

### **Council Plan**

31. 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.
32. 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**

33.

- **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**

34. 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.
35. 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**

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

**Contact Details**

**Author:**

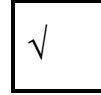
Lesley Cooke  
Licensing Manager

Tel No. 01904 551515

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director for Planning and Public  
Protection.

**Report  
Approved**



**31/12/2020**

**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**

**Annexes:**

- Annex 1** - Application form & Plans
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Cumulative Impact
- Annex 4** - Licensing Policy Annex
- Annex 5** - North Yorkshire Police Representation
- Annex 6** - Map of area
- Annex 7** - Mandatory Conditions
- Annex 8** - Legislation and Policy Considerations





**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 MAN WAI LEUNG  
(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			
HAIZHONGLAO HOT POT & BBQ RESTAURANT 12 GEORGE HUDSON STREET			
Post town	YORK	Postcode	YO1 6LP
Telephone number at premises (if any)		01904 636 304	
Non-domestic rateable value of premises		£ 28,250 -	

**Part 2 - Applicant details**

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

- |  |   |
|--|---|
| a) an individual or individuals *                    | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *               |   |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B)            |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> please complete section (B)            |
| iii as an unincorporated association or              | <input type="checkbox"/> 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		LEUNG			
First names		MAN WAI			
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		12 BROOKHILL DRIVE			
Post town	LEEDS		Postcode	LS17 8QG	
Daytime contact telephone number		( ) - - - -			
E-mail address (optional)		-			
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)

PLEASE SEE PASSPORT COPY ATTACHED.

**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
21	12	2020

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)

A CONTACTLESS RESTAURANT THAT RUN BY  
ROBOT WAITERS TO REDUCE THE HUMAN-TO-  
HUMAN CONTACT DUE TO THE VIRUS  
TRANSMISSION RISK.

(CONTINUE WITH ATTACHED SHEET OPERATING SCHEDULE)

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)                             | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)                             | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)                        | <input type="checkbox"/> |

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

<b>Plays</b> Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Wed						
Thur			<u>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</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b><u>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</u></b> (please read guidance note 6)		
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
<b>Mon</b>			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
<b>Tue</b>			
<b>Wed</b>			
<b>Thur</b>			<b><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></b> (please read guidance note 6)
<b>Fri</b>			
<b>Sat</b>			
<b>Sun</b>			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
Thur					
			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4) SOFT CHINESE MUSIC CHINESE INSTRUMENTAL MUSIC. PLAY FROM MUSIC PLAYER		
Mon	11:00	23:00			
Tue	11:00	23:00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed	11:00	23:00			
Thur	11:00	23:00	<b><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></b> (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 6)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>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</u></b> (please read guidance note 6)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed					
Thur					
			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – 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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	<b>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</b> (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

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		MAN WAI LEUNG	
Date of birth			
Address			
Postcode			
Personal licence number (if known)		051706	
Issuing licensing authority (if known)		MANCHESTER 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	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
			<b>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</b> (please read guidance note 6)
Fri	11:00	23:00	
Sat	11:00	23:00	
Sun	11:00	23:00	



## 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)

THE LEGISLATION PROVIDES A CLEAR FOCUS ON THE PROMOTION OF FOUR LICENSING OBJECTIVES WHICH MUST BE ADDRESSED WHEN LICENSING FUNCTIONS ARE UNDERTAKEN. EACH OBJECTIVE IS OF EQUAL IMPORTANCE.

b) The prevention of crime and disorder

A 16 CHANNEL HI-RESOLUTION COLOUR CCTV CAMERA SYSTEM HAS BEEN INSTALLED FOR THE PREMISES THAT WILL COVER BOTH INDOOR & OUTDOOR AREA, INCLUDED SHOP FRONT & REAR CAR PARK. IT WILL BE MAINTAINED, WORKING & RECORDING AT ALL OPENING & CLOSING TIME (24 HRS.)

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 CUSTOMERS & SETTING OUT PRECAUTIONS TO MANAGE THE HAZARDS.

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, NAME OF PERSON TRAINED & MADE AVAILABLE FOR INSPECTION BY THE LOCAL LICENSING AUTHORITY. SIGNS WILL BE PUT UP ASKING/REMINING CUSTOMERS TO LEAVE QUIETLY & RESPECT THE LOCAL RESIDENTS.

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 & DRIVING LICENCE, MILITARY ID CARD, OR IDENTIFICATION CARRYING THE PASS LOGO. RELEVANT SIGNS WILL BE PUT UP AT POINT OF SALE. STAFF TRAINING WILL BE GIVEN & ALL TRAINING RECORD WILL BE KEPT FOR A MINIMUM OF ONE YEAR AND WILL BE MADE AVAILABLE IMMEDIATELY UPON REQUEST FROM ANY RESPONSIBLE AUTHORITY.

(FOR FULL DETAILS PLEASE REFER TO OPERATING SCHEDULE ON PAGE 2 ATTACHED)

**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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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</li> </ul>
--------------------	--

	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	21-11-2020
Capacity	General Manager

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)**

HAIZHONGLAO HOT POT & BBQ RESTAURANT  
12 GEORGE HUDSON STREET.

Post town	YORK	Postcode	YO1 6LP
Telephone number (if any)			
If you would prefer us to correspond with you by email, your e-mail address (optional)			



Haizhonglao Hot Pot & BBQ Restaurant, 12 George Hudson Street, York, YO1 6LP  
**Operating Schedule**

**Operating Schedule:** includes a general description of the type, style and character of the premises along with the proposed.

Due to COVID-19 epidemic, the catering industry is badly affected and declined. Therefore, we have come across with an idea of a contactless restaurant that help to reduce human-to-human contact due to the virus transmission risk. As the virus pandemic continues to rage, we have introduced a robot-run restaurant that helps the business to run smoother, safer eating and better in operation. We have take it very seriously and introduced a contactless system that can change the way it runs. City of York could be one of the Country's first automated restaurant. Especially, at this difficult time we are all facing during COVID-19 pandemic, a lot of time, afford and investment has been put in for this idea, and we want to be the first automated restaurant, we want to start and begin our first success in the catering industry in York. With over 30 years experience in the catering industry, I have a wealth of experience based on staff training, restaurant management, dealing with health and safety issue, administration work and customer. I believe my experience is a great advantage of running this new restaurant and will not add to the cumulative impact already being experienced in the Cumulative Impact Area (CIA) under my supervision.

The idea of contactless restaurant enables digital table service with simple, contactless and safer way to place an order for food and drinks. When comes to age-restricted items such as; beer and wine, Challenge 25 age verification policy will be applied. For delivery service, age verification policy that our driver MUST 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.

There will be two duty managers running the 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.

The licensable activities I intend to carry on from the premises are as following: -

- 1) Playing recorded music (Indoors) from 11:00 – 23:00
- 2) Sales of alcohol (On & Off Sales) from 11:00 – 23:00
- 3) Opening Times: Monday to Sunday from 11:00 – 23:00

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 catering industry for over 30 years and lots of experience managing in the role.

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.

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from Harm

Haizhonglao Hot Pot & BBQ Restaurant, 12 George Hudson Street, York, YO1 6LP  
**Operating Schedule**

**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 shop front and rear car park. The CCTV system has 16 cameras channel. 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. Restaurant 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, 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.

**Public Safety**

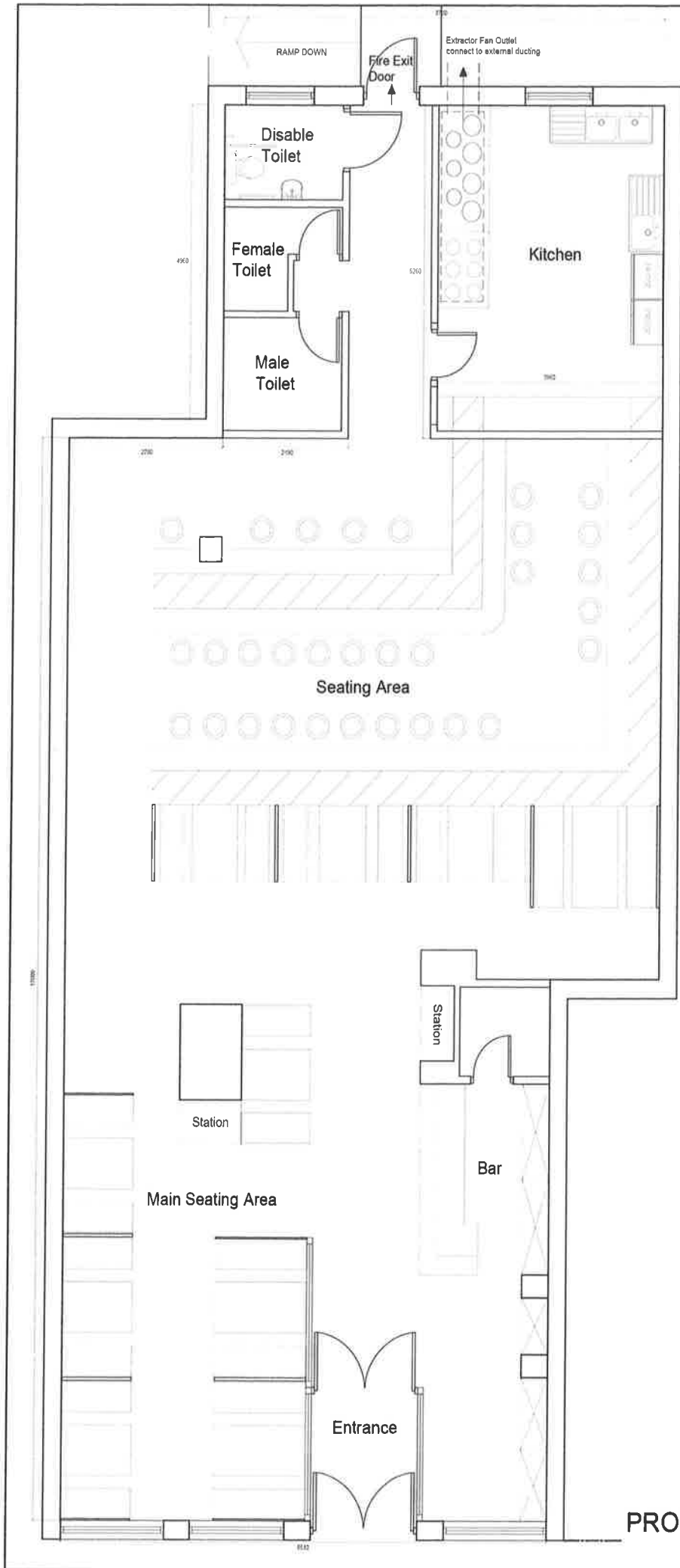
A full risk assessment taking into account. Public Safety will be carried out at the premises to identify potential hazards posed to staff or customer and setting out precautions to manage the hazards. A glass collection policy for regular collection of glassware by staff and the prevention of glassware 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.

**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 11pm closing time.

**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.



PROPOSED GROUND FLOOR PLAN Scale @ 1:100



PROPOSED FRONT ELEVATION Scale @ 1:100

**Notes:**

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.

All work and materials should comply with Health and Safety legislation.

All dimensions are in millimetres unless where explicitly shown otherwise.

The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies.

Do not scale off the drawings, if in doubt ask.

**Title:** 12 George Hudson Street  
York  
YO1 6LP

Proposed Plan & Front Elevation

**Project No:** 0001

**Drawn:** AM

**Client:** HaiZhonGiao

**Paper:** A3

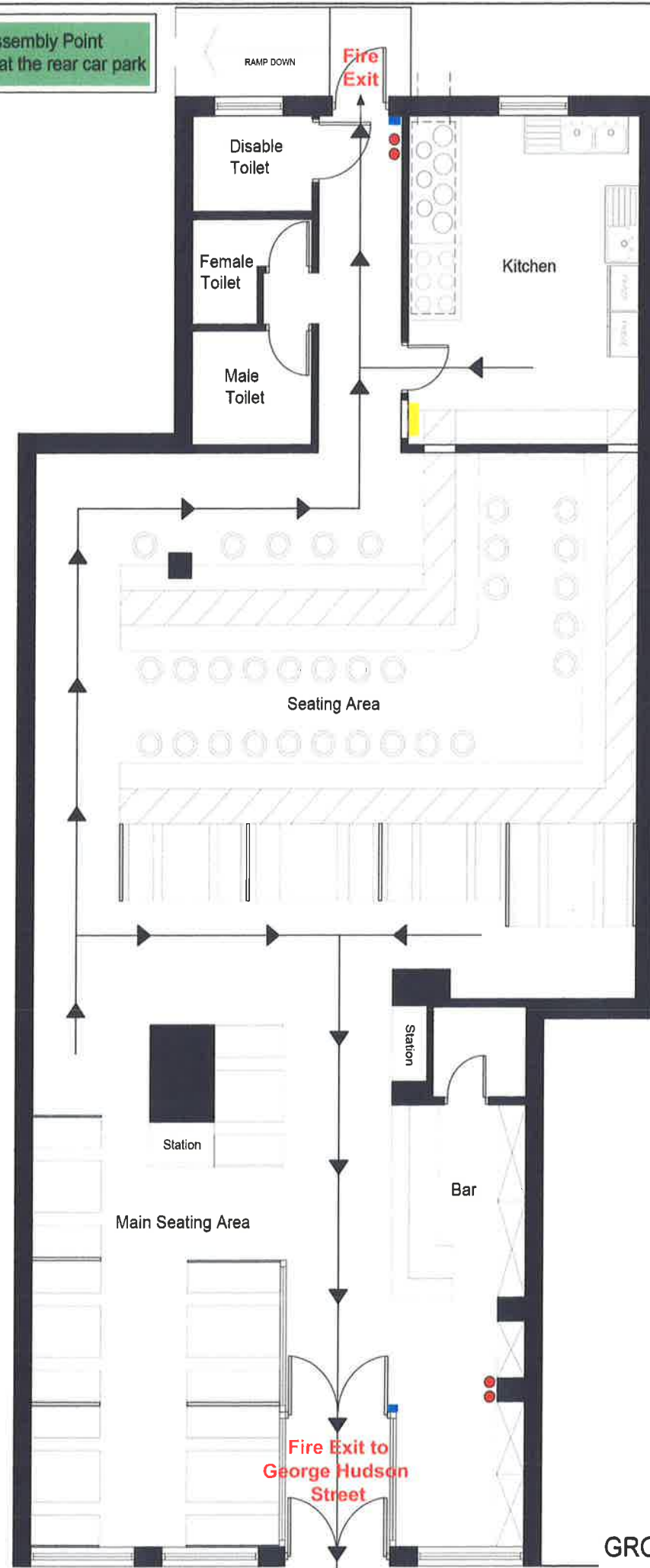
**Date:** 08-09-2020

**Scale:** 1:100

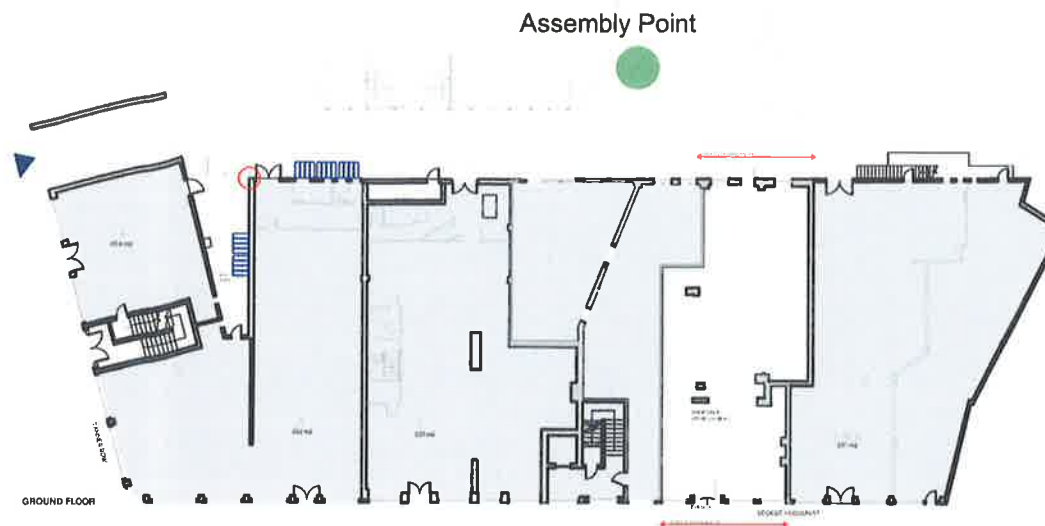
**Amendments:**



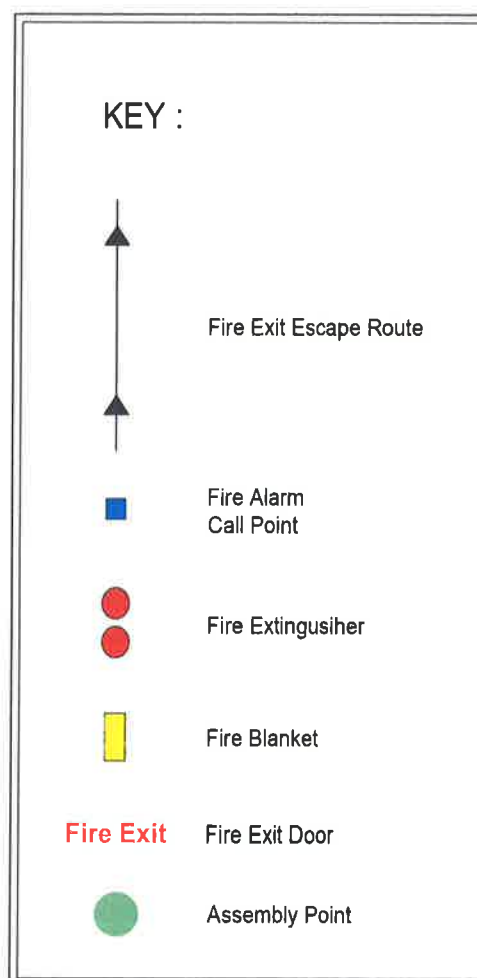
Assembly Point  
located at the rear car park



GROUND FLOOR PLAN Scale @ 1:100



Scale @ 1: 500



Notes:

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.

All work and materials should comply with Health and Safety legislation.

All dimensions are in millimetres unless where explicitly shown otherwise.

The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies.

Do not scale off the drawings, if in doubt ask.

Title: 12 George Hudson Street  
York  
YO1 6LP

Fire Plan

Project No: 0001

Drawn: AM

Client: HaiZhonGiao

Paper: A3

Date: 08-09-2020

Scale: 1:100

Amendments:



## 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 authorisation<sup>18</sup>) 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 workplace<sup>26</sup> 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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**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:**

Haizhongloa Hot Pot & BBQ  
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 type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

### GROUND FORS 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 Chinese Hot Pot and BBQ restaurant in York's Cumulative impact area for licensable activities as follows:-

Mon- Sun sale of alcohol for on and off sales 1100-2300hrs

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. The current policy came in to effect on 21st March 2019 and runs until 2024 and which states:-

"9.13 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.

9.14 A red zone has also been identified in this area due to the high concentration of licensed premises, the impact of which have led 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."

Furthermore the CIA policy states:

"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."

A previous application for this premises was submitted on 16th September 2020 which resulted in a hearing before the Licensing Sub-committee on the 9th November 2020. The decision of members was as follows:-

"The Sub Committee noted the Applicant had made no attempt in the operating schedule to address the CIA policy." Furthermore, "The Sub-Committee was not satisfied from the evidence before it that the Applicant had rebutted the presumption against granting a licence for a new premises situated in the CIA and concluded on the evidence that granting the licence would undermine the licensing objective of preventing crime and disorder and public nuisance."

Prior to this new application being submitted North Yorkshire Police have not been consulted in respect of this application for a Premises Licence. The application varies slightly from the previous in that the hours for licensable activities have been reduced by one hour, to 2300hrs from midnight and appropriate CCTV conditions have been included. However the applicant in addressing the CIA policy states only,

"I believe my experience is a great advantage of running this new restaurant and will not add to the cumulative impact already being experienced in the Cumulative Impact Area (CIA ) under my supervision". They fail to further explain the measures they will take to mitigate the impact. They also fail to explain why their application is such that the licensing authority should depart from its special policy in light of the individual circumstances of this case.

As with the previous application, this one also states it is a restaurant and has applied for opening hours with the sale of alcohol from 1100-2300 seven days a week. There is no mention in the operating schedule for consideration of a drinking up time in relation to "on-sales" which was highlighted at the previous hearing and is referred to in the current statement of Licensing Policy as follows:-

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."

The applicant has failed to offer any substantial conditions, which would seek to address concerns that they are promoting the licensing objectives of Prevention of Crime and Disorder or Prevention of Public Nuisance, in an area that already experiences high levels of disorder. Examples of this would include but is not limited to the following:-

1. The premises shall operate as a restaurant and not as a vertical drinking establishment providing food and non-alcoholic drinks. Alcohol shall be ancillary to the sale of food.
2. Customers shall only be served by way of waiter / waitress service in all areas of the premises.
3. Only customers dining in the restaurant may use the bar area. There shall be no vertical drinking at the bar.
4. There shall be a minimum number of table covers available at all time.
5. A Refusals Register and Incident Report Register will be kept. 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 premises.

Such records shall be kept for at least 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]: They will be made available immediately upon a reasonable request from any responsible authority.

6. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
7. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.
8. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
9. All off sales shall be in sealed containers

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".

The lack of detail in the operating schedule or accompanying documentation demonstrates that the applicant has failed to take into account York's Statement of Licensing Policy, the government guidance or the determination notice from the previous hearing for the premises. Nothing that has been put forward by the applicant demonstrates 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 Man Wai Leung, 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 Leung has been encountered by police officers, and officers from City of York Licensing Authority in his capacity as the General Manager of The Regency Restaurant 16 Barbican Road York as follows:-

8th Sept 2017 – PC Samantha Bolland Police licensing officer and Helen Sefton Senior Licensing officer City of York Council attend the Regency Barbican Road. Mr Leung identified himself as the manager. During this visit six persons working at the premises were removed by Immigration officers as they were found to be in breach of the Immigration Act 1971. Officers also found breaches of the Premise Licence conditions, as follows:-

- No documented staff training records
- No notices asking patrons to leave quietly
- No noise management plan
- No access to CCTV recordings/retention.

6th September 2019 – Joint operation with Police, Immigration, Fire Service and City of York Licensing Department,

attend The Regency 16 Barbican Road. Helen Sefton, Senior Licensing officer City of York Council spoke with Mr Leung and identified breaches of the Premises Licence Conditions as follows:-

CCTV timings out

No documented staff training records

No notices asking patrons to be quiet and respect neighbours

No noise management plan

No incident/refusals book

The fire service issued a Prohibition Notice to prevent persons sleeping on Premises and Immigration officers removed three persons found to be working at the premises in breach of the Immigration Act 1971.

24th October 2019 – PC Kim Hollis Police Licensing officer and Nigel Woodhead Enforcement officer City of York Council attend the Regency Barbican Road and speak with Mr Leung.

Officers again found breaches of the Premise Licence Conditions as follows:-

No staff Training Records

No incident book Conditions

No notices asking patrons to be quiet and respect neighbours

CCTV not working

Due to non-compliance a Section 19 Notice was issued to Mr Leung. Appendix 1

2nd December 2020, PS Jackie Booth and PC Kim Hollis attend the Regency Barbican Road and speak with Mr Leung.

Again breaches were found in respect of the Premise Licence as follows:-

No documented staff training records, with the last training record being from 25/10/19.

A further Section 19 Closure Notice was issued to Mr Leung. Appendix 2.

Mr Leung states in his written documentation in support of this application that he has “a wealth of experience based on staff training, restaurant management, dealing with health and safety issue”.

From the above visits by responsible authorities Mr Leung who is currently the General manager of the Regency 16 Barbican Road (which has had its Premise Licence revoked following a hearing on 8th June 2020, due to Immigration Crime and breaches of the Premises Licence conditions on numerous occasions) the police would refute this statement, based on the above.

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

Signature: J Booth

Date: 18/12/20

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**



# **CLOSURE NOTICE MADE UNDER SECTION 19 OF THE CRIMINAL JUSTICE AND POLICE ACT 2001**

NO. **C4C-009221**

Date and time of the Closure Notice:

**24.10.19 - 12.50**

Person making the Notice:

**PC1671 KIM HOLLIS**

Signature: .....

Name (if applicable) and address of the affected premises:

**Regency  
16A BRISBAN ROAD  
YORK.**

Alleged unauthorised use of the premises:

- 1. No staff training records Cond 16, 17, 18, 19.**
- 2. No incident book Cond 20, 21, 22**
- 3. No notices - asking or expect local residents Cond 23.**
- 4. CCTV not working Cond 2-7.**

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:

**Staff returned + records kept - Today's.**  
**Incident book started Today's**  
**Notices placed on door asking persons to be quiet - Today's**  
**CCTV to be fully working - Today's**

The person (if applicable) on whom the closure notice has been served :

**Mark Leung (Kevin)**

Name: .....

Signature: .....



**CLOSURE NOTICE MADE  
UNDER SECTION 19 OF  
THE CRIMINAL JUSTICE  
AND POLICE ACT 2001**



NO. 1331  
05009221

Date and time of the Closure Notice:

21/2/20 16:58hrs

Person making the Notice:

1333 BOWILL

Signature: .....

Name (if applicable) and address of the affected premises:

THE CROWN  
16 BARBICAN ROAD  
YORK

Alleged unauthorised use of the premises:

No documented staff as  
per condition 17 of PL  
must be refreshed every  
6 months. Date of last  
staff training was 25/10/19

Steps which may be taken to end the alleged unauthorised  
use of the premises, or to prevent it from re-occurring:

Ensure that all members  
of staff working at premises  
receive refresher training  
as per condition 16 and  
17 of Police License

The person (if applicable) on whom the closure notice has  
been served :

(KEVIN)  
MAN WAI LEE NG

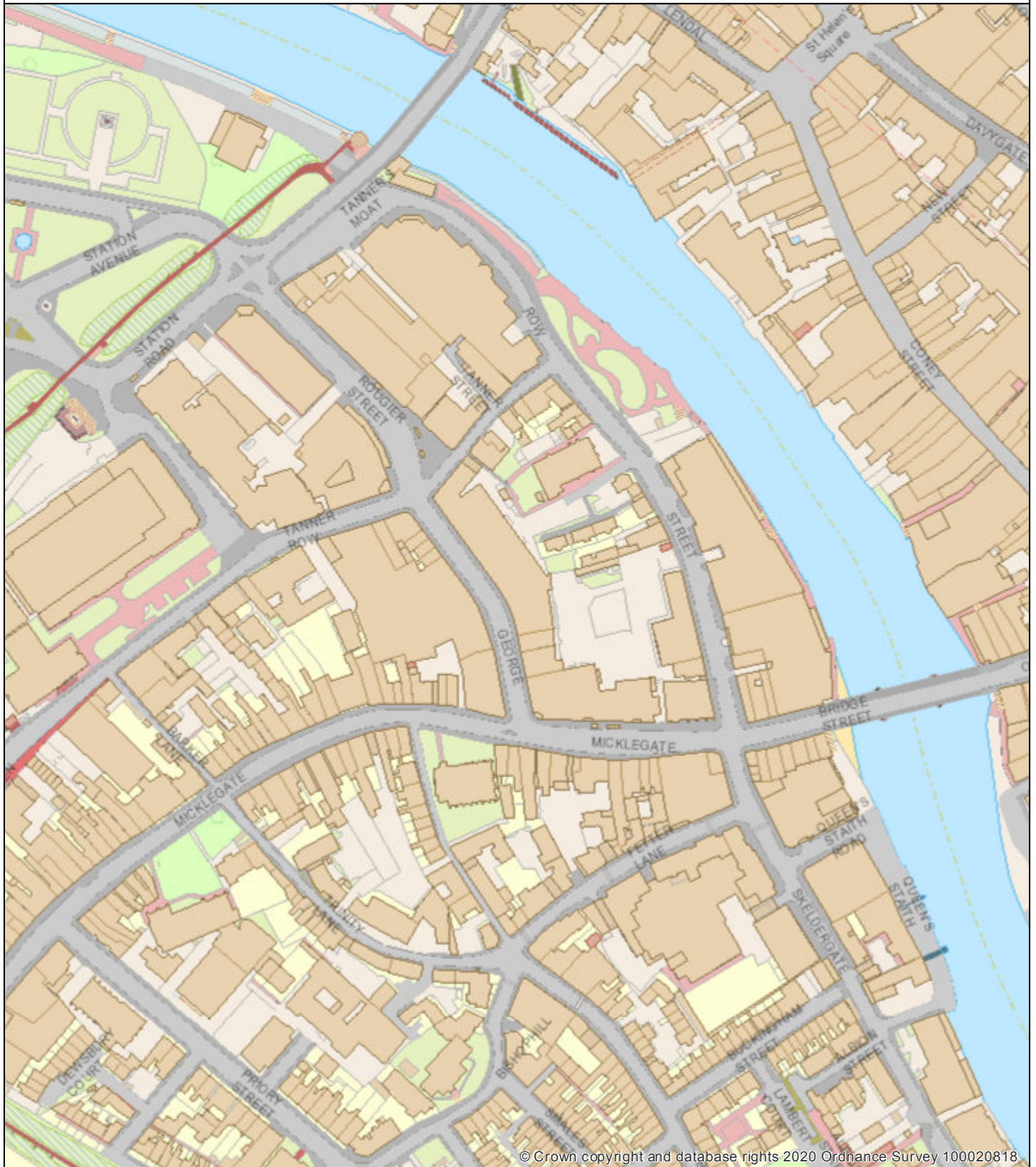
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# 12 George Hudson St



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**Date:** 23 Oct 2020  
**Author:** City of York Council  
**Scale:** 1:2,500



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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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**Licensing Hearing 25 January 2021**

**Additional papers submitted by the Representor (Police)**

1. Witness statement from PS133 Booth (Exempt)
2. Witness Statement from PC 1671 Hollis (Exempt)
3. Witness Statement from Immigration Officer Glyn Jones (Exempt)
4. Witness Statement from Helen Sefton, Senior Licensing Officer at City of York Council (including exhibits HLS-1 and HLS-2)

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r. 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF** Helen Louise SEFTON

**Age of witness (if over 18 , enter "over 18"):** Over 18

**This statement (consisting of 7 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.**

I am a Senior Licensing Officer employed by the City of York Council to administer and enforce a wide range of licensable activities. Part of my role is to inspect licensed and unlicensed premises. I also administer applications for new licences and reviews of existing licences.

On 8 September 2017 I was tasked to attend a multi-agency operation targeting two licensed premises within the district of York. At that time I held the position of Licensing Enforcement Officer. The operation was led by North Yorkshire Police, also in attendance were officers from the Home Office Immigration Enforcement Team. At 18:00 on 8 September 2017 I attended a briefing at Fulford Road Police Station in York where Inspector FREER outlined the plan for the evening and allocated roles and responsibilities to the Officers. I was to attend the address at 16 Barbican Road, York, YO10 5AA entering the premises under powers conferred under Section 179 of the Licensing Act 2003, once I had carried out my inspection at 16 Barbican Road I was then to attend a second premises.

Continuation statement of Helen Louise SEFTON

At 18:45 I entered the licensed premises known as REGENCY Restaurant at 16 Barbican Road, York, YO10 5AA. The restaurant was busy with customers and staff. I identified myself as a Licensing Enforcement Officer and spoke with the person who identified himself as the manager, he told me his name was Kevin LEUNG and he advised his actual name was MAN WEI LEUNG but preferred to be called Kevin. LEUNG advised he had been the manager at the premises for 2 years. I proceeded to speak to LEUNG about the various permissions and conditions contained within the premises licence, issued in accordance with the Licensing Act 2003. At this time other Officers from North Yorkshire Police and the Home Office Immigration Team proceeded to search the premises and speak with other members of staff. I asked to see the CCTV system and LEUNG stated that only the business owner could operate the system as it required a passcode which he did not have access to.

LEUNG stated the restaurant did not stay open past midnight. He stated that staff were trained but it was not documented. I noted there were no notices displayed asking customers to leave the premises quietly and there was no documented noise management plan. I then carried out an inspection of the entire premises which included the ground floor bar area, waiting area, restaurant and kitchen. I also went upstairs to the first floor and noted several rooms set up with karaoke equipment, televisions/screens, bench seating and gambling equipment such as dice and dice shakers. The first floor had a locked room with a name plate stating 'Reception'. Once entry was gained to this room it contained alcoholic drinks, various items of stock, several packets of playing cards and the CCTV system. On

Continuation statement of Helen Louise SEFTON

the second floor of the premises there were more karaoke rooms and also bedrooms containing bunk beds and personal effects. Several more rooms on this floor were locked via external padlocks. I was informed by the Police Officer in charge that the Immigration Officers were in the process of detaining four members of staff as they potentially did not have the right to work in the UK. I left the premises at Barbican Road with Police and Immigration Officers still present and proceeded to the second premises.

In the summer of 2019 I was contacted by Inspector FREER of North Yorkshire Police, he told me of his intention to organise another multi agency visit to the REGENCY 16 Barbican Road in York, he wanted support from the Licensing Team.

At 16:30 on 6 September 2019 I attended a briefing at Fulford Road Police Station. In attendance were officers from North Yorkshire Police, HMRC, Home Office Immigration Enforcement, the Gangmasters and Labour Abuse Authority, North Yorkshire Fire Authority Officers, City of York Council Housing Enforcement Officers and several interpreters.

At 18:10 on 6 September 2019 I entered the premises known as REGENCY at 16 Barbican Road, York, YO10 5AA. I entered the premises under powers conferred by Section 179 of the Licensing Act 2003. Police and Immigration Officers were already in the premises as they had entered using powers granted under a warrant.

Continuation statement of Helen Louise SEFTON

I spoke with the manager of the premises Kevin LEUNG, real name MAN WEI LEUNG. LEUNG showed me his personal licence with Number 051706 issued by Manchester City Council and showing his address as 20 Kennedy Close, Dewsbury, WF12 7EL. LEUNG advised however this address needed to be changed to 12 Brookhill Drive, Leeds, LS17 8QG. I advised LEUNG to contact Manchester City Council to amend his licence ASAP as failure to advise his Licensing Authority of this change of circumstances was an offence under the Licensing Act 2003. I reminded LEUNG that we had met 2 years earlier, he advised me he had left his job at the premises shortly after September 2017 but had recently returned. I sat in the waiting area of the restaurant with LEUNG and went through the conditions on the premises licence whilst the Officers from the other agencies carried out the inspections and interviews with staff. LEUNG stated he was not the DPS at the premises that was ZHONG LE CHEN. He stated CHEN was not often at the premises but was in regular contact with LEUNG and did call LEUNG when he needed to. Whilst going through the conditions on the premises licence several breaches were identified as follows; (*the corresponding condition appears in brackets*)

a, The CCTV system was running 36 minutes behind (7). LEUNG had no idea how many days the CCTV recordings were kept (5).

b, Staff were trained verbally but this training was not documented (16, 18 and 19).

c, There was no refusals register or incident report register (20, 21, and 22). There were no notices asking customers to leave quietly (23).

Continuation statement of Helen Louise SEFTON

d, There was no evidence of a noise management plan on site nor was there evidence of one being submitted to the Licensing Authority (35). I exhibit a copy of Part A of the premises licence including the conditions as Exhibit HLS/1.

After speaking with LEUNG I undertook a full inspection of the premises. On the first floor I noted a strong smell of cigarette smoke in both the karaoke rooms and evidence of cigarette smoking (smell and used cigarettes and ash) in the Gentleman's toilet. There were also sets of dice and dice shakers in each karaoke room. On the second floor there was evidence of persons sleeping in some of the karaoke rooms this included bedding (duvets, pillows etc.), personal effects such as clothing, shoes, toothbrushes and luggage. Some rooms on the second floor were in the process of being renovated/decorated. Whilst I was in one of the karaoke rooms a young white male with an Eastern European accent came into the room, he said he'd come to get his passport. When asked where he was sleeping he stated it was in this karaoke room. I met with Kevin CAULFIELD from North Yorkshire Fire and Rescue Service who informed me that due to a defect on the fire alarm system he would be issuing a prohibition notice which would prohibit any persons sleeping on the premises. Kevin CAULFIELD had asked the manager LEUNG to operate the fire alarm system but LEUNG had been unable to operate the alarm properly. The Police Officer in charge informed me that several members of staff had been detained and four persons had been detained for potential immigration offences.

Continuation statement of Helen Louise SEFTON

After the inspection I reported my findings on the night to colleagues in the Council Gambling Commission, I also contacted Manchester City Council's Licensing Team regarding LEUNG'S Personal Licence details.

Following on from this visit on 7 February 2020 a review application was made in connection with the premises licence at REGENCY restaurant 16 Barbican Road by the Public Protection team from City of York Council. I was a witness for the Public Protection team at the Hearing and provided a statement of my findings during the two visits in 2017 and 2019. On 8 June 2020 at a City of York Council Licensing Sub-Committee meeting the premises licence for the REGENCY at 16 Barbican Road was revoked. The Premises Licence Holder subsequently lodged an appeal to this decision and so the premises remained able to operate as a licensed premises pending the outcome of that appeal.

On 25 November 2020 an application was received for the grant of a new Premises Licence at 12 George Hudson Street, York YO1 6LP. The applicant was MAN WEI LEUNG of 12 Brookhill Drive, Leeds, LS17 8QG. Mr LEUNG was also named on the application as the proposed Designated Premises Supervisor (DPS) and gave details of his Personal Licence, issued by Manchester City Council with the number 51706. He stated his date of birth was 21 May 1963.

On 8 December 2020 the appeal against the revocation of the licence was dismissed by York Magistrate's Court. On 10 December 2020 a letter outlining the revocation of the licence was hand delivered to the REGENCY restaurant, 16

Continuation statement of Helen Louise SEFTON

Barbican Road by Kerrie SHIELDS, Licensing Enforcement Officer on my instruction. The letter was received by MAN WEI LEUNG. A copy of that letter is exhibited as HLS/2.

**Signed:** .....*HL Sefton*..... (witness)

**Date:** .....11/01/2021.....

(To be completed if applicable: .....  
being unable to read the above statement, I .....  
of .....  
read it to him/her before he/she signed it.

**Signed:** ..... **Date:** .....

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**HLS/1****LICENSING ACT 2003****PREMISES LICENCE****Schedule 12****Part A****Part 1 Premises details**

Premises licence number CYC - 009221
---

Postal address of premises:

**16 Barbican Road**

Post town: York

Post code: **YO10 5AA**

Telephone number: 01904 623134

**Expiry date:** This licence has no expiry date.**Licensable activities authorised by the licence:**

Live Music  
Recorded Music  
Performances of Dance  
Activities like music/dance  
Late Night Refreshment  
Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:****LIVE MUSIC**

Indoors

Monday  
10:00 - 03:30

Tuesday  
10:00 - 03:30

Wednesday  
10:00 - 03:30

Thursday  
10:00 - 03:30

Friday  
10:00 - 03:30

Saturday  
10:00 - 03:30

Sunday  
10:00 - 03:30

# RECORDED MUSIC

Indoors

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

# PERFORMANCES OF DANCE

Indoors

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

# ACTIVITIES LIKE MUSIC/DANCE

Indoors

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

# LATE NIGHT REFRESHMENT

Indoors

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

# SUPPLY OF ALCOHOL

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

Non Standard Timings for Live Music, Recorded Music, Performances of Dance, Activities like Music/Dance, Late Night Refreshment and Supply of Alcohol:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day that British Summertime commences.

**The Opening Hours of the Premises**

Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 10:00 - 04:00
Friday 10:00 - 04:00	Saturday 10:00 - 04:00	Sunday 10:00 - 04:00	

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day that British Summertime commences.

**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 premise licence:**

Name: Mr Zhongle Chen

Address: 16 Barbican Road  
York  
YO10 5AA

Telephone number: None

Email address: None

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

Name: Mr Zhongle Chen

Address: [REDACTED]  
[REDACTED]  
[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:**

Selby District Council  
LN/000006043

## **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.

## **Annex 2 – Conditions consistent with the operating schedule**

### **Licensing Objectives**

#### Prevention of Crime & Disorder

1. CCTV recordings will include, as a minimum, a head and shoulders image of each individual who enters the premises through the main entrance.

#### Protection of Children from Harm

2. There shall be a "Challenge 21" policy in operation at the premises requiring any individual who appears to be under the age of 21 to produce identification to prove that they are over the age of 18, the sale of alcohol being refused where they are unable to do so.
3. The following forms of identification are acceptable: photocard driving licence, valid passport, PASS accredited 'Proof of Age Card', any other form of identification previously agreed with representatives of North Yorkshire Police licensing Unit.

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

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 24:00hrs 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 24:00hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 24:00hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).
11. After 24:00hrs 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 24:00hrs 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 that 30 persons on the first floor and no more that 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. 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.

**Annex 4 – Approved Plan - Plan Number BR.(16)/01**

For and on behalf of  
The Director of Communities  
& Neighbourhoods

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Date: 28/09/2005  
25/06/2015 (Transfer and DPS Variation)

Phone: 01904 552512  
Fax: 01904 551590  
Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)

Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)





## PREMISES LICENCE SUMMARY

### Part B

#### Part 1 Premises details

Premises licence number  
CYC - 009221

Postal address of premises:

**16 Barbican Road**

Post town: **York**

Post code: **YO10 5AA**

Telephone number: 01904 623134

#### Where the licence is time limited the date:

This licence has no expiry date.

#### Licensable activities authorised by the licence:

Live Music  
Recorded Music  
Performances of Dance  
Activities like music/dance  
Late Night Refreshment  
Supply of Alcohol

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

LIVE MUSIC

Indoors

Monday  
10:00 - 03:30

Tuesday  
10:00 - 03:30

Wednesday  
10:00 - 03:30

Thursday  
10:00 - 03:30

Friday  
10:00 - 03:30

Saturday  
10:00 - 03:30

Sunday  
10:00 - 03:30

RECORDED MUSIC

Indoors

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

PERFORMANCES OF DANCE

Indoors

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

ACTIVITIES LIKE MUSIC/DANCE

Indoors

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

LATE NIGHT REFRESHMENT

Indoors

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

SUPPLY OF ALCOHOL

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

Non Standard Timings for Live Music, Recorded Music, Performances of Dance, Activities like Music/Dance, Late Night Refreshment and Supply of Alcohol:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day that British Summertime commences.

**The Opening Hours of the Premises**

Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 10:00 - 04:00
Friday 10:00 - 04:00	Saturday 10:00 - 04:00	Sunday 10:00 - 04:00	

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day that British Summertime commences.

**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 premise licence:**

Name: Mr Zhongle Chen

Address: 16 Barbican Road  
York  
YO10 5AA

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

Mr Zhongle Chen

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

There shall be a "Challenge 21" policy in operation at the premises requiring any individual who appears to be under the age of 21 to produce identification to prove that they are over the age of 18, the sale of alcohol being refused where they are unable to do so.

The following forms of identification are acceptable: photocard driving licence, valid passport, PASS accredited 'Proof of Age Card', any other form of identification previously agreed with representatives of North Yorkshire Police licensing Unit.

For and on behalf of  
The Director of Communities  
& Neighbourhoods

Licensing Services  
Hazel Court Eco Depot  
James Street  
York  
YO10 3DS

Date: 28/09/2005  
25/06/2015 (Transfer and DPS Variation)

Phone: 01904 552512  
Fax: 01904 551590

Email: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



## Economy and Place

Eco Depot  
Hazel Court  
York  
YO10 3DS  
Tel: 01904 551550  
Fax: 01904 553239

Mr Zhong Le Chen  
16 Barbican Road  
York  
YO10 5AA

Ask for: Helen Sefton  
Telephone: 01904 552422  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Our Ref: CYC 09221

10 December 2020

Dear Sir

### **LICENSING ACT 2003 REVOCATION OF PREMISES LICENCE REGENCY, 16 BARBICAN ROAD YORK**

I write in connection with the premises licence for the above address, that was revoked by the Licensing Authority on 8 June 2020 following the review of the licence. As your appeal against the decision to revoke the premises licence was dismissed by the Court on 8 December 2020 the premises licence is now revoked.

As the licence has been revoked all licensable activities **must cease immediately** at the premises. Should you be found to be providing licensable activities without the appropriate licence the authority will investigate and prosecute where appropriate. The penalty for operating without a licence carries an unlimited fine and/or up to six months imprisonment.

For clarity licensable activity consists of the sale by retail of alcohol either on or off the premises (including home delivery), the provision of hot food and/or drink after 2300 and before 0500, and the provision of regulated entertainment.

Should you have any questions or require clarification on any points please do not hesitate to contact me.

Yours faithfully

Helen Sefton  
Senior Licensing Officer

Copy to: North Yorkshire Police, Licensing Team

Director: Neil  
Ferris

[www.york.gov.uk](http://www.york.gov.uk)

Public Protection

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