

## Licensing/Gambling Hearing

**To:** Councillors Cuthbertson, Galvin and Looker

**Date:** Thursday, 17 November 2022

**Time:** 10.00 am

**Venue:** Remote Hearing

### AGENDA

#### 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 disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

#### 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 and sign the minutes of the Licensing Hearings held on 17 October 2022 and 27 October 2022.

**6. The Determination of Section 52(2) Application by North Yorkshire Police for Review of a Premises Licence in respect of Sky Blue, 16 Barbican Road, York YO10 5AA (CYC-168154)**

**7.**

**Democratic Services officer:**

**Name: Fiona Young**

**Contact Details:**

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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**

City of York Council

Committee Minutes

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Meeting	Licensing/Gambling Hearing
Date	17 October 2022
Present	Councillors Cuthbertson, Galvin and Mason

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**25. Chair**

Resolved: That Cllr Mason be elected to chair the hearing.

**26. Introductions**

The Chair introduced the Sub-Committee Members, the Legal Adviser, the Legal Assistant shadowing the Legal Adviser, and the Democratic Services officer. The Licensing Manager and the Police Representor introduced themselves; the Applicant's solicitor introduced himself and Jamie Hawksworth, from T'Bridge Café Ltd.

**27. Declarations of Interest**

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

**28. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting 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.

**29. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 25 August 2022 be approved as a correct record, to be signed by the Chair at a later date.

**30. The Determination of a Section 18(3) (a) Application by T'Bridge Cafe Ltd. for a premises licence in respect of Fawkes & The Tiger, 32 Stonegate, York, YO1 8AS**

Members considered an application by T'Bridge Café Ltd. for a premises licence in respect of Fawkes & The Tiger, 32 Stonegate, York YO1 8AS.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to this Hearing:

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance
3. The Protection of Children from Harm

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, noting that the premises were located in the cumulative impact assessment area (CIA) but not in the red or amber zone, and confirming that the Applicant had carried out the consultation process correctly. She highlighted an error in paragraph 5 of the report, stating that this should refer to the supply of alcohol 'on *and off* the premises'. She drew attention to the representations received from North Yorkshire Police, including the additional papers published in the Agenda Supplement, and to the further additional information circulated by the police and the Applicant [*since published in Agenda Supplement 2*]. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to a question from the Chair of the Sub-Committee, the Licensing Manager confirmed that there was a legal requirement for venues to operate an age challenge policy, but not specifically the Challenge 25 policy. This was acknowledged by the police representative, PC Hollis.

4. The representations made by Piers Warne, solicitor, representing the Applicant.

Mr Warne referred to his submission document, which had been circulated to all parties [*since published in Agenda Supplement 2*]. He noted the Licensing Manager's confirmation that the premises were not located in the Red or Amber zones of the CIA. He confirmed that the application was for the supply of alcohol and late night refreshments for the hours stated, subject to the 27 conditions offered in the operating schedule. The Applicant had worked with the police to try to reach agreement on the conditions, and had offered a variation to Condition 2 (page 43 of the agenda papers), requiring substantial food to be available from 12 noon to 9.00 pm instead of '*up to 3 hours before the end of permitted hours*', as it was felt this would work better to maximise the efficiency of the kitchen.

Mr Warne went on to state that the Applicant already operated four premises in York, including two with a substantial food offer, and therefore expected a huge rise in costs, due to the rising price of energy, food etc. As set out in the submission document, restaurant closures to May 2022 were up 64% on the previous year. This dramatic rise was a result of the effects of Covid and then the ceasing of grants and support post-Covid. The Applicant was an exemplary operator, who was prepared to invest £700k in the business, offering 15 full time and 6 part time jobs. There were no issues of crime or disorder at any of his other operations in York, which included Pivni, the Market Tap, the Pavement Vaults and York Tap, and a Challenge 21 policy operated successfully at all of them. There was no need for Challenge 25 at the new premises, although it was PC Hollis' preference. The conditions offered by the Applicant included minimum seating for 210 people; the maximum capacity of the premises was 250, which indicated that it would be a

mainly seated venue. It was a 'grown-up' offer, like the Market Cat, with quite expensive craft beer and substantial food.

Regarding the conditions requested by the police, Mr Warne stated that the Applicant and Police had been close to agreement, but the Applicant felt that the police proposals went too far and didn't take into account the operation of the kitchen or the implications of the premises being outside the red and amber zones of the CIA. A graded approach should be taken. In the Brewdog case quoted in the submission document, the judge found no reason to suspect that increased footfall would undermine the licensing objectives. The Applicant was offering a 'hybrid' between a restaurant, which had no flexibility as to food service times, and a pub, which had maximum flexibility. The benefit of this approach was that customers were more likely to turn up to eat, then leave to go home rather than go on to drink elsewhere, leading to an overall reduction in the cumulative impact.

In conclusion, Mr Warne asked the panel to consider whether to accept the variation offered by the Applicant to Condition 2.

In response to questions from Members of the Sub-Committee:

- Mr Hawksworth confirmed that he was familiar with the demographic of his customers after 15 years trading in York; that their age range was 23+, with no students or stag / hen parties; that no drinks promotions were offered and prices were not cheap – the aim was quality rather than volume; and that he did not want to serve diners after 9pm who may have been drinking, so his chefs and kitchen staff would be idle from 9pm if required to stay on after that time.
- Mr Hawksworth agreed that 9pm could be last orders for food rather than closing time for the kitchen, depending on demand.
- Mr Warne stated that conditions restricting the use of parts of the premises to certain times would be difficult to enforce.

At this point, the Legal Adviser to the sub-committee queried the indication in the submission document that

paragraph 9.15 of the special policy related only to the red and amber zones of the CIA. In response, Mr Warne stated that, even if he had misunderstood the wording, the points made in his submission still stood.

5. The representations made by PC Kim Hollis, on behalf of North Yorkshire Police, in writing and at the hearing.

PC Hollis referred to the additional information in the Agenda Supplements showing her communication with the Applicant's solicitor, and to the police representations at Annex 5 to the Licensing Manager's report. She highlighted the paragraphs in the council's statement of licensing policy that related to the CIA, noting that this area had been identified because evidence showed that the cumulative impact of licensed premises in this area adversely affected the promotion of the licensing objectives (paragraph 9.11) and that applications in the CIA may be considered more favourably if they were predominantly food-led (paragraph 9.15). The Police had reviewed this application to add another licensed premises to the CIA, and now looked to agree minor and carefully considered changes to the conditions.

PC Hollis went on to say that the conditions offered by the Applicant were welcome, but the changes proposed by the police were proportionate and relevant and would ensure that the premises operated as a food-led establishment. She pointed out that, should the application be granted, the conditions attached to it would endure beyond any shift in economic circumstances. The policy had been applied due to the density of venues in the area and was particularly relevant in this case, where a former retail premises was being converted. The police had not asked for a condition that alcohol be served only ancillary to a meal, but just for 2 minor amendments to ensure that the premises did not add to the cumulative impact. These amendments would still allow 2.5 hours for the service of drinks to customers.

With regard to the age challenge policy, PC Hollis explained that the police considered Challenge 25 to be more robust, and she believed it would offer stronger protection because the premises sat within the CIA. If the customer base was older, it should not be a problem. It

was considered best practice and was always welcomed by responsible operators. Regarding the Applicant's proposed amendment to Condition 2, she noted that this would actually reduce the time when food was available.

In conclusion, PC Hollis stated that, under paragraphs 9.5 and 9.10 of the policy, applications in the CIA were normally refused and the onus was on the Applicant to demonstrate how their proposal would not add to the cumulative impact. She referred the panel to her written submissions and the fact that the only change offered by the Applicant would reduce the time when food was available. She further stated that she did not look to object outright to the application nor to ask for unreasonable conditions.

In response to questions from Members of the Sub-Committee, PC Hollis confirmed that:

- the classification of the red and amber zones of the CIA related to the number of incidents in these zones, and it was not known how the application, if granted would add to these;
- it was not the role of the police to take into account the financial consequences of any conditions added to the licence;
- although Challenge 21 had previously been considered acceptable, the police now looked to be more robust due to the younger demographic in the city centre, and in her opinion Challenge 25 was a more appropriate policy in this case as it left less room for error;
- although the policy stated that alcohol should only be served ancillary to food in the CIA, she was aware of the challenges to operators and considered that her suggested minor changes would ensure that the operation was predominantly food-led, thus offering a good compromise.

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

PC Hollis summed up, re-iterating that she was not looking to object outright to the application nor to impose overly onerous conditions. She asked the sub-committee to appreciate that, without the suggested police

conditions, the operation would not be robust enough within the CIA policy area. Anyone could enter licensed premises, and failure to impose adequate conditions would make things difficult.

Mr Warne summed up, stating that the government could have made either Challenge 21 or Challenge 25 mandatory but had not done so; therefore it was up to the operator to decide. Challenge 21 worked across the board at the Applicant's premises, as there were no issues with young customers in these premises. The Applicant had 15 years' experience and an impeccable track record. It was about how best to operate in difficult circumstances, and the panel had a wider focus than the police. Times were changing rapidly, which was why the council had changed its policy – under the previous policy the premises would have been in the red zone.

Turning to the conditions, he stated that from the police point of view, their proposed changes were minor, but there was no point in staff hanging around when people were not going to eat, and this would increase the costs of the kitchen. A minimum 'last orders' of 9pm for food would work better. If the panel were not prepared to grant that, it was requested that this condition revert to 3 hours before closing time.

Finally, Mr Warne submitted that the city wanted thriving businesses, not empty premises. These premises had been empty for 2.5 years. The Applicant was an exceptional operator, the premises were outside the red and amber zones, and granting the application would bring the building back into use as a modern, food-led business, offering 21 jobs. Kitchen costs were high and every hour counted – evidence could be seen from how other premises operated within the CIA.

The Sub-Committee sought clarification from the parties on their proposed hours for the availability of food, and on the reality of food service in terms of the operating model, to which.

- PC Hollis responded that the police wanted food to be available until 10 pm.
- Mr Warne responded that the Applicant had asked for a period of 3 hours at the end of the operating

period when food would not be available, and had then offered set times for the service of food, with minimum last orders at 9pm.

- Mr Hawksworth responded that he wanted the ability to do business when it was available, as this changed all the time, and the kitchen team were already in by 10 am to prepare for food service from 12 noon – on most days, he probably wouldn't open the doors until 11 am.
- PC Hollis pointed out that, if the licence was granted from 8 am, the Applicant would be able to serve alcohol from 8 am.
- Mr Warne said that weight should be given to the Applicant's track record and knowledge of his clientele.

The Legal Adviser to the sub-committee sought clarification on the exact wording of the proposed alternative conditions sought by the parties, to which:

- PC Hollis referred to page 65 of the agenda papers;
- Mr Warne referred to his email dated 10 October 2022 [*at page 5 of the now-published Agenda Supplement 2*].

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. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly. This option was **rejected**.

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.

Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted with modified/additional conditions imposed by the sub-committee, as set out below:

Activity	Timings
Supply of alcohol on and off the premises	08:00 to 00:00 every day
Late night refreshment - indoors	23:00 to 00:00 every day
Opening hours	08:00 to 00:30 every day
Non-standard timings	New Year's Eve until the start of trade the following day

The additional/modified conditions are as follows:

1. As a minimum, in all parts of the premises where alcohol is sold or supplied for consumption on the premises substantial food and non-intoxicating beverages including water shall be available to order between midday and 9pm. For the avoidance of doubt, a substantial food menu shall be available to order between these hours each day.
2. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

All conditions offered in the operating schedule shall be included in the licence, unless contradictory to the above conditions. The licence is also subject to the mandatory conditions applicable to licensed premises.

- Reasons:
1. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
  2. The Sub-Committee was satisfied that the Cumulative Impact Area policy applied and that the application for a new premises licence was likely to add to the existing cumulative impact within the Cumulative Impact area unless the Applicant could rebut the presumption of non-grant and show that its application would not add to the cumulative impact already experienced.
  3. It noted that that the premises being in the CIA did not act as an absolute prohibition on granting 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 the operation of the premises, if licensed, would not add to the cumulative impact already being experienced in the CIA, with regard to the licensing objectives.
  4. The Sub-Committee noted the Police representation that they do not object to the application if the two conditions proposed by the Police are attached to the licence, the Police being content that the premises could with the imposition of the two conditions proposed by the Police operate without adding to the cumulative impact.
  5. The Sub-Committee accepted the assurances put forward at the hearing by the Applicant that the venue would attract customers aged 23 plus, that it would be a mainly seated venue selling expensive craft beer and that substantial food orders would be taken until at least 9pm. It also noted the Applicant's other examples of its premises that have operated in the City without concern.
  6. The Sub-Committee considered that, on balance, it had received sufficient assurances from the Applicant in order to have a high level of

confidence that the premises would be operated responsibly. Whilst the imposition of the additional conditions set out above did not fully resolve the Police objections, it was unlikely that with these additional conditions any significant additional cumulative impact would be caused. Therefore the proposal was sufficient to rebut the presumption of refusal as set out in the CIA policy.

7. The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate in the circumstances to promote the licensing objectives.

Cllr A Mason, Chair

[The meeting started at 2.35 pm and finished at 4.12 pm].

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Meeting	Licensing/Gambling Hearing
Date	27 October 2022
Present	Councillors Cuthbertson, Looker and Mason

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**31. Chair**

Resolved: That Cllr Looker be elected to chair the hearing.

**32. Introductions**

The Chair introduced the Sub-Committee Members, the Legal Adviser, the Democratic Services officer and the Licensing Manager. The Applicant's Barrister introduced himself and Ben Williams, from Ebor Holdings Ltd, and the Representors introduced themselves.

**33. Declarations of Interest**

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. No interests were declared.

**34. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting 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.

**35. The Determination of a Section 18 (3) (a) Application by Ebor Holdings Ltd. for a Premises Licence in respect of The Liquor Store, Lower Ground Floor, The Chocolate Works, Bishopthorpe Road, York, YO23 1DE (CYC-071326)**

Members considered an application by Ebor Holdings Ltd. for a Premises Licence in respect of The Liquor Store, Lower Ground

Floor, The Chocolate Works, Bishopthorpe Road, York, YO23 1DE.

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, noting that the premises were not located in the cumulative impact area and confirming that the Applicant had carried out the consultation process correctly. She corrected two errors in the table at paragraph 5 of the report; the section on the supply of alcohol should read '*on and off the premises*' and the section on opening hours should also make reference to New Year's Eve. She drew attention to the additional conditions agreed with North Yorkshire Police at Annex 3, the representations at Annex 4, and the additional information from Representors published in the Agenda Supplement. Finally, she advised the Sub Committee of the options open to them in determining the application.

In response to questions from the Applicant's Barrister, the Representors and the Legal Adviser to the Sub-Committee, seeking clarification on the hours for off-sales, the Licensing Manager confirmed that:

- The initial application was for both on and off sales between the hours of 09:00 and 23:00 (09:00 and 01:00 on Fridays and Saturdays).

- After negotiation with Responsible Authorities, the Applicant had agreed to a modification restricting the supply of alcohol to off-sales only between 09 00 and 11:00 each day.
4. The representations made by Leo Charalambides, Barrister, on behalf of the Applicant.

Mr Charalambides stated that the premises had, as a matter of planning, always been envisaged as a hotel or bar. Paragraphs 14.64 and 14.65 of the Section 182 Licensing Act guidance sought to maintain proper integration between planning and licensing schemes, so it would be inconsistent to refuse the application. The Applicant was very local and recognised the location of the premises; hence the description of the operation, on page 18 of the agenda papers, as *'a café / deli / wine bar / restaurant...mainly for local residents'*. As stated in section M of the application, on page 27, the premises were not in town and not on an established 'route'. The application was rooted in being part of the local community, geared towards the neighbours of the premises, and the Applicant would not want to do anything to put off expected patrons. The application was in line with paragraph 1.4 of the council's licensing policy, which sought to improve the quality of life for local residents by bringing greater choice and encouraging more family-friendly premises, as this one would be. It was also in keeping with paragraph 6.4 of the policy, which encouraged the development of local businesses.

Referring to paragraph 9.12 of the Section 182 Licensing Act guidance, Mr Charalambides pointed out that there were no objections from responsible authorities, and that the Applicant had engaged with them and agreed to the additional conditions at page 39 of the papers. He also had emails that evidenced discussions between the Applicant and all the neighbours. In relation to the hours for off-sales, he confirmed that the intention was to enable sales to take place from 9:00 am to 11:00 pm, enabling customers to buy wine to take home, as would be expected in premises operating as a delicatessen / café. He stated that the operator, Ben Williams, was local and had previously run the Rose and Crown in Sutton on the Forest, which he had turned into a food-led, award-

winning business; he had also worked in-house as a brewery adviser, and at premises in Walthamstow with a similar concept to the current application. After meeting his fiancée and moving back to York, he was looking to run a food-led, community-based business that would operate to 'standard' hours to suit a family lifestyle.

Mr Charalambides stated that the Representors' objections must amount to something substantial in order to show that the operation would have adverse effects, rather than just fears that this would happen. He pointed out that the application had supporters as well as detractors and that the decision must be made in the wider public interest. He drew attention to the representations in support of the application made on behalf of residents of the care home, at pages 71 and 73 of the papers, and noted the need to comply with the public sector equality duty and avoid age discrimination. He said that the tenor of the representations [in objection] was that they were being made by well-meaning residents who were not expert in the licensing field. Representations must be relevant to the licensing objectives and not personal to the objector.

In conclusion, he highlighted the Applicant's experience and engagement with the local community, and asked the sub-committee to grant the application as it stood and to deal with the matter of the off-sales hours as they saw fit.

In response to questions from the Representors:

- Mr Williams confirmed, in relation to his correspondence with Public Health, that he had agreed that the hours for off-sales would be 9:00 am to 11:00 pm, and the hours for on-sales would be 11:00 am to 11:00 pm.
- Mr Charalambides and Mr Williams both confirmed that their understanding was that the planning consent required the *outdoor* area to be closed by 9pm.
- Mr Charalambides stated that the operation was clearly 'food-led', which was a term denoting that it was not a vertical drinking establishment; in support of this he referred to the size of the kitchen as shown on the plan, the description of the premises

given on the application form, and the conditions agreed with the police.

- In terms of the police withdrawing their objections, Mr Charalambides referred to the case of Daniel Thwaites and confirmed that the police did not base their decisions simply on whether or not there was a history of anti-social behaviour at the site but were able to take a wider view by assessing the operating schedule and meeting with the Applicant.

In response to questions from Members of the Sub-Committee:

- Mr Charalambides said that he saw the premises operating flexibly, similar to Carluccios, with customers coming in for breakfast and lunch and for evening meals, when there would be a greater focus on pizzas, as well as buying charcuterie etc. to take away.
- Mr Williams confirmed that part of the premises would be earmarked as space for a delicatessen, with an upmarket shopping environment on the restaurant side and moveable furniture to make the space flexible.
- Mr Williams confirmed that substantial food would be on offer continually, but there would be a natural end to food orders as kitchens had to be closed down and therefore food trade could not continue to the very end.
- Mr Charalambides confirmed that hot food service would end before 11 pm.

*[The Legal Adviser reminded Members at this point that the applicant had agreed the police conditions at page 39 of the papers, which included a requirement for substantial food to be available at all times the premises were trading, and the police had withdrawn their objections on that basis.]*

- Mr Charalambides clarified that the hours of operation applied for were:

Off-sales:

9:00 am – 11 pm Sunday to Thursday;

9:00 am – 12 midnight Friday & Saturday.

On-sales:

11:00 am – 11 pm Sunday to Thursday;

11:00 am – 12 midnight Friday & Saturday.

5. The representations made by Rosie Pressland, a local resident.

Ms Pressland stated that the Liquor Store was a lovely old building in the middle of a residential area. There were 400 households to the rear and 40 to the right, approximately 10m away, with a care home adjacent. The Clock Tower, with 22 apartments, was 10m to the left. 22m to the front was The Residence, with 166 apartments. So this was very much a residential area, with a mixed demographic. Noise was amplified by the nature of the tall buildings. Noise was not unusual, as work had been ongoing at the Chocolate Works Centre for 5 years, but the lack of sleep caused by the internal refurbishment of the premises had been the worst thing. Residents had had to ask Planning and Public Protection to enforce the permitted hours of work. This showed the effect of noise from the premises.

Ms Pressland went on to say that she applauded the idea of bringing the Liquor Store back to life – the first application had been for a coffee shop and people were delighted; then they were told it was for a restaurant closing at 9pm, which was good news. But this application had evolved into a wine bar with small plates, and that was not good news. On Bishopthorpe Road there were restaurants and a wine bar that closed between 9 and 9:30 pm. This application asked for a much later closing time, in a residential area. After drinking up and clearing up, the actual closure would be even later. People were unlikely to leave quietly – alcohol fuelled rowdiness and could lead to anti-social behaviour. She herself had already suffered sleep deprivation and she had friends who were very worried about the possibility of their young children being deprived of sleep, which could affect their learning. Residents could have people right outside their bedroom windows making a noise and disrupting their sleep patterns every day, for 7 days a week. She asked the Sub-Committee to consider a closing time of 9pm, so as not to disbenefit residents in terms of their health.

In response to questions from Members of the Sub-Committee, Ms Pressland clarified that her home was

located on the 4<sup>th</sup> floor of The Residence, which was directly in front of the premises, with Orange House to the right of the premises as you faced it. The Clock Tower was to the left of the premises, and the care home was adjacent to Orange House - between Orange House and Bishopthorpe Road. The Chocolate Works estate was immediately behind the premises.

6. The representations made by Norma Rees, a local resident.

Ms Rees supported the comments of Ms Pressland, who she said had expressed the concerns of many of those who had submitted representations. Her own personal concerns were about noise disturbance, anti-social behaviour and parking issues. She was very concerned that the Chocolate Works and The Residence would become established routes to the Liquor Store. Since the opening up of Clock Tower Way, there had been much more traffic going up there to the Co-op and the Racecourse, as well as people generally walking through the development. This was mostly during the day and therefore acceptable, but she would contest the Applicant's statement that the premises were not on an established route, and she questioned on what basis he had made that assumption, as it would become an issue with people leaving the premises late in the evening.

Ms Rees also queried the assumption that the premises would be for local use and said she had not been consulted about its use as a local function venue. Having studied the floor plan and read the papers, she was unclear on the number of table covers to be offered. Although the minimum was 50, on the plan she had counted 60 indoors and 28 outside. This suggested a large venue and, especially with the hours stated for food service, a lot of people exiting via Clock Tower Way and picking up their cars from The Residence. Any provision for an external smoking area would add further to the noise nuisance. Regarding parking, her concern was that the visitors' spaces would be abused by people driving to the premises. No designated parking spaces for the premises were marked on the plan; the papers quoted as many as 10 spaces and as few as 3, which seemed inadequate. What signage would there be to explain the

parking arrangements and to advise that the residential spaces were not for customers' use? Even customers walking to the premises would have an impact on local residents, due to the volume of people.

In response to questions from Members of the Sub-Committee:

- Mr Sirrell confirmed that the parking spaces for The Residence were at the front of the building; the Applicant had 3 of the 10 spaces allocated to the Liquor Store.
- Ms Rees confirmed that there were designated visitor spaces for the Clock Tower and Orange House.

*[The Legal Adviser reminded Members at this point that potential abuse of visitor parking arrangements, though referred to in the representations, were not within the remit of the Licensing Authority and therefore not relevant to the hearing.]*

7. The representations made by Iain Sirrell, a local resident.

Mr Sirrell stated that his three main concerns were about disturbance to residents of the Chocolate Works, potential anti-social behaviour, and the process of the application. He confirmed that most of the residents supported the original proposed use of the building as a coffee shop / delicatessen operating up to 8pm, on which they had been consulted. He pointed out that, apart from the care home, there was little support for the application in the representations; only 4 people supported it without amendment, and 4 of the supporters did not live at the Chocolate Works. 82 people objected, on the basis of disturbance to the community. Due to the design of the buildings, noise reverberated, and discussions on balconies could be heard from 50m away. As an example, the noise from an opening evening held at the dentist's on the level above his, which finished at 9pm, had been noticeable; he was aware of the party outside while watching TV.

Mr Sirrell went on to say that the responsible authorities could only base their reports on the history of anti-social behaviour at the site, and there was no such history. Placing a bar in the middle of the site risked initiating anti-

social behaviour, and would certainly create a nuisance. Although he realised this was intended to be an upmarket establishment, people affected by alcohol were normally loud. He said he had 30 years' experience of dealing with anti-social behaviour. He echoed the points made by many residents, supporting the idea of a licensed coffee shop that closed at a certain time and the concept of 'walking before trying to run'. Finally, he suggested that the planning application, approved only 6 months ago, should be re-visited to ensure proper integration with the licensing application, in accordance with Section 182 of the Act.

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

Ms Pressland summed up, reiterating that the premises were in a residential community comprising many hundreds of people. She would welcome a good, healthy use of the premises as originally proposed, with an 8pm or 9pm closing time. But if it went on until 11pm or 12 midnight, residents would be at risk of a life sentence of disrupted sleep, with health implications for them all, due to a commercial enterprise, and their needs must be taken into consideration.

Ms Rees summed up, stating that this was not about the alcohol licence per se, but about limiting the licence to make it appropriate and acceptable to the community. She was not sure how much local residents would use the premises, and there was no evidence to support the statement that it would be for local use. The Liquor Store was quite a large entertainment facility and she was not reassured that there would be no issues. Having heard the Applicant's description of the operation, she was dismayed that it would not serve as a traditional delicatessen. Her impression was that it would be more wine-led than food-led, which added to her concerns.

Mr Sirrell summed up, stating that there were only 4 letters of support for the application in the papers; beyond that, support was limited to an early evening closure. There was no history of anti-social behaviour or nuisance on the site – why invite it and risk the peace of the community? Alcohol knew no social bounds; people would be loud and

taxis would arrive. Everyone supported the idea of a coffee shop / delicatessen, and that should be explored first. The Applicant was likeable and experienced, but if the application were granted as it stood and the licence subsequently withdrawn, he would risk losing quite a lot of money.

Mr Charalambides summed up, stating that the representations heard from residents unfamiliar with the Licensing regime must be filtered through the lens of relevance. Traffic was not relevant. The Representors' focus on what they saw and understood was not helpful. They had failed to engage with the agreed police conditions 1 and 2 requiring the premises to trade predominantly as a restaurant / café / deli, with a minimum of 50 table covers. The hearing was not about popularity and the number of representations for and against the application, but about examining whether the operating schedule supported the licensing objectives. All the responsible authorities had agreed that the hours applied for were proportionate. Proper integration with the planning process encouraged joined-up thinking.

In conclusion, he said the job of the Sub-Committee was to consider the wider public interest, not a vocal minority, and he commended the application to them.

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. This option was **rejected**.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee. This option was **approved**.
- Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and

modify/add conditions accordingly. This option was **rejected**.

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was **rejected**.

Option 5: Reject the application. This option was **rejected**.

Resolved: That Option 2 be approved and the licence be granted with modified/additional conditions imposed by the sub-committee, as set out below:

Activity	Timings
Supply of alcohol on the premises	11:00 to 22:00 Sunday to Thursday 11:00 to 23:00 Friday & Saturday New Year's Eve until 01:00
Supply of alcohol off the premises	09:00 to 22:30 Sunday to Thursday 09:00 to 23:30 Friday & Saturday New Year's Eve until 01:00
Opening hours	09:00 to 22:30 Sun to Thurs 09:00 to 23:30 Friday & Saturday New Year's Eve until 01:00

The additional/modified conditions are as follows:

- The 20 (twenty) conditions agreed between the Applicant and North Yorkshire Police as set out in Annex 3 of the Agenda papers shall be added to the licence.

All conditions offered in the operating schedule shall be included in the licence, unless contradictory to the above conditions. The licence is also subject to the mandatory conditions applicable to licensed premises.

Reasons: (i) The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

(ii) The Sub-Committee considered very carefully the application and all the representations.

(iii) The Sub-Committee considered that the prevention of public nuisance and the prevention of crime and disorder licensing objectives were engaged by this application. The Sub-Committee disregarded objections that had been submitted that were not relevant to the licensing objectives, such as arguments that there was no need for a licensed premises for the hours requested or potential parking issues. These matters were not premises licence application considerations.

(iv) The Sub-Committee noted that the Police, who are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, did not consider that the licensing objective of the prevention of crime and disorder would be undermined if a number of agreed conditions are attached to a premises licence. The Sub-Committee considered the fact that the Police did not object to the application carried great weight and it was satisfied that, with the imposition of suitable conditions, the prevention of crime and disorder objective would not be undermined.

(v) With regard to the prevention of public nuisance, the Sub-Committee had regard to the advice in the Statutory Guidance that public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. The Guidance advises that it may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

(vi) The Sub-Committee noted that this was a new licence application and was very conscious of the premises' location in a quiet residential area in close proximity to local residences.

(vii) The Sub-Committee was reassured by the evidence given by the Applicant including details of

negotiation with the responsible authorities, (including conditions agreed with the Police), the level of experience generally and a willingness to engage with residents.

(viii) However, due to the close proximity to residences in this quiet location, the Sub-Committee considered that, when applying its common sense and judgment to the representations received and taking into account the nature of the premises, it was likely (and not mere speculation) that public nuisance would be caused to nearby residents by noise and disturbance from patrons when dispersing within the immediate area surrounding the premises late at night. It considered that this noise disturbance would materially reduce the living amenity and environment late at night of residents living in this immediate area. The Sub-Committee was satisfied that these impacts should be alleviated by reducing the terminal hours for the supply of alcohol and for closing time. (The Sub-Committee noted that the Applicant could not be held responsible for noise disturbance after customers had left the immediate area surrounding the premises).

(ix) The Sub-Committee considered on the basis of the evidence before it that, with the imposition of suitable conditions and reduction in the late night timings, the premises could operate without undermining the licensing objectives.

(x) Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was justified as being appropriate and proportionate for the promotion of the licensing objectives.

Cllr J Looker, Chair

[The meeting started at 10.02 am and finished at 11.50 am].

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<b>Meeting of Licensing Act 2003 Sub-Committee</b>	<b>17 November 2022</b>
Report from the Director for the Environment, Transport and Planning	

### **Section 52(2) Review of Premises Licence CYC/068154 for Sky Blue 16 Barbican Road, York, YO10 5AA**

#### **Summary**

1. This report seeks Members' determination of an application for a review of a premises licence which has been made under the Licensing Act 2003 in respect of Sky Blue, 16 Barbican Road, York YO10 5AA, premises licence number CYC/068154.
2. Name of applicant: PS Jackie Booth, Force Licensing Manager, North Yorkshire Police (NYP)
3. Summary of Review: The application to review the premises licence relates to the following licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
4. A copy of the application for review is attached at Annex 1, the grounds for the review are briefly summarised as follows:
  - a. History of the premises.
  - b. Incident at the premises on 22 January 2022 – report in relation to an allegation of spiking from a 16-year-old female.
  - c. Report in relation to an allegation of underage sales to a 16-year-old female on 22 January 2022.
  - d. Breach of mandatory premises licence conditions.

- e. Breach of conditions 1, 2, 3, 8, 12, 13, 17, 18, 23, 24 and 29, within Annex 2 of the premises licence.
- f. Management of the premises.
5. The premises licence was granted on 27 April 2021; a copy of the licence and plan is attached at Annex 2. The premises licence currently authorises the following:

<b>Licensable Activity</b>	<b>Current Days &amp; Hours</b>
Live music Recorded music Performance of dance Other entertainment (indoors)	10:00 to 3:30 Monday to Sunday
Late night refreshment (indoors)	23:00 to 03:30 Monday to Sunday
Supply of alcohol (on and off the premises)	10:00 to 03:30 Monday to Sunday
Opening Hours	10:00 to 04:00 Monday to Sunday

### **Consultation**

6. Consultation was carried out by the Applicants and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of a review by licensing authority. Copies of the application were served on all responsible authorities and the premises licence holder. Notice of the application was displayed in the vicinity of the premises, on the exterior noticeboard at the West Offices and on the Council's website.

7. No further representations were received.
8. A map showing the location of the premises is attached at Annex 3.

### **Other Relevant Information**

9. The premises has been licensed by City of York Council since 2005 however, as stated above, that licence was revoked following a review application in June 2020. A new licence was granted by the City of York Council in April 2021.

### **Options**

10. By virtue of S52(4) of the Act, the Sub-Committee may in making their decision take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
11. Option 1: To modify the conditions of the licence (ie to alter, omit or add any new condition).
12. Option 2: To exclude a licensable activity from the scope of the licence.
13. Option 3: To remove the Designated Premises Supervisor.
14. Option 4: To suspend the licence for a period not exceeding three months.
15. Option 5: To revoke the licence.

Where the Sub-Committee takes a step mentioned in Option 1 or Option 2, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Otherwise the modification of conditions or the exclusion of a licensable activity will be permanent.

In deciding which, if any, of these steps to take, the Sub-Committee should direct its mind to the cause or causes of the concerns which the application and representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and

proportionate response to address the causes of concern that instigated the review.

The Sub-Committee may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

### **Analysis**

16. The following could be the result of any decision made by this Sub-Committee:
17. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
18. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
19. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
20. Option 4: This decision could be appealed by the premises licence holder, the review applicant or any of the representors.
21. Option 5: This decision could be appealed by the premises licence holder.
22. The decision of the Sub-Committee will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.
23. Members are reminded that they may only use their discretion to take remedial action in relation to matters that are raised by this review and are relevant to the promotion of the licensing objectives.

### **Council Priorities**

24. The Licensing Act 2003 has 4 objectives; the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

25. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications for review the Council are supporting the 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

26.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – The decision made by this Sub Committee is subject to appeal rights to the Magistrates Court.
- **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

27. 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 which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
28. 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

29. Members determine the application.

Reason: To address the application for review received as required by the Licensing Act 2003.

## Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Lesley Cooke Licensing Manager Ext 1515	Director of Environment, Transport and Planning James Gilchrist		
	<b>Report Approved</b>	√	<b>Date</b> 09/08/2022

**Wards Affected: Fishergate Ward**

## Annexes

**Annex 1** - Copy of application for review of premises licence, plus appendices

**Annex 2** - Copy of premises licence, including layout plan

**Annex 3** - Map showing location of premises

**Annex 4** - Legislation and Policy Considerations

## Schedule 8

Regulation 16

**Application for a review of a premises licence or club premises certificate  
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 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 PS 133 Booth on behalf of the Chief Constable of North Yorkshire Police apply for the review of a premises licence under section 51/ apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b> Sky Blue 16 Barbican Road	
<b>Post town</b> York	<b>Post code (if Known)</b> YO10 5AA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Kheng Chooi Koay
--

<b>Number of premises licence or club premises certificate (if known)</b> CYC/68154
--

**Part 2 – Applicant details**

- I am Please tick ✓ yes
- 1 An interested party (please complete (A) or (B) below)
- a) A person living in the vicinity of the premises
- b) A body representing persons living in the vicinity of the premises
- c) A person involved in business in the vicinity of the premises
- d) A body representing persons involved in business in the vicinity of the premises
- 2) A responsible authority (please complete (C) below) **x**
- 3) A member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title <input type="checkbox"/>
Surname			First names	

(for example, Rev)

Please tick ✓ Yes

I am over 18 years old or over

Current address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name
Address
Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name PS133 Booth
Address North Yorkshire Police Licensing Department York Police Station Fulford Road York YO10 4BY
Telephone number (if any) 01609 643306
E-mail (optional) NYPLicensing@northyorkshire.pnn.police.uk

**This application to review relates to the following licensing objectives(s)**

Please tick one or more boxes ✓

- |    |                                      |          |
|----|--------------------------------------|----------|
| 1. | the prevention of crime and disorder | <b>X</b> |
| 2. | public safety                        | <b>X</b> |
| 3. | the prevention of public nuisance    | <b>X</b> |

4. the protection of children from harm

X

Please state the ground(s) for review (please read guidance note 1)

History for 16 Barbican Road York YO10 5AA.

29<sup>th</sup> April 2021 New Premises Licence issued to Mr Kheng Koay under the business name Sky Blue, CYC-68154 – **Appendix 1.**

Previously the Premises had operated under the business name “The Regency” with a different Premise licence CYC-09221, **Appendix 2.**

Whilst the Premises was operating as “The Regency”, it came to the attention of responsible authorities on two separate occasions in September 2017 and September 2019 which resulted in a multi-agency operation with officers from Police, Immigration, and the City of York Council.

On both occasions on 8<sup>th</sup> September 2017 and 6<sup>th</sup> September 2019 Immigration officers removed persons working at the premises who did not have the right to remain in this country. (During the subsequent review hearing on 08 June 2020 Immigration officer Glyn Jones confirmed that some of those removed had been deported and others granted bail. **Appendix 4).**

On both occasions officers from the City of York Licensing department noted that the DPS was not present and that some of the conditions on the Premise Licence were not being complied with.

On **8<sup>th</sup> September 2017**, PC Bolland an officer from North Yorkshire Police licensing department attended the Premises as part of the multi-agency operation. Upon entering the premise a male who provided his details as Man Wei Leung, (preferred to be called Kevin) stated he was the manager. PC Bolland and Helen Sefton from the City of York Enforcement Team went through the Premises licence with Mr Leung. Upon requesting to see the CCTV, he advised that only the business owner could access it. Officers were therefore unable to check if the CCTV equipment was operating in accordance with the following conditions:

- **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.**
- **It will be maintained, working, and recording at all times when the premises are open.**
- **The recordings should be of sufficient quality to be produced in court or other such hearing.**
- **Copies of the recordings will be kept available for any Responsible Authority for 28 days.**
- **Copies of the recordings will be made available to any responsible authority within 48hrs of request.**
- **Copies of the recordings will display the correct time and date of the recording.**

On **6<sup>th</sup> September 2019**, as part of the second multi-agency partnership operation, officers from North Yorkshire Police's Safeguarding team, Home Office Immigration officers, staff from the Gang masters and Labour abuse Authority and licensing enforcement officers from City of York Council, attended the Premises. Three persons working at the premises were removed by Immigration officers due to concerns around their right to work in the UK. The premises were open to the public and operating licensable activities. Helen Sefton Senior Licensing officer at City of York Council identified a number of breaches in respect of the Premises Licence authorisation. As a result of the breaches identified, a follow up visit was arranged with a police licensing officer.

On 24<sup>th</sup> October 2019, PC Kim Hollis, police licensing officer and Nigel Woodhead from City of York Licensing, re-attended the premises. Mr Leung was again present, and although he was not the Premise Licence Holder or Designated Premises Supervisor, he advised he was the duty manager. PC Hollis went through the Premise Licence Conditions with Leung and identified the following:-  
The CCTV equipment was not working having been removed by the Police on 6<sup>th</sup> September 2019 and none of the CCTV conditions referred to above were being adhered to.

No notices displayed at the exit/entrance, which was a breach of the following condition:-

- **Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.**

No incident book, could be produced upon request, which was a breach of the following condition:-

- **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.**
- **Both the above documents will be kept for at least 3 years.**
- **Both the above documents will be available for inspection upon request by any Responsible Authority.**

No staff training records were available. The Premise Licence states the following:-

- **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.**
- **Such training will be refreshed and documented every 6 months**
- **Such training records should be kept for at least 3 years.**
- **Such training records will be made available for inspection upon request by any Responsible Authority.**

Prior to leaving PC Hollis issued a Section 19 Closure Notice (Section 19 of the Criminal Justice and Police Act 2001) and informed Mr Leung that every alcoholic drink sold would be a prosecutable offence and that she would return in seven days to check compliance. **Appendix 3**

On 7<sup>th</sup> February 2020 City of York Licensing Authority instigated a review of the Premises Licence for "The Regency", and PS133 Booth provided a police representation in support of this review.

On 8<sup>th</sup> June 2020 a remote Licensing hearing was held in relation to the premises. The decision of the Licensing Sub-committee was to revoke the Premise Licence. **Appendix 4**

The PLH appealed the decision of the Licensing Sub-committee and whilst the outcome of the appeal was determined the premises was able to continue to operate under the Premise Licence authorisation.

On 2<sup>nd</sup> December 2020, PS Jackie Booth and PC Kim Hollis attend the Regency Barbican Road. Present and in charge at the time was 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 5**

On 10<sup>th</sup> December 2020 North Yorkshire Police received information that the appeal in respect of the revocation of the Premises Licence had been dismissed and as such the Premises no longer had authorisation to supply any Licensable activities. **Appendix 6**

10<sup>th</sup> March 2021, North Yorkshire received an application for a new premises licence application for 16 Barbican Road. The applicant was Mr Kheng Koay.

In the application Mr Koay addressed the issue of the previous concerns of the Premises which had led to the revocation of the licence operating under the business name of "The Regency". In Section M part a) of the application the following statement was made:-

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

North Yorkshire Police agreed conditions with the applicant based on the information that he provided within the application. The application was signed by a legal representative on behalf of the applicant, and by submitting the application the applicant acknowledged the declaration "**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.**" Appendix 7

On 29<sup>th</sup> April 2021 following a hearing by members of the Licensing sub-committee a Premise Licence was granted for 16 Barbican Road, under the new business name of Sky Blue.

On 22<sup>nd</sup> January 2022 North Yorkshire Police received a report in relation to an allegation of spiking from a 16-year-old female who had attended 16 Barbican Road York on the evening of the 21<sup>st</sup> of January 2022 for Karaoke with friends and who had been served alcohol. Police Incident NYP-21012022-0341 refers **Appendix 8.**

A statement was obtained from the victim in the presence of her mother **Appendix 9.**

In the victim's statement she refers to attending The Regency 16 Barbican Road York, this is what the victim knows the premises as and not as "Sky Blue".

The victim is 16 years of age. She states in her statement that she was served alcohol at the bar namely purchasing three alcohol drinks, "**When we walked in we went directly to the bar I ordered a single vodka and coke, I think it was Smirnoff. I ordered 2 of my friends drinks too, one had a pimm's and lemonade and one had a single vodka lemonade, with the same vodka.**"

The Premises has the following conditions:-

Mandatory conditions:-

**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.**

And also the following at Annex two:-

**12. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.**

**13. 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 (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).**

The victim states "**After we got our drinks we went to find our seats upstairs, one of my friends tried my drink.**"....." **A while after I went to the bar downstairs to get myself another drink, this**

*was about 22:00 hours. I went with a friend and again watched them make my drink. I ordered a double vodka and coke.”*

The Premises has the following condition at Annex 2:-

***24. The members of staff situated on the first and second floor shall be in direct radio link with the door staff and will ensure that all alcohol consumed in the karaoke rooms is served by way of waiter/ waitress service. All users of the karaoke rooms will have evidence of their room hire on their food bill as suitable evidence of food purchase and use of the karaoke rooms will be limited to customers who have consumed a meal in the restaurant, excluding snacks. No dancing is to take place on the ground floor of the building at any time.***

From the victim’s statement she was not served by way of waiter/waitress service. There is no reference to having food at the premises ( in fact she mentions she has eaten at another premises prior to attending the premises specifically saying she was booked in at 2100hrs for Karaoke) suggesting the premises are not operating in according with this specific condition.

The investigating officer for the Criminal Investigation is PC 1665 Souster. She has provided a statement in relation to her involvement with the investigation and the difficulties she experienced in obtaining CCTV and staff details. **Appendix 10.**

On 15<sup>th</sup> February 2022 PC Kim Hollis Police Licensing officer contacted Mr Kheng Koay via telephone as he is the Premises Licence Holder and Designated Premises Supervisor for Sky Blue to discuss the incident and advise of the requirement to provide CCTV . He advised that although he could not attend the premises, he would ensure that one of the managers would have the CCTV available that evening for the investigating officer. **Appendix 11**

Despite the assurances from Mr Koay, when PC Souster reattended on the night of the 15<sup>th</sup> of February 2022 she was unable to obtain the CCTV. (See statement from PC1665 Appendix 10). On 16<sup>th</sup> February 2022 I updated the police incident to advise PC Souster to seize the CCTV hard drive. **Appendix 12**

On 18<sup>th</sup> February 2022 a visit was conducted to Sky Blue by North Yorkshire Police Licensing officers PC Sam Bolland and PC Kim Hollis due to the concerns highlighted as part of the criminal investigation. At the time of the visit present at the Premises was Mr Leung. The officers conducted an inspection under Section 179 of the Licensing Act to ascertain if the Premises was operating in accordance with the authorisation. **Appendix 13 & 13a Statement of PC Bolland.**

The following breaches of the Premises licence were identified resulting in PC Hollis issuing a Section 19 Closure Notice under the Criminal Justice and Police Act being issued to Mr Leung at the Premises. **Appendix 14**

***1. A digital colour CCTV system will be installed to cover .... copies of the recordings will display the correct time and date of the recording.***

***2. Documented staff training will be given regarding staff’s obligation under the Licensing Act in respect of the:-***

- ***Retail sale of alcohol***
- ***Age verification policy***
- ***Conditions attached to the Premises Licence***
- ***Permitted Licensable activities***
- ***The Licensing objectives and***
- ***The Opening Times of the venue.***

*Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority. ( The last training records recorded for the Premises were when PC Hollis had issued the previous Section 19 Notice in October 2019).*

*17. The premises licence holder will operate a full HR management system where all relevant documents are stored for each individual member of staff.*

*18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.*

*29. 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.*

On 25<sup>th</sup> February 2022 PC Hollis and PC Bolland reattended Sky Blue and again spoke to Mr Leung to follow up the Section 19 notice. It was confirmed that some staff training records had been completed for age verification and the CCTV time had been rectified to reflect the correct time. A copy of a noise management plan had also been provided. However the Section 19 notice was not cancelled due to no details provided of a full HR management system and no staff rota details had been provided in respect of the staff who had been working on 21<sup>st</sup> January 2022, as per condition 18.

On 15th June 2022 following an update from PC Souster that the CCTV from Sky Blue had been forensically examined and contained no footage from 21st January 2022, PS Booth contacted Mr Koay first by telephone to discuss the concerns around the criminal investigation being frustrated by failings from the Premise Licence Conditions not being adhered to which was followed up with a written email. **Appendix 15.**

On 16th June 2022 PS Booth contacted Mr Koay by text and phone to arrange a meeting at the Premises on Tuesday 21st June 2022 at 1200hrs, thereby giving the Premises Licence and Designated Premises Supervisor advance notice of a meeting with Licensing to discuss the Premise Licence Conditions.

On 21st June 2022 PS Booth and PC Hollis attended Sky Blue 16 Barbican Road York to meet with Mr Koay. Also present was Mr Koay's legal representative Mr Walker and Mr Man Leung.

Mr Koay was advised of the concerns that had been highlighted from the criminal investigation going back to the incident on 21st January 2022, which had highlighted the failings of the Premise to adhere to Premise Licence Conditions. This had resulted in a visit from Police Licensing on 18th February 2022 and a Section 19 Notice that had been issued by PC Hollis.

PS Booth highlighted the following concerns which she deemed undermined the Licensing objectives and to which she believed was grounds to seek a review of the Premise Licence:-

- A 16-year-old had been served alcohol at the premise which had resulted in an incident being reported to the police undermining the Prevention of Crime and Disorder and Protection of Children from Harm licensing objective.
- Premise Licence Conditions had been breached (despite the previous history and reassurances that this would not occur again)
- Mr Leung was the only person that the investigating officer or any Licensing officers had encountered with responsibility for the Premises. He is not new management as promised by Mr Koay in his licensing application. In fact the training records for the premises have

him recorded as the G.Manager since 1/12/2021. **Appendix 16**

Mr Walker legal representative advised that it was his understanding that the breaches relating to the previous Section 19 notice issued in February had been rectified. PS Booth explained that whilst present a Section 179 inspection would be conducted to ascertain if there was compliance but that the previous Section 19 had not been cancelled.

Mr Koay was asked to show officers the Premise Licence summary which is required to be on display in a visible place on the Premises. He was unsure as to where this was located and he sought advice from Mr Leung who advised it was on display on a shelf at the Bar and Mr Koay subsequently retrieved it.

Officers then commenced going through the conditions at Annex 2 of the Premise Licence. Mr Koay was asked to operate the CCTV system and show officers footage as per the premise licence conditions. He asked Mr Leung to do this as he stated he was the person who deals with the CCTV. The CCTV had two separate systems one in the bar area downstairs and one located in a storeroom upstairs. Both systems had more than one hard drive and Leung had to work on changing them over. However it became apparent that there was no footage for the Karaoke Rooms from the 25<sup>th</sup> of May 2022 ( 28 days previous) placing them in breach of the Premise Licence Condition.

Mr Koay was asked to produce staff training records as per condition 2 on the Premise Licence. He produced names of staff who he stated were current employees but had no training records. The training records also did not include the requirements from the Premise Licence.

He was asked by PC Hollis to explain how he delivered the training and he said that he leaves that responsibility to Mr Leung but on occasions when he has done it, he hands the member of staff a page to read regarding age verification and they sign the document. There were no documents in relation to the Premises Operating Challenge 25, the conditions attached to the Licence , the permitted Licensable Activities, the licensing objectives, or the opening times of the venue.

Mr Koay was asked to produce the refusals and incident register. He again did not appear to know where this was located and spoke in Chinese to Mr Leung about this and then produced some pieces of paper from a folder. There were no details of PC Hollis's visit in February and no details of any incidents recorded.

PS Booth asked to see the SIA register as per condition 8 from the Premise Licence as this was highlighted during the criminal investigation. There was no sign in details for 21<sup>st</sup> January 2022, **Appendix 17.**

PS Booth highlighted that despite advance notice of a visit by Licensing the Premises were still not complying with the Premise Licence Conditions and issued a further Section 19 Closure Notice was issued to Mr Koay for failing to comply with the following conditions on the Premises Licence:-

***1.A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.***

- ***It will be maintained, working, and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing.***
- ***Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.***
- ***Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.***
- ***Copies of the recordings will display the correct time and date of the recording.***

***It is the responsibility of the management to 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 requirements.***

**2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-**

- **Retail sale of alcohol**
- **Age verification policy**
- **Conditions attached to the Premises Licence**
- **Permitted Licensable activities**
- **The Licensing objectives and**
- **The Opening Times of the venue.**

**Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.**

**3. 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**

**8. When SIA Door Supervisors are on duty, they shall sign in and out of the premises in a register and shall provide their full name and SIA number.**

**18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.**

**23. Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.**

PS Booth pointed out to Mr Koay that the breaches of the Premises Licence conditions were offences under Section 136 of the Licensing Act 2003 and as such he was liable to prosecution. Should the police pursue a criminal prosecution Mr Koay advised he would be interviewed under Caution at the Police Station.

16 Barbican Road York has a chequered history of non-compliance with Premise Licence Conditions. When it operated under the Regency the management at the time encountered by officers from Responsible Authorities was Mr Leung.

As members can see from the above and despite the misleading statement from Mr Koay, in his application for 16 Barbican Road York, Mr Leung, is still management at the Premises, and appears to be the person with day-to-day responsibility operating the venue. Even though Mr Koay had advance warning of licensing officers visiting the premise on 21<sup>st</sup> June 2022 he took no accountability for ensuring compliance with Premise Licence Conditions and failed to familiarise himself with what was required under the authorisation.

The Police are dealing with the criminal aspect of offences under Section 136 unauthorised Licensable activities at the premise separate to this review in respect of Mr Koay as the Premise Licence Holder and Designated Premises Supervisor. However members are advised that this may result in a prosecution against an individual but that individual would still be responsible for Premises that could still operate for Licensable activities.

Mr Koay despite knowing the history of the Premises has failed to take responsibility for the running of the Premises and ensuring compliance with the Premise Licence Conditions, allowing

unauthorised licensable activities to take place. He has shown a blatant disregard for the conditions attached to the Premise Licence, despite knowing the history of the Premises, he has chosen to delegate responsibility or the day-to-day operation of the venue to Mr Leung.

Mr Leung was part of the problem management which previously resulted in the revocation of the Premises when it operated under "The Regency".

The Premises has had two Section 19 Notices issued within 12 months of Mr Koay being the Premise Licence Holder and Designated Premises Supervisor.

When the application for a New Grant was submitted by Mr Koay, the police did have concerns and considered making a formal representation in respect of the grant for a new Premise Licence.

However Mr Koay provided a signed application stating he was aware of the previous issues, would implement training and new management to deal with those matters and as such the police considered this information in line with conditions which were negotiated to mitigate risks and promote the Licensing Objectives. The robust and enforceable conditions provided a mechanism for the premises and Mr Koay to demonstrate he could operate the venue responsibly.

Given the above failings the Police have no confidence in Mr Koay to manage the Premises effectively and ensure the Licensing Objectives are upheld. The Crime Prevention Objective is about the avoidance of harm, and by operating in contravention of the Premise Licence conditions and in contravention of the law, supplying alcohol to a 16-year-old female, an offence under Section 146 of the Licensing Act 2003, Mr Koay, has failed to safeguard customers in attendance at his premises.

Mr Koay as the Premises Licence Holder and Designated Premises Supervisor has ultimate control and management for the Premises and must ensure there is compliance with the licence. As part of Mr Koay's licence he is expected to address any issues and it is essential he implement actions to ensure compliance of that licence.

North Yorkshire Police provide evidence to the sub-committee who are entitled to take robust, appropriate, and proportionate steps to prevent this operator from further undermining the licensing objectives, and the police would respectfully ask members to revoke the Premise Licence for Sky Blue 16 Barbican Road.

Appendix 1- PL Sky Blue

Appendix 2 – PL Regency

Appendix 3 – Section 19 issued 24/10/19

Appendix 4 – Revocation Notice Regency

Appendix 5 – Section 19 issued 02/12/20

Appendix 6 – Appeal Decision Notice 10/12/20

Appendix 7 – New Grant 10/03/21

Appendix 8 – Police Incident report NYP22012022-0341

Appendix 9 – Victims Statement

Appendix 10 – PC1665 statement

Appendix 11 – Exhibit JB/02

Appendix 12- Police OEL

Appendix 13 – PC1520 Statement

Appendix 13a – PC1520 exhibits SB1, SB2,& SB3

Appendix 14 – Section 19 issued 18/02/22 Part 1 & 2

Appendix 15 – Exhibit JB/03

Appendix 16 – Training Record Leung

Appendix 17 – SIA register from premises



Have you made an application for review relating to this premises before? Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year					

**If you have made representations before relating to this premises please state what they were and when you made them**

- Please tick ✓ Yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **X**
  - I understand that if I do not comply with the above requirements my application will be rejected **X**

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature J Booth.....

Date .....23<sup>rd</sup> June 2022

Capacity /Applicant...Force Licensing Manager North Yorkshire

Police.....

**Contact Name (where not previously given) and address for correspondence associated with this application** (please read guidance note 5)

<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Notes for guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number  
CYC - 68154

Postal address of premises: <b>16 Barbican Road</b>	
Post town: <b>York</b>	Post code: <b>YO10 5AA</b>
Telephone number: 01904 466785	

**Expiry date:** This licence has no expiry date.

#### Licensable activities authorised by the licence:

Live Music  
Recorded Music  
Performance of Dance  
Other Entertainment  
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	

PERFORMANCE 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	

OTHER ENTERTAINMENT  
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 the above:

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 starts

**The Opening Hours of the Premises**

Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 01:00 - 04:00
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Friday	Saturday	Sunday
10:00 - 04:00	10:00 - 04:00	10:00 - 04:00
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 starts

**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 premises licence:**

Name: Mr Kheng Chooi Koay

Address: 28 St Philips Grove  
York  
YO30 6JP

Telephone number: 07920 031111

Email address:

**Registered number of holder, for example company number, charity number (where applicable):**

Not applicable

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

Name: Mr Kheng Chooi Koay

Address: 28 St Philips Grove  
York  
YO30 6JP

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:**

HDC 1084 Hambleton DC
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## **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.

#### 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.

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

1.A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.

- It will be maintained, working and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
- Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to 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 requirements.

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

3. 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.

4. The premises shall operate as a restaurant and karaoke bar and not as a vertical drinking establishment providing food and non-alcoholic drinks.

5. There shall be a minimum of 60 table covers available at all times on the ground floor

6. A min of 2 SIA registered door staff shall be provided at the premises from 2400 hours to the close of business Fridays, Saturdays, Sunday's leading in to a bank holiday and any day where a Race meeting is held at York Racecourse (save for the Family meeting held in September and the first meeting in May).

7. At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands

8. When SIA Door Supervisors are on duty, they shall sign in and out of the premises in a register and shall provide their full name and SIA number.

9. 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.

10. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

11. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly

12. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

13. 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 (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

14. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

15. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

16. The outside area will be regularly cleared and kept tidy.

17. The premises licence holder will operate a full HR management system where all relevant documents are stored for each individual member of staff.

18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.

19. The premises licence holder will work with Peninsula (or any other HR company) to carry out checks on the Home Office website and verify identification documents such as right to work documents to ensure that all new members of staff can be legally employed.

20. No new member of staff will be able to work at the premises unless they have provided satisfactory proof of identification and right to work.

21. After 00:00hrs the only door used by members of the public to enter the premises shall be the main door on to Barbican Road.

22. Last public entry to the premises shall be 00:00hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 00:00hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).

23. Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.

24. The members of staff situated on the first and second floor shall be in direct radio link with the door staff and will ensure that all alcohol consumed in the karaoke rooms is served by way of waiter/ waitress service. All users of the karaoke rooms will have evidence of their room hire on their food bill as suitable evidence of food purchase and use of the karaoke rooms will be limited to customers who have consumed a meal in the restaurant, excluding snacks. No dancing is to take place on the ground floor of the building at any time.

25. After 00:00hrs 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.

26. 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.

27. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

28. 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.

29. 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.

30. Drinking glasses of any type will not be allowed to enter or leave the premises whilst under the customers care.

31. All doors and windows shall be closed during regulated entertainment or, when entertainment is not provided after 2300 each night – except for ingress and egress.

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

1. Coaches attending the premises must not park, idle, pick-up, or drop-off on either Barbican Road or Wellington Street at anytime.

2. Coach noise is to be assessed via the noise management plan.

3. A leaflet containing the premises duty manager(s) contact details and the City of York Council's noise patrol contact details must be provided to all properties on Barbican Road, Wellington Street, Lawrence Court and Barbican Mews prior to the premises operating, and each October thereafter.

4. The smoking area for the premises is to be assessed and agreed by the Council's Public Protection team.

### **Annex 4 – Approved Plan**

Plan Number: B.R. (16)/ O1 July 2012

For and on behalf of  
The Corporate Director of Place

Date: 29/04/2021

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@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 - 68154

Postal address of premises:

**16 Barbican Road**

Post town: **York**

Post code: **YO10 5AA**

Telephone number: 01904 466785

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

This licence has no expiry date.

#### Licensable activities authorised by the licence:

Live Music  
Recorded Music  
Performance of Dance  
Other Entertainment  
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	

PERFORMANCE 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	

OTHER ENTERTAINMENT  
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 the above:

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 starts

**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	

**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 premises licence:**

Name: Mr Kheng Chooi Koay

Address: 28 St Philips Grove  
York  
YO30 6JP

**Registered number of holder, for example company number, charity number (where applicable):**

N/A

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

Mr Kheng Chooi Koay

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

Challenge 25 policy in operation

For and on behalf of  
The Corporate Director of Place

Date: 29/04/2021

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

**LICENSING ACT 2003****PREMISES LICENCE****SCHEDULE 12****Part A****Part 1 Premises details**

Premises licence number CYC - 009221
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Postal address of premises:

**16A 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, Performance of Dance, Activity 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 premises licence**

Name: Mr Chong Hung Chun  
Address: 3 Stanley Terrace  
Harehills  
Leeds  
LS9 7AF  
Telephone number: None  
Email address: None

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

Mr Chong Hung Chun

## Annex 1 – Mandatory Conditions

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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
4. – (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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. – (1) The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
7. – (2) 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 a holographic mark.
8. The responsible person shall 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: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

## **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 than 30 persons on the first floor and no more than 20 persons on the second floor.
25. When the karaoke rooms are being used there shall be at least one member of staff permanently situated on each floor of the venue on which the room is being used.
26. The member of staff shall monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.
27. The members of staff situated on the first and second floor shall be in direct radio link with the Door Staff.
28. All alcohol consumed in the karaoke rooms shall be served by way of waiter/waitress service.
29. No dancing is to take place on the ground floor of the building at anytime.
30. All users of the karaoke rooms must have evidence of their room hire on their food bill as suitable evidence of food purchase.
31. All doors and windows shall be closed during regulated entertainment or, when entertainment is not provided, after 23:00hrs each night (except for ingress and egress).
32. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

33. 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.

For and on behalf of  
The Director of Communities  
& Neighbourhoods

Date: 28/09/2005  
15/11/2012 (Variation)

Licensing Services  
9 St Leonard's Place  
York  
YO1 7ET

Phone: 01904 551521  
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)



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

NO. CYC-009221

**Date and time of the Closure Notice:**

24.10.19 - 12.50

**Person making the Notice:**

PC1671 Kim Hollis

**Signature:** .....

*[Handwritten signature]*

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

Regency  
16A BARBICAN 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 to respect 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 retrained + records kept - 7 days.  
Incident book started. 7 days  
Notices placed on door asking persons to be quiet - 7 days.  
CCTV to be fully working - 7 days

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

Man Leung (Kevin)

**Name:** .....

**Signature:** .....

*[Handwritten signature]*

Steps use of  
 Staff  
 Take  
 Incident  
 Nob pers  
 CCTV

The person been served  
 Man

Name: ....

Signature:

White copy: Occup

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Anthony Dean  
Public Protection Manager  
City of York Council  
Eco Depot  
Hazel Court

Customer and Corporate Services  
Directorate

Democratic Services  
2<sup>nd</sup> Floor  
West Offices  
Station Rise  
York YO1 6GA

22 June 2020

Dear Mr Dean

**Re: Licensing Sub-Committee Hearing – Review of Premises  
Licence for The Regency, 16 Barbican Road, York, YO10 5AA  
(CYC/009221)**

I am writing to inform you of the decision of the Licensing Sub-Committee which heard your application for a review of the Premises licence on 8 June 2020.

In considering your application and the representations made, the Sub-Committee concluded that the following licensing objective(s) were relevant to this Hearing:

1. The prevention of crime and disorder
2. Public Safety

With the agreement of all the parties, the Sub-Committee decided that it would be expedient to hear the three applications together (Reviews of Premises Licences for The Regency, 16 Barbican Road, York, YO10 5AA (CYC/009221) and Regency, 2 – 4 George Hudson Street, York, YO1 6LP (CYC/053937) and Application for transfer of premises licence for The Regency, 2-4 George Hudson Street, York, YO1 6LP (CYC/053937) as they would cover some of the same ground. 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:

3. The papers before it.

4. The Head of Public Protection's reports and his comments made at the Hearing. He outlined the reports in respect of the three applications being considered at the Hearing.

In response to questions from Mr Grant (Counsel for the Applicant), the Head of Public Protection clarified that the transfer application related to the premises licence for the George Hudson Street premises. Mr Grant pointed out that on page 346 of the reports pack the legal test for the transfer application in option 4 should state "appropriate" instead of "necessary". The Head of Public Protection thanked Mr Grant for the correction. There were no questions from Mr Shaikh (Solicitor for the Premises Licence Holder and Licence Transfer Applicant), Sgt Booth (North Yorkshire Police) or Members.

5. The representations of Mr Grant, who presented the case for the Applicant for the two reviews. He stated that the two reviews related to two different Regency Premises, one at 16 Barbican Road which was a restaurant, takeaway and karaoke bar, with a Licence to open to 4am each day. The second Premises was also called Regency, at 2-4 George Hudson Street and was a Chinese restaurant and supermarket and was open midweek until midnight until 3am on Saturday and Sunday. These reviews engaged two licensing objectives; the prevention of crime and disorder and public safety. The licensing objective of the protection of children against harm may also be an aspect. He stated that the operators of the restaurants were incorrigible employers of illegal workers, all Chinese nationals. With reference to illegal workers, in April 2017 and on 2 September 2019 for the Barbican Road Premises there had been a total of 4 visits - on one occasion no illegal workers found, but on the three other occasions a total of 10 illegal workers were found on the Premises. Regarding the George Hudson Street premises, over the same period, a total of 3 visits, illegal workers were found on all 3 visits, making a total of 6 illegal workers. He stated that over 2.5 years, there were 7 visits to the two restaurants and on 6 occasions illegal workers found, totalling 16 illegal workers. He stated that this total excludes the 2014 inspection where further illegal workers were found in fairness to Mr Chen as this visit pre-dated the current licence holder.

Mr Grant stated that the employment of illegal workers was taken seriously in the context of licence reviews. He explained that the licensed sector had been found to employ the majority of illegal immigrants in the UK and this usually involved the exploitation of vulnerable people working on unlawfully low rates. In this case, the

workers were paid no more than £2-£3 per hour, way under national minimum wage. As vulnerable people who are in the country illegally they could not go to the authorities to complain on their treatment. He stated that another impact of illegal workers was that it undercut other law abiding restaurateurs in York who had to pay the legal, national wage and could not compete with Mr Chen. It also acts as a positive incentive for more illegal immigrants to come to country often using dangerous methods. He stated that there had been additional repeated failures sometimes amounting to criminal failures by the operators of Regency, including persistent breaches of licence conditions and repeated fire safety failures on more than one occasion which was of particular concern as a number of people were sleeping in make shift bedrooms in the premises. Mr Grant stated that there had also been a failure to protect children from being sold knives, and failures to properly have a system at work which ensured that hygiene and food standards were observed. He stated that this undermined the public safety licensing objective.

Mr Grant also said that the Sub-Committee's decision could have a proper deterrent impact on other irresponsible licensees tempted to flout the law. He stated that the Applicant for the licence transfer, Ms Feng provided no acceptable remedy to the reviews as Ms Feng had been part of the problem, so was unlikely to be part of solution. This was the reason that the Applicant for the reviews had something to say about the transfer, as they were linked because the operator was saying that the premises licence for one of the premises should not be revoked as there was someone it could be transferred to. Mr Grant outlined a number of multi-agency visits to the premises as follows:

16 April 2016

Barbican Road – intelligence that there were fire safety issues which led to a visit by Kevin Caulfield (NYFRS) (statement at page 139). Fire safety advice was given to the operators and was not taken up on subsequent visits.

7 April 2017

George Hudson Street – visit by Glyn Jones (Immigration Service) during which one Chinese national was arrested for illegal working and had entered UK without permission. (Statement at page 97).

21 May 2017

Barbican Road – one Chinese national arrested for illegal working. No permission to work.

8 September 2017

Intelligence led multi agency visit by North Yorkshire Police, Licensing Officers, Immigration Officers, HMRC visit to both restaurants. At Barbican Road there were 6 illegal workers on site, and there was sleeping accommodation with bunk beds on the second floor. Mr Chen wasn't there, arrived later, and had difficulties with English. No-one could operate the CCTV, there was a lack of staff training, and there were no notices asking customers to be respectful to residents. There was also no waste management plan. Advice was given to Licence Holder to put matters right.

On the same date the same officers went to the premises in George Hudson Street where one illegal worker was found working in breach of workers permission to enter UK. On this visit to George Hudson Street, Tina Feng who was now the applicant for transfer was present. She described herself as the manager and said she been there for 2 years which would have covered the time when the illegal worker was found on 7 April 2017, and she managed the premises when on at least two occasions illegal workers were found in the George Hudson Street premises. Ms Feng was unable to use the CCTV and show documentation to show staff training. There were also fire safety issues which had a real impact on public safety as means of escape were locked or shut.

11 September 2017

A fire safety officer visit to the Barbican Road premises after a complaint that 20 people were living in the premises in cramped conditions. Advice was given.

14 September 2017

An inspection of the George Hudson Street premises found there was no fire detection system in the basement, a door was held open in the basement, and there was no record of staff training. A notice of the deficiencies was served. Mr Grant noted that Ms Feng was the manager at that time.

18 July 2017 – At the George Hudson Street Premises Ms Feng as manager sold a knife to a child. Ms Feng signed a caution admitting the offence on behalf of the company.

16 March 2018

An inspection of the Barbican Road premises was the only occasion no illegal workers found.

14 August 2018

A visit to the Barbican Road premises by Public Protection led to Mr Chen being convicted and fined for three food safety breaches of food safety regulations (Summonses at page 99).

6 September 2019

Both premises were visited. At the Barbican Road premises, there were three illegal workers, rooms were turned into sleeping accommodation on the second floor, decoration work was taking place and fire exits were blocked. There was a defect with the fire alarm and a fire safety prohibition notice to stop people sleeping on the premises was later served. None of the breaches of licence conditions from previous visits had been remedied – there was no staff training, staff management plans, no registers, no incident registers and no working CCTV. Officers were concerned as they smelt cigarette smoke in toilets and karaoke rooms and the small karaoke rooms were being used for sleeping in and this was confirmed by an Eastern European male who appeared to collect a passport.

6 September 2019

George Hudson Street premises– four illegal workers were found. Miss Feng was present while four workers were working with her. There were further breaches with CCTV, no staff training and no incidents and refusals register. There were no notices asking people to leave quietly. Ms Feng was described by officers as being “very uncooperative with Officers”. In the basement there were suitcases with female clothing stored suggesting that the premises was used to house workers.

9 September 2019

Barbican Road premises– safety audit found that padlocks were fitted to sleeping accommodation and fire exits were blocked. A Prohibition notice was served.

24 October 2019

Barbican Road premises – a visit by licensing officers found that licence breaches were the same as identified during the visit 6 weeks earlier. North Yorkshire Police served a closure notice as a warning. A visit to the premises in George Hudson Street the same day found that the same conditions were being breached and another closure notice was served. There were several males residing on the top floor.

A week later faced with closure of Premises, on 31 October 2019 the Barbican Road conditions breached had been rectified and the George Hudson Street breaches had been rectified save for CCTV still showing the wrong date and time.

4 November 2019

An application was made by Ms Feng as manager to change the DPS for the premises at George Hudson Street to Mr Feng, who gave his address as 2-4 George Hudson Street. He had no legal right to work in UK.

Mr Grant also referred to the evidence of Inspector Freer but would not give any details. He submitted that for all of those reasons the revocation was the only course as there were overwhelming failures in this case by the current licence holder and by Miss Feng, the proposed Licence holder of the George Hudson Street premises. He stated that the law had been summarised at page 298 of Agenda papers. In summarising he noted that chapter 11 guidance (page 324) indicated that that some forms of criminality associated with premises are treated particularly seriously, one was illegal workers, and licensing officers should use review procedures effectively to deter such crime and where the Licensing Authority feels that the crime prevention objective has been undermined, it is expected that revocation of licence in first instance should be considered. He noted the deterrent effect or revocation approved by two High Court decisions in the papers bundle and said that an important public interest is raised if licensees can make money through operating illegally and then transfer the license to someone else, as it undermines the whole licensing system.

6. The representations of Mr Shaikh, the Solicitor for the Premises Licence Holder and Ms Feng then provided a response to the two Reviews and he presented the Application for Transfer of the Premises Licence at the George Hudson Street premises.

Mr Shaikh noted that some of the matters referred to in the representations made by Mr Grant were old matters. He explained that the background history was that there had been breaches of the premises licences which have been brought to Mr Chen's and Ms Feng's attention but from November 2019, as stated by Mr Grant, the notices were complied with and there were no further issues.

Mr Shaikh stated that the documents he provided shortly before the hearing established regarding the proposed revocation of the licences and illegal workers was that no action was taken against Mr Chen or Ms Feng on those matters.

Mr Shaikh submitted that revocation of the licences was not necessary or proportionate. Mr Shaikh accepted that there have been past demeanours. Addressing the concern raised by Mr Grant regarding the selling of knives Ms Feng had accepted a caution on behalf of the company and she did not herself sell the knife. He added that the matters raised by the multi-agency visits were not minor matters but when running a restaurant his clients could not be there 24 hours a day, 7 days a week and running a restaurant means delegation of responsibility. He said that they had undertaken all due diligence checks as best they could for illegal workers and did not knowingly employ any illegal workers. There had been no prosecution for immigration offences at either restaurant. Mr Shaikh stated that sleeping upstairs or on the premises had never been permitted, but given the nature of business, some employees took a 15 minute nap due to length of hours.

Mr Shaikh stated there had been no further breaches. It was a family run business and all parties are interconnected. He appreciated that Ms Feng had undertaken the training required for a personal licence and understood the responsibilities she had to comply with. The prosecution for food hygiene standards was against Mrs Chen and the company operators, not Mr Chen.

As to Mr Grant's suggestion that one of individuals employed was not entitled to work, Mr Shaikh stated that the individual was employed, had a restricted a visa, 5 year permit to work. This had expired and a further application was made to extend the visa.

Mr Chen gave evidence to the Sub Committee through his interpreter; He had not been convicted or interviewed for immigration offences. He said he had undertaken a programme of training to ensure compliance with the requirements of the licence. Both restaurants were a family business and he had been involved in them for 3 years. Illegal workers did not sleep at the premises. He had never employed illegal workers to his knowledge. To ensure workers were not illegal he checked passports and their work visas and also checked with the Home Office. As to how Mr Chen would convince the panel that he would ensure above and beyond that no illegal workers will be on his premises, Mr Chen confirmed that he would operate according to the requirements of

the licence and will take all steps to ensure that all were legal. As to Mr Grant's assertion that it was too little too late and he tended to do things when it was the final straw, Mr Chen confirmed that in future he will do his best to comply and do everything he can to make improvements. Mr Chen stated that he was not aware that a knife had been sold to a child and that in future he would ensure that ID was produced to prove that the purchaser was over age of 25. He said that for the last 24 months the food hygiene rating at both premises was 3 stars but they were doing their best.

Ms Feng (Applicant for the License Transfer for the premises in George Hudson Street) gave evidence through her interpreter. In relation to the caution, Ms Feng explained that an 18 year old staff member on their probation period was working in the shop and unknown to her sold a knife to a child. Ms Feng admitted responsibility and has since trained staff to check the age was over 24 years old. There had not been any other issues since the section 19 closure notice had been complied with. She confirmed that she had not been interviewed regarding immigration offences against illegal workers and had not knowingly been in control of illegal workers or allowed them to stay on the premises. She checked their passports, work permits and if in doubt would check with the Home Office. Additional checks in place involve keeping a copy of the ID. She confirmed she understood the importance of having working CCTV on the premises. Apart from the caution, she had no convictions recorded against her for any other matters. She confirmed she understood that she was part of the family business if the transfer of the licence was revoked, many of her staff would lose their jobs and she would to lose her income. She is a single parent with two children to support. This was her livelihood and she could not lose it.

She explained that to ensure that the licensing objectives were not undermined, they are going to replace all CCTV systems to ones which are easy to operate. They would put posters up in the restaurants to remind customers to leave quietly and warnings for age and alcohol consumption and purchase. They would comply with the fire regulations and update all the fire systems.

As to it being too little too late, Ms Feng said that was not correct and that when they received suggestions they always took action to make improvements. This was done bit by bit.

In response to question from Mr Grant as to why when Mr Chen has given evidence that he carried out checks on all workers over a number

of years he still managed to employ 16 illegal workers on 6 occasions, Mr Chen replied that normally workers arrived on Saturdays and Sundays, he would try and contact them then, but then he found it hard to get through and a lot of workers were newcomers, he confirmed that he was aware that he had a legal obligation to keep a copy of the documents and that he did have copies but there were not as many as 16 illegal workers.

Mr Grant asked Miss Feng whether she could you explain why on 25 October 2019 the DPS proposed was also an illegal worker and the name was Zen Cheng Feng which had same home address as Miss Feng. Ms Feng replied that he was her younger brother and this was a family business. She confirmed that she was not related to Mr Chen the licence holder and they were just friends.

In response to questions from Sgt Booth, Mr Chen explained that Zen Cheng Feng told him that he was in the process of applying for an extension of his visa and he believed he was legal which was why he applied for the DPS transfer to him. He said he did carry out Home Office checks and his visa was pending. As to whether the Home Office confirmed he had a right to work in the UK, Mr Chen replied that he saw his previous visa and a letter confirming that he had applied for a visa.

As to why repeatedly he had failed to engage with the Licensing Authority and Police following request for him to contact them on 24 October 2019 and 31 October 2019 and two letters from Licensing Authority on 13 November 2019 and 28 November 2019 regarding the issues raised, Mr Chen replied that he asked his manager to do this.

Members of the Sub-Committee then asked questions as to whether there would there be written evidence of checks being made with the Home Office. Mr Shaikh responded that it was his understanding that it was a direct dial line which was used. Mr Shaikh said he had emailed the Home Office for confirmation regarding Zheng Feng Chen, it was not in the submitted evidence but he did receive an email. He noted that replies from Home Office were usually on the telephone. He confirmed that the principal position was not to revoke the licences but the imposition of additional conditions would be the lesser of two evils.

Mr Shaikh also noted that all employees were entitled to 15 minute break every hour and because staff were working long hours in kitchens, took naps for 15 minutes. A shelter was to be put outside and naps were to take place outside due to fire risks.

7. Representation from Sgt Booth, North Yorkshire Police. She outlined the North Yorkshire Police representations in relation to the two premises licence review applications and to the application to transfer the premises licence.

She stated that North Yorkshire Police believed that the crime and disorder objective was seriously undermined, as mentioned by Mr Grant. The Guidance states some criminal activity should be treated particularly seriously, including using premises to employ a person who cannot work in UK. She stated that the statements from Helen Sefton and Nigel Woodhead and PC Bolland and PC Hollis was a joint partnership approach to deal with the issues at the premises. In 2017 a number of persons were removed from Barbican Road and George Hudson Street premises who had no right to work, and there was also failure to comply with safety and fire safety issues there was a persistent failure by Mr Chen to address concerns regarding staff. Following the visit on 8 September there was no responsibility taken by Mr Chen. She noted that as a minimum they expected Mr Chen to engage with the Licensing Authority and North Yorkshire Police to work on a stepped approach to ensure the safeguarding of staff and customers attending the premises. She stated that there was no suggestion by the premises licence holder or anyone at the premises of any HR management system to store records for staff, and no copies of documents retained for staff to make available to agencies on request. Although Mr Chen said he had conducted checks on Home office website to ensure all staff were legally employed, there had been no evidence submitted as to how he conducted those immigration checks or if they even have been conducted. She added that there were no new staff details to suggest they had undertaken training to meet any of four licensing objectives. She stated that the failing to take action after first visit resulted in further information being received and further operation on 6 September 2019 when again Immigration staff removed officers, as detailed in Glyn Jones' statement.

Sgt Booth stated that on 4 November 2019 North Yorkshire Police received an application for a new DPS at George Hudson Street and carried out checks and found the person had no right to work in UK. Mr Chen signed the application as premises licence holder but failed to take responsibility and carry out due diligence checks. Mr Chen did not engage with the Licensing Authority or North Yorkshire Police to discuss concerns following their visit to the premises. At the time of the transfer request Mr Chen was the DPS for George Hudson Street and it was

expected that the DPS is the person with day to day responsibility and should be available and should contact North Yorkshire Police or the Licensing Authority if requested. No formal communications have taken place with North Yorkshire Police or the Licensing Authority and Mr Chen failed to respond to visits, phone calls or letters.

Regarding the premises transfer licence application, North Yorkshire Police have objected on grounds that granting the application would prejudice and undermine the crime and disorder licensing objective. The transfer was merely a smokescreen to say that Mr Chen was not involved in the business running. However, Members have heard that it was a family run business. Ms Feng had also been at the Premises when illegal persons found and removed and she was closely associated as she had same address as DPS who had no right to work in UK and has been involved when there has been a breach of licence conditions. Sgt Booth noted that PC Hollis attended the premises on 24 October 2019 asked about premises licence holder and Ms Feng said she said not heard of him, and didn't know who he was. Sgt Booth asked whether this was the evidence of a credible person. She reminded Members of Inspector Freer's statement.

She said that Mr Chen had failed to address issues, failed to train staff, not communicated, and failed to implement robust measures to deter criminal activity in the Premises. CCTV not working was also a concern to North Yorkshire Police as CCTV can provide a good deterrent for criminal activity. Sgt Booth submitted that North Yorkshire Police consider that the only choice for the Sub Committee was to revoke both licences and refuse application to transfer to deter further crimes.

In response to questions, Sgt Booth confirmed that during the first visit in 2017 when Mr Chen attended the premises a further staff member had to interpret for him as he was unable to understand what was asked to do of him. That person (who was not Zhong Chen Feng) identified themselves as the manager of the premises.

As to whether there was any evidence to identify who were illegal workers and who were customers, Mr Glyn Jones (Immigration) confirmed that Immigration officers were well trained and versed in who was working and wouldn't ordinarily question customers. Mr Jones stated that some of those who had been removed from the premises were removed from the UK, and others granted bail.

All parties then summarised in the following order: Police, Applicant for Reviews, premises Licence Holder/applicant for transfer.

Sgt Booth stated that North Yorkshire Police were concerned that if revocation was not the outcome, the premises would continue to undermine the licensing objective of crime and disorder. There were grave concerns that the premises licence holder had not attempted to engage, respond or work with the Licensing Authority or North Yorkshire Police to ensure compliance with the licences for George Hudson Street and Barbican Road. She strongly asked the Sub-Committee to consider Inspector Freer's evidence and ask for the revocation of the licences and for and the transfer to be refused.

Mr Grant stated that in terms of number of failed illegal worker inspections and workers, of seven inspections there had been six failures and a total of 16 illegal workers. He stated that the response on behalf of Mr Chen and Ms Feng appeared to be that they did check out illegal workers, but they can't produce evidence to demonstrate that, including no photocopies of passport or visas, which they had a legal obligation to retain. He said the Sub-Committee were being misled by the operators, who didn't check, didn't look at passports or visas as they didn't care if workers were legal or illegal and knew that if they were illegal they could pay them next to nothing, so there was financial gain for them. The other option was that they did carry out checks but for reasons which can't be explained 16 workers were illegal and weren't customers. Glyn Jones confirmed in his statement was clear that they were workers, not customers. Mr Grant stated that if the Sub Committee needed further evidence to decide the factual issues as to whether Mr Chen deliberately employed those workers, they should look at the recent DPS application in October 2019 by Mr Chen, which was Miss Feng's younger brother who had no right to work in the UK. Mr Grant added that Mr Chen's evidence was that he would allow people to work at weekends before carrying out right to work checks. This spoke volumes about their approach. Referring to paragraph 18 of the Abu Hanif case on page 303 of the Agenda pack, Mr Grant said that the question was not whether there had been criminal convictions as prevention of crime and disorder can be retrospective and that the reviews applicant says that prevention and deterrence calls for full revocation of the licences. Lately there were no issues but this was late in the day and the licence should be revoked due to concerns with crime and disorder.

Mr Grant stated that the information on pages 96, 141 and 143 of the Agenda pack all confirmed that the workers were illegal.

Mr Shaikh stated that Mr Chen and Ms Feng had done things wrong and there was a history of rectification notices which had been sorted and all was now in order apart from the CCTV. He added that there had been speculative criminal activities and he had not seen evidence that all 16 persons removed were illegal workers. He added that Mr Chen had not been interviewed by the immigration authorities and there had been no issues since November 2019. He added that Ms Feng was not responsible for the supply of the knife.

### **Decision**

Having regard to this review application and any relevant representations, the Sub-Committee had to determine whether to take any of the steps mentioned under Section 52(4) that it considered necessary for the promotion of the licensing objectives. Taking into consideration the papers, evidence and submissions received and answers to questions, the Sub-Committee deliberated the 5 different options available to them and agreed to reject the following options:

Option 1: To modify the conditions of the licence (i.e. to alter, omit or add any new condition).

Option 2: To exclude a licensable activity from the scope of the licence.

Option 3: To remove the Designated Premises Supervisor.

Option 4: To suspend the licence for a period not exceeding three months.

The Sub-Committee's decision was to agree to the following option:

Option 5: To revoke the licence.

The Sub-Committee noted that this application was discussed alongside the review for the other Regency premises and the application to transfer the premises licence for Regency in George Hudson Street as the applications covered some of the same ground

### **Reasoning for decision**

In reaching its decision, the Sub-Committee gave due consideration to:

- The promotion of the licensing objectives as set out in the Licensing Act 2003, in particular the prevention of crime and disorder and public safety.
- The Council's Statement of Licensing Policy.
- The Home Office Guidance issued under section 182 of the Licensing Act 2003.
- The Licensing Sub-Committee agenda pack for the application, the additional statement of Inspector Freer dated 29 May and the additional documents submitted by Mr Shaikh on 5 June 2020 and circulated before the start of the hearing.
- The oral representations made during the hearing.

In making its decision, the Sub-Committee:

- Considered the following parts of the section 182 Guidance:

#### Section 182 Guidance

“2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when

considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

- Took account of the evidenced cases of repeated immigration offences at the premises, specifically the recorded incidents of 8

September 2017 and 6 September 2019 during which a number of immigration offenders were encountered. The Sub-Committee further noted that during submissions the premises licence holder disputed that the persons identified as working illegally at the premises on those dates were in fact employees. However, the Sub-Committee was of the view that on the basis of the evidence submitted by the Home Office, which are an intelligence-led organisation, and on the balance of probabilities it was more likely than it was not that they were so employed by the premises licence holder. The Sub-Committee was satisfied that the management was ineffective in any checking of the documentation of staff they were employing at the premises to ensure that they had a legal right to work in the UK and noted that the premises licence holder had not actually produced any documents to evidence that any such checks had in fact been carried out..

- Found the employment of illegal workers at the premises as wholly unacceptable and that it clearly undermines the licensing objective of prevention of crime and disorder.
- Were satisfied on the evidence that there had been sustained and significant breaches of licensing conditions and fire safety issues and that this undermined the prevention of crime and disorder and public safety licensing objectives.
- Noted that Mr Chen had been premises licence holder during the whole time that these immigration issues and fire safety and licence breaches had occurred.
- Took into consideration the fact that there have been no further incidents at the premises reported since November 2019 and that that the premises licence holder had not been convicted or questioned by the Home Office with regard to immigration offences at the premises. They also noted that the revocation of the premises licence would be likely to harm the business and its employees.
- Noted that in light of the High Court decision in the case of *East Lindsey DC v Abu Hanif (t/a Zara's restaurant and Takeaway)*, the crime prevention objective did not require a crime to have been reported, prosecuted or established in court. The crime prevention objective is not retrospective; it is concerned with the avoidance of harm in the future.

- Put weight on the fact that despite several attempts by the Police and the Licensing Authority to work with the premises licence holder, there had been no engagement with those responsible authorities by the premises licence holder.
- Attached no weight to the food hygiene convictions in 2018 in respect of the Barbican Road premises, no weight to the caution of Ms Feng in 2017 for the sale of a knife to a child at the Regency Street premises and no weight to the ongoing wider criminal investigation (beyond the employment of illegal workers) referred to in the two restricted statements of Inspector Freer.
- Considered all the options open to them and noted that whilst the Sub-Committee had to consider what appropriate steps to take on review, such steps taken must also be proportionate. It recognised that a request for revocation of a licence was a major and severe step that had to be treated seriously, and that they had to consider whether there were alternative measures such as imposing conditions or adopting another sanction using its powers available to it under section 52 (4) of the Licensing Act 2003.
- They noted that the premises licence holder had a history of failure to comply with licensing conditions. They felt that given the history of repeated failings at the premises (significant breaches of conditions, fire safety issues and the presence of illegal workers) the premises suffers from either a lack of regard or poor management control had no faith in the premises license holder being able to sustainably uphold the licensing objectives in the future, particularly prevention of crime and disorder and public safety.
- Due to the gravity of the situation and taking into particular account the promotion of the crime prevention objective, including acting as a deterrent, believed that other sanctions including the imposition of further or amended conditions or a suspension of the licence would be ineffective in the promotion of the licensing objectives of prevention of crime and disorder and public safety. Accordingly it was determined that the premises licence should be revoked.

The decision will not take effect until the end of the period for appealing against the decision. In the event of an appeal, the existing licence will continue until the appeal is determined.

**Right of Appeal**

There is a right of appeal for the Premises Licence holder to the Magistrates Court against this decision. Any appeal to the Magistrates Court (preferably in writing), must be made within 21 days of receipt of this letter and sent to the following address:

Chief Executive  
York and Selby Magistrates Court  
The Law Courts  
Clifford Street  
York  
YO1 9RE

Thank you for attending the hearing.

Yours sincerely

Angela Bielby  
Democracy Officer  
(01904) 552599

cc. Representors  
cc. Licensing Officer

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



NO. 1331  
CYC009221

Date and time of the Closure Notice:

2/12/20 16.58hrs

Person making the Notice:

PS133 BOOTH

Signature: [Signature]

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

THE LEGGVEY  
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 Premise Licence

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

(KEVIN)  
MAN WAI LEUNG

Name: [Signature]

Signature: [Signature]

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IN THE YORK MAGISTRATES' COURT

An appeal pursuant to the Licensing Act 2003

ZHONG LE CHEN

(t/a 'Regency Restaurants') (First appellant-premises licence holder)

-and-

YANG TONG FENG

(Second appellant-applicant for transfer)

-v-

CITY OF YORK COUNCIL (No. 2)

1. Further to my written judgment in this matter dated 11 November 2020, I have been asked to consider this case again.
2. In paragraph 6 of that judgment, I noted that so far as I was aware, neither their applicants nor their solicitors had filed any response to the respondent's application to dismiss the appeals.
3. As will be recalled, the appellants appeal against the decision of sub-committee of the Respondent to revoke the premises licences, held by the first appellants in respect of two properties in York. They argue that their appeal was not brought 'out of time', in other words beyond the date that Parliament has stipulated that any such appeal may be commenced.
4. I do not intend to reiterate the detail of my judgment of 11 November 2020.
5. The appellants had, in fact, through their solicitors filed submissions on this point dated 6 August 2020 by Mr Moran of counsel.
6. Regrettably, this document had not been drawn to my attention by 11 November 2020.
7. It is only fair to the appellants that I reconsider my decision in the light of those submissions.
8. I will endeavour not to repeat the detail of my judgment of 11 November 2020, except so far as is necessary.

9. In order to commence the appeal that the appellants wish to bring, against the decision of the relevant sub-committee of the Local Authority, they must give notice of appeal within the period of 21 days beginning with the day on which the appellant was (appellants were) notified by the licensing authority of the decisions against. (Schedule 5, Paragraph 9(2) Licensing Act 2003).
10. It is accepted that the decisions of the relevant sub-committee were communicated to the parties by email on 12 June 2020.
11. Written reasons in support of these decisions were emailed to the parties on 22 June 2020.
12. Mr Shaikh sent an email on 13 July 2020 indicating that he wished to appeal the decision and requested a hearing date.
13. This was 22 days after the notification.
14. I would reiterate the points and authorities at paragraphs 13 to 24 of my judgment of 11 November 2020.
15. There is a degree of formality required. The fact that Ms Wong telephoned the court and emailed it to the effect that there would be an appeal on 8 July 2020 does not cure this defect
16. The appellants make much of the Civil Procedure Rules 2010, ('CPRs') as amended, in their submission by Mr Moran.
17. This is a fallacy. Those rules only apply to the county court and the High Court. They have no application to the magistrates' court exercising its wide, but not well understood, civil jurisdiction.
18. Any argument on that point is quickly dispelled by a literal reading of CPR 2.1
19. The fact that there is no reference to the magistrates' court exercising its' civil jurisdiction in those rules does not mean that the CPRs apply in the magistrates' court. The magistrates' court is a creature of Statute. It can only do what Parliament allows it to do by Statute or Statutory Instrument, as may be interpreted from time to time by the High Court.
20. The application for dismissal by the respondent is confirmed.
21. I reiterate my observations at paragraphs 14 to 24 of my previous judgment.

District Judge (Magistrates' Court) Lower

8 December 2020



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City of York Council  
Licencing Services  
Hazel Court EcoDepot  
James Street  
York, YO10 3DS

Our ref JW/ZW/KOAY/17678/1

Your ref

Date 9 March 2021

**(Delivered by Hand)**

Dear Sirs

**Application for Premises Licence – 16 Barbican Road, York, YO10 5AA – Applicant – Mr Kheng Chooi Koay**

We enclose an application for a premises licence together with the relevant supporting documents and a cheque for £315 in payment of the applicable fee.

Please let us know if you would prefer payment to be made by BACS transfer instead and, if this is the case, please let us have the relevant bank details.

It will be much appreciated if you could check the documentation and let us know if there are any issues with it as soon as you possibly can.

Yours faithfully

GUEST WALKER  
[john.walker@guestwalker.co.uk](mailto:john.walker@guestwalker.co.uk)

Enclosed:  
Cheque



[WWW.GUESTWALKER.CO.UK](http://WWW.GUESTWALKER.CO.UK)

12a Shambles, York, YO1 7LZ  
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**Directors:** John Walker M.A (Cantab), Helen Burrows LL.B, Deborah Barton LL.B, Alison Munro B.A  
**Solicitors:** Sean Gallagher LL.M (Associate), Rowena Rogers M.A (Cantab) TEP, Hudda Morgan LLB (Hons), Rachel Butterfield B.A  
**Life Planning Executive:** Emma Hartley GCILEx **Conveyancing Executives:** Vicky Middleton, Amanda Alden

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**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 MR KHENG CHOOI KOAY**

*(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 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			
<b>16 BARBICAN ROAD</b>			
<b>Post town</b>	<b>York</b>	<b>Postcode</b>	<b>YO10 5AA</b>
Telephone number at premises (if any)		<b>01904 466785</b>	
Non-domestic rateable value of premises		<b>£39,250</b>	

**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                             |                                     | 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)     | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                               | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                       | <input type="checkbox"/>            | 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 <b>KOAY</b>			First names <b>KHENG CHOOI</b>		
Date of birth		I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes	
Nationality <b>MALAYSIAN</b>					
Current residential address if different from premises address		<b>28 ST PHILIPS GROVE</b>			
Post town	<b>YORK</b>			Postcode	<b>YO30 6JP</b>
Daytime contact telephone number			<b>07920 031111</b>		
E-mail address (optional)		-			

**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 over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
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
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

**THREE STOREY PROPERTY AT 16 BARBICAN ROAD, YORK, YO10 5AA  
(OPERATING AS A RESTAURANT, TAKEAWAY AND KARAOKE BAR)**

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- 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)			<b>Will the performance of a play 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><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films 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			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

C

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

**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						
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)			
Tue						
			<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)			
Wed						
Thur						
Fri						
Sat						
Sun						

## E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	03.30	<b><u>Please give further details here</u></b> (please read guidance note 4) No more information available at present – unamplified.	Both	<input type="checkbox"/>
Tue	10.00	03.30			
Wed	10.00	03.30	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur	10.00	03.30			
Fri	10.00	03.30	<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)  <b>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 STARTS.</b>		
Sat	10.00	03.30			
Sun	10.00	03.30			

## F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	03.30	<b>Please give further details here</b> (please read guidance note 4) Standard background music – it may be amplified.	Both	<input type="checkbox"/>
Tue	10.00	03.30			
Wed	10.00	03.30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	10.00	03.30			
Fri	10.00	03.30	<b>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</b> (please read guidance note 6)  <b>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 STARTS.</b>		
Sat	10.00	03.30			
Sun	10.00	03.30			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" 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	10.00	03.30			
Tue	10.00	03.30			
Wed	10.00	03.30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	10.00	03.30			
Fri	10.00	03.30	<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> (please read guidance note 6)		
Sat	10.00	03.30			
Sun	10.00	03.30			

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 STARTS.

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p> <p><b>KARAOKE</b></p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	03.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	03.30	<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed	10.00	03.30			
Thur	10.00	03.30	<p><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)</p>		
Fri	10.00	03.30			
Sat	10.00	03.30	<p><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)</p> <p><b>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 STARTS.</b></p>		
Sun	10.00	03.30			

## I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	03.30	<u>Please give further details here</u> (please read guidance note 4) -	Both	<input type="checkbox"/>
Tue	23.00	03.30			
Wed	23.00	03.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) -		
Thur	23.00	03.30			
Fri	23.00	03.30	<u>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</u> (please read guidance note 6)  <b>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 STARTS.</b>		
Sat	23.00	03.30			
Sun	23.00	03.30			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) -		
Mon	10.00	03.30			
Tue	10.00	03.30			
Wed	10.00	03.30			
Thur	10.00	03.30			
Fri	10.00	03.30			
Sat	10.00	03.30			
Sun	10.00	03.30			
			<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)		
			<b>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 STARTS.</b>		

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	MR KHENG CHOOI KOAY
Date of birth	18/06/1976
28 ST. PHILIPS GROVE YORK	
Postcode	YO30 6JP
Personal licence number (if known)	HDC 1084
Issuing licensing authority (if known)	HAMBLETON DISTRICT 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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) -
Day	Start	Finish	
Mon	10:00	04.00	<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)  <b>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 STARTS.</b>
Tue	10:00	04.00	
Wed	10:00	04.00	
Thur	10:00	04.00	
Fri	10:00	04.00	
Sat	10:00	04.00	
Sun	10:00	04.00	

**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 applicant accepts that there have been problems with regard to the management/running of these premises in the past but he was not involved with those practices and wishes to start afresh now. This will be a family friendly restaurant that offers takeaway facilities and entertainment in the form of karaoke and the applicant wants to make sure that all four licencing objectives are considered at all times so that there is no repetition of some of the past problems. The applicant is putting in place proper structures to make the business work successfully going forward – including proper training and management – and with a wholly new management team in place.**

**He has got Peninsula involved to ensure that all HR matters are dealt with properly and that risks are identified, the law is complied with and appropriate training programmes are put in place.**

**The applicant will also ensure that the property is Covid compliant at all times and in all respects and training will be given to ensure this.**

**b) The prevention of crime and disorder**

**The applicant is happy to have full modern CCTV coverage and to accept reasonable conditions for the storage, copying and easy viewing of it. It will include all areas to which the public have access for licenced activities and where the public can consume alcohol and will display the correct time and date of the recording. The applicant has always operated a zero tolerance approach in relation to any kind of crime and disorder in premises that he has been responsible for but realises that this goes much further and that he would have a responsibility to help to keep the whole of central York free of trouble. He would refuse to serve someone who is intoxicated and would be prepared to involve the police and other legal avenues, if required.**

**Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the Premises Licence and the opening/operating hours of the venue and such training will be refreshed and documented every six months. Training records will be kept for at least three years and will be accessible for inspection upon request by any responsible authority.**

**Rigorous steps will also be taken to check employees and ensure that everyone involved in any aspect of running the business has proper immigration clearance and the right to work in the UK and no criminal activity of any kind will be tolerated. Full written employment records will be kept and will be available for inspection.**

**Neither Miss Tina Feng nor Mr Zhongle Chen will have anything to do with the running of the business and will not be the DPS at any time.**

**c) Public safety**

The applicant is happy for a capacity limit to be put in place for the property and for door supervisors to be in place at applicable times, particularly after midnight.

Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes. The members of staff situated on the first and second floor shall be in direct radio link with the door staff and will ensure that all alcohol consumed in the karaoke rooms is served by way of waiter/waitress service. All users of the karaoke rooms will have evidence of their room hire on their food bill as suitable evidence of food purchase and use of the karaoke rooms will be limited to customers who have consumed a meal in the restaurant, excluding snacks. No dancing is to take place on the ground floor of the building at any time.

There have been previous issues with hygiene and food safety standards/breaches but these have been addressed and the applicant will maintain standards going forward. Advice is being taken to ensure that these standards continue going forward (including putting in place a staff management plan and a waste management plan). Means of escape will not be locked. Fire systems are being updated and no staff will live/sleep in cramped conditions.

**d) The prevention of public nuisance**

The applicant is happy to agree that after midnight the only door used by members of the public to enter the premises will be the main door onto Barbican Road and that the last entry to the premises shall be at midnight. He is also happy to agree that, after midnight, 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. Drinking glasses of any type will not be allowed to enter or leave the premises whilst under the customers' care. A refusals register and an incident report register will be kept and prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly. A direct contact number for the duty manager shall be available to residents living in the vicinity of the premises, on request, and all doors and window shall be closed during regulated entertainment or, when entertainment is not provided, after 11pm each night – except for ingress and egress.

**e) The protection of children from harm**

**There will 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 will be acceptable – photocard driving licence, valid passport, PASS accredited proof of age card and any other form of identification previously agreed with representatives of North Yorkshire Police. The applicant very much wishes this to be a family friendly property and will do everything that he can to make sure that this happens and that children are not exposed to any risk of crime, disorder, lack of safety or public nuisance. Steps will be taken to ensure that knives are not sold to children.**

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
  - I have enclosed the plan of the premises. X
  - I have sent copies of this application and the plan to responsible authorities and others where applicable. X
  - I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
  - I understand that I must now advertise my application. X
  - I understand that if I do not comply with the above requirements my application will be rejected. X
- [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). X

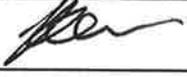
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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> </ul>
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	<ul style="list-style-type: none"> <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 proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	MARCH 9 <sup>th</sup> 2021
Capacity	Solicitor

**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)			
<b>JOHN WALKER</b>			
<b>GUEST WALKER</b>			
<b>12A SHAMBLES</b>			
Post town	<b>YORK</b>	Postcode	<b>YO1 7LZ</b>
Telephone number (if any)	<b>01904 624903</b>		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
<b>john.walker@guestwalker.co.uk</b>			

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# STORM Incident Report

## Incident

### Details

STORM No: NYP-22012022-0341  
Disp type: Crime Violence  
Occ type: Crime Violence  
Reported time: 16:27 - 22/01/2022  
Description: OP NIGHT  
Location: REGENCY CHINESE RESTAURANT  
16, BARBICAN RD  
YORK  
YO105AA  
X: 461050, Y: 451306

Priority: PRIORITY  
Action: ACTION REQ  
View Rated: NO  
Call source: 101

### Person Reporting

Name: [REDACTED] Telephone: [REDACTED]  
Email: [REDACTED] CLI: [REDACTED]  
DOB: [REDACTED] Gender: FEMALE  
SD Ethnicity:  
Vulnerable: No  
Involvement: PERSON REPORTING  
Address: [REDACTED]

### Officer Involvement

1665 OFFICER IN CASE  
4250 LOGGIST  
3745 CAD OPERATOR

### Dispatched Officer(s)

2449  
1665

## Persons

Values that appear in **RED** may have to be manually updated in Niche

1.  
Classification: AGGRIEVED Gender: [REDACTED]  
Name: [REDACTED] DoB: [REDACTED]

Home Address: [REDACTED]  
Home Phone:  
Email Addr.:  
Work Phone:  
SD Ethnicity: Weight: kg  
Hair Colour: Height: cm/ft\_in  
Hair Length: App age:  
Facial Hair: Build:  
Hairstyle: Voice  
Glasses: Accent  
Eye Colour:  
Desc remarks:  
Remarks:

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## Remarks

<u>Time</u>	<u>User</u>	<u>Category</u>	<u>Narrative</u>
16:27:02 22/01/2022	004250	TAG	CRIME TAG ADDED:
16:28:41 22/01/2022	004250	REMARKS	REPORTS HER DAUGHTER'S DRINK WAS SPIKED LAST NIGHT
16:30:28 22/01/2022	004250	REMARKS	SHE WAS OUT WITH FRIENDS THEY ATE AT [REDACTED] AND THEN WENT TO REGENCY CHINESE RESTAURANT WHERE THERE IS A KARAOKE EVENING
16:30:44 22/01/2022	004250	REMARKS	SHE HAD THREE DRINKS ALTOGETHER DURING THE EVENING
16:31:14 22/01/2022	004250	REMARKS	ONE OF HER FRIEND'S BOYFRIENDS PICKED THEM UP AT 2240HRS FROM THE REGENCY AND THAT IS WHEN SHE STARTED FEELING UNWELL
16:31:47 22/01/2022	004250	REMARKS	HER EYES WERE ROLLING AND HER JAW WAS WEIRD
16:31:57 22/01/2022	004250	REMARKS	SHE WAS TAKEN STRAIGHT HOME
16:33:23 22/01/2022	004250	REMARKS	HER PARENTS MONITORED HER THROUGHT THE NIGHT AND THEN GOT A DRUG TEST FROM CHEMIST WHICH SHOWED BENZODIAZEPINE IN HER SYSTEM
16:35:02 22/01/2022	004250	REMARKS	SHE HAS NO IDEA WHERE THIS HAPPENED HOWEVER POSSIBLY THE CHINESE AS SHE STARTED FEELING UNWELL ON LEAVING THERE
16:35:12 22/01/2022	004250	REMARKS	CAN OFFICER ATTEND AS PER FORCE POLICY
16:36:59 22/01/2022	004250	REMARKS	VICTIM [REDACTED]
16:37:16	004250	REMARKS	VICTIM [REDACTED]

Official - sensitive

22/01/2022  
16:37:31 004250 QUESTION QUESTION: ARE YOU DISPLAYING SYMPTOMS?  
22/01/2022  
16:37:31 004250 REMARKS ANSWER: NO  
22/01/2022  
16:37:32 004250 QUESTION QUESTION: IS ANYONE IN YOUR HOUSEHOLD  
22/01/2022 DISPLAYING SYMPTOMS?  
16:37:32 004250 REMARKS ANSWER: NO  
22/01/2022  
16:37:32 004250 QUESTION QUESTION: ARE YOU OR ANYONE IN YOUR  
22/01/2022 HOUSEHOLD SELF-ISOLATING?  
16:37:32 004250 REMARKS ANSWER: NO  
22/01/2022  
16:37:38 004250 QUESTION QUESTION: THREAT  
22/01/2022  
16:37:38 004250 REMARKS ANSWER: SPIKING  
22/01/2022  
16:38:05 004250 QUESTION QUESTION: HARM  
22/01/2022  
16:38:05 004250 REMARKS ANSWER: UNKNOWN  
22/01/2022  
16:38:10 004250 QUESTION QUESTION: RISK  
22/01/2022  
16:38:10 004250 REMARKS ANSWER: HIGH  
22/01/2022  
16:38:12 004250 QUESTION QUESTION: INVESTIGATION  
22/01/2022  
16:38:12 004250 REMARKS ANSWER: YES  
22/01/2022  
16:38:14 004250 QUESTION QUESTION: VULNERABILITY  
22/01/2022  
16:38:14 004250 REMARKS ANSWER: YES  
22/01/2022  
16:38:16 004250 QUESTION QUESTION: ENGAGEMENT  
22/01/2022  
16:38:16 004250 REMARKS ANSWER: YES  
22/01/2022  
16:38:16 004250 CS CALL SCRIPT THRIVE COMPLETED  
22/01/2022 REMARKS  
17:08:45 003615 SYSTEM REQUEST TO TRANSFER INCIDENT DETAILS INTO  
22/01/2022 NICHE SENT  
17:57:15 003615 TAG CROMUCRDMP TAG ADDED:  
22/01/2022  
22:50:36 001665 REMARKS MG11 TAKEN FROM VICTIM AND URINE SMAPLE  
22/01/2022 TAKEN AS PER GUIDANCE. WILL BE WORKED OFF  
NICHE.  
22:56:18 006102 REMARKS 1665 ENQS ONGOING TO TRACE SUSPECT  
22/01/2022  
23:01:47 003745 DISPOSE Disposition code: , 'CRIME14', 'ACT\_CA14'  
22/01/2022

23:01:47 003745 DISPOSE # Arrests: # Cautions: # Reports:  
22/01/2022  
23:01:47 003745 DISPOSE Handling Officer: 1665  
22/01/2022  
23:01:47 003745 DISPOSE Qualifiers NO QUALIFIERS APPLY  
22/01/2022  
23:01:47 003745 DISPOSE NYP-22012022-0341 HAS BEEN DISPOSED  
22/01/2022

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### Dispatch Address Geocoding

<u>Sector</u>	<u>NPT</u>	<u>District</u>	<u>Command</u>	<u>Force</u>
00FFNM	YORK C/E	YORK	YORK	NYP

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**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: [REDACTED]

Age if under 18: 16 (if over 18 insert 'over 18')

Occupation: student

This statement (consisting of \_\_\_\_\_ page(s) each signed by me) 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 to be true.

Signature: [REDACTED]

Date: 22/01/2021

On the 21<sup>st</sup> January 2022 at 17:30 hours I left home to go to my friends house to get ready to go out. We had arranged to meet friends at [REDACTED], in York city centre, for food, then onto Regency Chinese restaurant for karaoke.

Whilst at my friends I did not eat or drink anything, until I got into town. I arrived at [REDACTED] at 19:10 with 2 friends and 5 more turned up after us. We sat down to eat. At the restaurant I had 1 portion of chips and a meat platter to share, but I didn't like the meat so I just ate the chips.

I also had 2 glasses of rose wine. I ordered these separately and I was sat facing the bar. I wasn't really paying attention but I didn't see anything suspicious at the bar. I can't remember how many bar staff there were. We did share drinks around the table and some of my friends tried my wine, both glasses. I thought my wine tasted normal, as expected for rose wine.

We were sat by the window, when you walk in and turn right.

I have life 360 on my phone so I know we left [REDACTED] at 21:02.

I felt fine when I left [REDACTED].

We got a bus taxi directly to Regency Chinese where we had booked in for 21:00 for the karaoke.

When we walked in we went directly to the bar. I ordered a single vodka and coke, I think it was Smirnoff. I ordered 2 of my friends drinks too, one had a pimms and lemonade and one had a single vodka lemonade, with the same vodka. I was at the bar and watched them make the drinks. I didn't see anything suspicious. There was 2 people behind the bar at the point when we were ordering. One was male, maybe in his 50s, he looked Chinese and spoke with a Chinese accent. The other was female, maybe in her 40s, also appeared Chinese and had a Chinese accent. They were speaking to each other in Chinese.

After we got our drinks we went to find our seats upstairs, one of my friends tried my drink.

We saw some boys from York College that one of my friends knows and they came to sit with us. There were more of them than there was us, we were a group of 8 girls.

We were taking it in turns to sing and having a good time.

A while after I went to the bar downstairs to get myself another drink, this was about 22:00 hours. I went with a friend and again watched them make my drink. I ordered a double vodka and coke. The bouncer came over to me and started chatting to me. He asked how tall I was and I told him. He asked how tall I thought he was and told me he was exactly 6 foot. I was with a friend and he ignored her.

I returned to the karaoke and still felt fine, it tasted normal to me.

At 22:20 I returned to the bar and ordered another double vodka and coke, I watched them make it again. The bouncer came back over to me and said I bet its hot up there, but I just walked past him because I thought it was a strange thing to say.

I went to the toilet and my friend held my drink for me. She is a good friend I don't think she would have done anything to it. I then returned upstairs.

This bouncer kept coming in and out of our private room. I went out of the room at one point to check on a friend and when I turned round he was behind me. He asked what was going on and said my friends were having drama and I walked off.

I had my drink with me it was in my hand but I wasn't always looking at it.

This bouncer was weird, he asked my friend for her snapchat and she was too scared to say no.

I went back into the room and sat with my friend. Her boyfriend was picking us up and we decided we were ready to go home. At this point I still felt fine, I felt sober.

My friend rang her boyfriend and he came to pick us up between 23:00 and 23:10.

I still had my drink with me so I downed it before getting in the car.

We started driving home and started feeling not right. I almost felt really drunk but not, I have been drunk before and it didn't feel like this. I was dizzy and couldn't keep my head up but I knew I wasn't drunk. I tried to speak to my friend but my jaw locked and I couldn't speak. I tapped her on the shoulder and she told her boyfriend to stop the car.

My friend said my jaw was swinging and my eyes were all over the place.

I cant remember anything else.

I have been told my friend called my mum saying I had been spiked and my mum and dad helped me get into my house and looked after me.

At some point at home I took a video of my face which I can send to officers.

I was told I'd been sick at home.

My mum put me to bed and I slept quite deeply. I woke up really confused, my jaw really hurt and someone was in bed with me, who turned out to be my mum.

We rang round chemists in the morning to find out if any of them could give me a drugs test to see if I had been spiked. Superdrug at monks cross could so we drove there at around 14:40 hours on 22<sup>nd</sup> January 2022.

I took the test at home and did it straight away. It came up positive for Benzodiazepines.

RESTRICTED (when complete)

MG11

My mum then contacted the police to report this.

My friend that brought me home is called [REDACTED], she would be willing to provide a statement.

I genuinely don't think it was anyone else I was out with, there was something about this bouncer that I didn't like.

I was wearing a mini black blazer dress with a belt and long sleeves, nude heels, straight brown hair and a cream handbag. I am quite tall so with heels on I am around 6 foot tall.

[REDACTED] was wearing a black short dress with puffy sleeves. She is quite short, maybe 5 foot 4. She had a silver clutch bag. She walked in with a pizza box. She has long curly brown hair.

With regards to the bouncer. He was dressed like a bouncer. I think he might have had an arm band with his ID on it but I can't remember. He was about 6 foot and I would say he was mixed race. His hair was short on the sides and longer on top and dark brown/black and straight. I can remember only that he was in dark clothing.

My friend got his name off his snap chat account when he added her, which is [REDACTED]. He didn't speak with an accent.

He was the only bouncer I saw that night. But he wasn't standing on the door he was inside and by the bar or coming upstairs which I thought was strange.

No one else in my group became ill.

My mum has checked me all over for puncture marks and I don't have any and I didn't feel anything either.

I am not on any prescribed medication and have not taken anything that day.

I would be willing to attend court if required.

I am happy to provide a urine sample to the police.

I have a video of my face during the incident and I exhibit this as KE/01 and I will email this to PC 1665 SOUSTER.

I have a screenshot of the bouncers snapchat account which I will exhibit as KE/02 and I will also email.

Signature: [REDACTED]

Signature [REDACTED]

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**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: K Souster

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) 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 to be true.

Signature:  (witness)

Date: 22/06/2022

I am the above named and work as a response police officer at Acomb Police Station, York. I am the officer in charge of an investigation into a suspected drink spiking incident which is believed to have occurred at the Sky Blue Chinese restaurant and karaoke bar on Barbican Road, York on the evening of the 21st January 2022.

As part of this criminal investigation, I required the CCTV from Sky Blue, the North Yorkshire Police incident reference for this is 12220012237.

On the 23rd of January 2022 I contacted the Sky Blue by telephone to request their CCTV, and provide them with the date and the times of the incident. I was told that they did have CCTV but that no one could access it that day, but the owner would be in the following day to assist.

On the 5th of February 2022 I had a conversation over text message on my work issued mobile with a male called Kevin, who works at Sky Blue. This was from my work number [REDACTED] 452 to Kevin's mobile number [REDACTED] 129. He told me that he was having a problem getting the CCTV clips for me. I have screen shot these messages and I exhibit them as KS/05.

By the 13th of February 2022 I had had several conversations had with Sky Blue Chinese over the phone regarding CCTV. At first they said they had cameras in all the rooms, then they called back to say it wasn't working in the room the victim and her friends were in were in. They then rang back again to say actually the CCTV was wiped at the end of the month and cannot be viewed (despite telling me it is kept for 30 days).

I contacted the team that were overseeing Operation Night, which is looking into incidents of spiking for advice. They in turn contacted North Yorkshire Police Licencing unit to assist me with my enquiries and advise me on the licencing laws. On the 14<sup>th</sup> of February 2022 an officer from the licencing team contacted Sky Blue to advise them that they are required to provide the footage and that I would re-attend.

On 15th February 2022 I attended Sky Blue Chinese to obtain their CCTV in person, they had been advised that if they did not make their CCTV available they may be in breach of their licence. The CCTV was still not available and no one present was able to work the system. We were at the premises for around 1.5 hours whilst the staff made calls to a 'technical specialist' from one of their other restaurants.

We agreed that this 'technical specialist' would attend, burn off the required footage and drop this at York Fulford Road police station, in the next 24 hours.

Whilst I was there I attempted to gain the details of the staff working on the day. The logs presented to me did not cover the date of the incident, I took a photograph of this on my work mobile and I exhibit this as KS/04.

On the 16th of February 2022 the CCTV had still not been received, so I attended the Sky Blue Chinese and seized the CCTV hard drive under section 19 of PACE, for examination by specialist officers.

On Monday the 6th June 2022 I attended Calder Park, our digital forensics unit, with the hard drive for a specialist examine it for footage.

I was told by the examining officer that the memory in the hard drive was full, and this is why it was not recording properly. Footage was being written over less than 30 days from when it was taken and that not all of the cameras were working. There was no footage from 21st January 2022, the date that I required.

I then returned to my police station with the hard drive.

I have had no more dealings with the Sky Blue Chinese restaurant.

Signature:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Signature witnessed by:

JB/02

**From:** Booth, Jackie

**Sent:** 15 February 2022 17:08

**To:** Souster, Katherine <Katie.Souster@northyorkshire.police.uk>; Hollis, Kimberley <Kimberley.Hollis@northyorkshire.police.uk>

**Subject:** 12220012237

Hi Kate,

This afternoon PC Kim Hollis has contacted the Premise Licence Holder and Designated Premises Supervisor Mr Kheg Chooi KOAY ( this is the person who is authorised to supply alcohol and has responsibility for the day to day management of the premises ensuring compliance with the conditions attached to the licence). Kim has stated to him that this evening ( We are aware you are on nights and time is running out for the requirement to keep CCTV for 28 days) that you will attend the premises as you are making enquiries regarding an incident that has taken place and require access to the CCTV. Mr KOAY states he cannot be there this evening but he states that one of his managers Kelvin or Mike will assist you with CCTV enquiries. Mobile for KOAY should you need it is [REDACTED]

My advice is that the investigation regarding the spiking is the primary offence and evidence needs to be secured in respect of this ( all other matters surrounding licensing offences will be dealt with by the Licensing Department). As such I would advise the following:-

1. Attend the premises with Body Worn Camera and ensure all engagement is captured for evidential purposes.
2. Ask to speak to duty manager Kelvin or Mike and advise that you are making enquiries regarding an incident on 21<sup>st</sup> January and require to see CCTV from that date. I have attached a copy of the current premises licence, please feel free to print out and take a copy ( the Premises should have a copy of their own) and you can also advise them on camera that it is a requirement whilst they are open to the public for licensable activities they must be in compliance with all conditions on the premises licence. I have Highlighted the CCTV condition at ANNEX 2.
3. If they are unable to produce CCTV of the 21<sup>st</sup> January then as this is within the 28 days they are required to keep CCTV this is a breach of their licence conditions and advise that you will refer this to police licensing who will make contact to follow this up.
4. I would then advise you if they are unable to produce the CCTV or you feel they cannot operate correctly, under Section 19 PACE seize the full hard drive system ( we will then be able to take this to Calder park who can see if they can retrieve any data or advise if footage has been deleted. Whilst this will effectively put them further in breach of the PL, I have considered the offence under investigation and if there is a chance to retrieve anything evidentially then I would rather secure the CCTV footage).
5. You will see I have also highlighted some other conditions under ANNEX 2, namely an incident/refusal book, ask to see this for the 21<sup>st</sup> January to see if any entries.

6. Also ask for them to provide them you full details of all staff who were working on 21<sup>st</sup> January as you will see it is a condition for the SIA staff to sign in and out in a register with their full badge number ( Condition 8). Again if they cannot provide you this mention it is another breach of a premise licence condition and again licensing will be informed.
7. Condition 17 and 18 require the premises to keep a full HR record of staff so they are required to provide you details of staff who where working on the night in question.

[REDACTED]

[REDACTED]

[REDACTED]

Hope this assists and if you need anything else please get in touch.

Kind Regards

Jackie

PS133 Booth  
Force Licensing Manager  
Partnership Hub  
Tel 101 Ext 30133  
Mobile: 07710977979  
Email:- [Jacqueline.booth@northyorkshire.police.uk](mailto:Jacqueline.booth@northyorkshire.police.uk)

**Please note by working days are Mon-Thurs 0700x1700**

***Committed to the Code of Ethics***

## Occurrence enquiry log report

North Yorkshire

**Occurrence:** 12220012237 Crime Violence [CR14.NYP] @22/01/2022 16:27 OP NIGHT  
**Task status:** All  
**Log type:** All

Valid as of 23/06/2022 08:24:11

Printed by #001720 FURLONG, DAVE

#	Type	Entry time	Event time	Author	Link	Task
1	CRU	22/01/2022 17:56		#003615 SPRAKES, KERRY	No	

Log entry:

This Occurrence has been reviewed as part of the Crime Validation process. A crime recording decision has been made using information recorded within the Storm Log. Validation P grade – OIC yet to be assigned at validation  
 Local Qualifier applied: n/a  
 NICL Qualifier applied: drugs alcohol  
 Occ Type – violence

2	Investigator action	22/01/2022 23:21		#001665 SOUSTER, KATHERINE	No	
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Log entry:

Click to open: [Exhibit \(POTF\) Submission Form](#)

3	Investigator action	23/01/2022 00:12		#001665 SOUSTER, KATHERINE	No	
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Log entry:

OP NIGHT

4 simple steps

actions completed:

i have visited the victims home address and obtained an MG11 from [REDACTED], in the presence of her mother [REDACTED].  
 in the statement [REDACTED] tells me that she went to a restaurant for food, had 2 glasses of wine and some chips. she then went onto Regency Chinese for a karaoke nights from 2100 - 2300. during that time [REDACTED] had 1 single and 2 double vodka and cokes.  
 [REDACTED] didnt start to feel unwell until she was on her way home. her eyes started rolling back in her head and her jaw locked making her unable to talk. once at home she vomited and fell asleep.  
 she has no memory of the night after trying to tell her friend she wasnt well but not being able to get the words out.  
 he next day she paid for a drugs test and it came back positive for benzodiazepines.  
 [REDACTED] states she hadnt taken that or any other drug or medication that day.  
 [REDACTED] said they were joined by a load of lads from college whos names she isnt sure of but doesnt think any of them would spike her.  
 she said here was a bouncer who was following her around talking to her.  
 as per guidance i have collected a urine sample KS/01 and secured this in the exhibits freezer.  
 MG21 submitted for analysis of the urine.  
 description and locations of victim throughout the night are on the MG11.

court procedures and VPS explained to victim.

the bouncers details have been located as [REDACTED]. [REDACTED].  
 Regency Chinese have confirmed they have CCTV inside but it cant be accessed until the owner is in tomorrow.

actions outstanding:

- view CCTV from regency Chinese
- checks on [REDACTED]
- await drugs analysis.

[REDACTED]?

ime frames:

i suspect the drugs analysis will take some time.  
 CCTV to be viewed ASAP to see if an offence can be seen to occur

4	Investigator action	23/01/2022 00:28	22/01/2022 22:00	#002449 MACGREGOR, STUART	No	
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Log entry:

SPC2449 Contacted Regency Chinese restaurant to confirm details of door staff and what outside agency they work for.

Contacted the security agency to be informed that their system is down and will have to contact them on Monday when their computers would be running again.

5	CMU	23/01/2022 17:06		#006236 SHIELD, DAVE	No	
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Log entry:

Reviewed, screened in, NCRS compliant. To be monitored to closure by OICs Supervision

- 6 Supervisor review 29/01/2022 14:44 #000592 LEWIS, OLIVER No  
*Log entry:* A/PS 592 Lewis - OIC has enquiries in hand, CCTV to be viewed and await any Urine Sample analysis.
- 7 Investigator action 13/02/2022 11:26 #001665 SOUSTER, KATHERINE No  
*Log entry:* several conversations had with Regency Chinese re. CCTV. at first they had cameras in all the rooms, then they called back to say it wasn't working in the room they were in. they rang back again to say actually the CCTV was wiped at the end of the month and cannot be viewed (despite telling me it is kept for 30 days). i have updated [REDACTED] she understands but said she has since seen a video of the bouncer/door man carrying these 16 year old girls on his shoulders on the night of the incident.  
 more checks required on door man. i need to speak to the agency to obtain his full name, DoB and address.
- 8 Supervisor review 14/02/2022 17:03 #000133 BOOTH, JACKIE No  
*Log entry:* PS133 have been made aware of the licensing issues and the CCTV being deleted. This is a breach of the Premise Licence conditions for which the licence was previously revoked. Licensing to progress enforcement regarding this aspect.
- 9 Investigator action 15/02/2022 23:02 #001665 SOUSTER, KATHERINE No  
*Log entry:* I attended regency Chinese to obtain their CCTV, following a call to them from licensing advising them of my attendance and that they would be in breach of their licence if not available.  
 The CCTV was still not available. there seemed to be some confusion as to whether the CCTV would be deleted after 28 days of being recorded or just every 28 days. 'rolling 28 day CCTV' could not be understood by staff.  
 despite knowing we were coming there was no one present able to work the CCTV.  
 after about 1.5 hours of phone calls and conversations about what CCTV is needed a 'technical specialist' from one of the other restaurants agreed to come in the morning and sort it. Regency were given one more opportunity to provide this CCTV and stated they would drop it in at Fulford road tomorrow morning.  
 when i start work at 1900 tomorrow, if the CCTV is not there, myself and OSU officers will re-attend regency and take their hard drive, under section 19 of pace.  
 manager or regency was warned that if their CCTV hard drive was seized then they would be in breach of their licence for having no CCTV.  
 also to note, the restaurant are not keeping adequate records of their working staff, the door staff did not sign in or out the day on the incident despite us knowing he was working. there are barely any records for January 2022 of any door staff.  
 [REDACTED]
- 10 Supervisor review 16/02/2022 18:08 #000133 BOOTH, JACKIE No  
*Log entry:* PS133 I have noted the update that officers have not been provided the CCTV despite communication by PC Hollis to the Premises Licence Holder Mr Koay on 15/02/16 to comply with his Premise licence conditions and provide this to officers. My advise is to now seize the hard drive under section 19 of PACE ( if the premises are open to the public and officers are present lawfully to investigate an offence and there is a belief that the premises are failing to comply the hard drive can be seized and sent for examination to Calder Park). OIC to please email the York Licensing officer PC Hollis when this has been done and PC Hollis will then deal with the licensing breaches and any prosecution for 136 offences under the Licensing Act.
- 11 Investigator action 16/02/2022 21:55 #001665 SOUSTER, KATHERINE No  
*Log entry:* Click to open: [Exhibit \(POTF\) Submission Form](#)
- 12 Investigator action 17/02/2022 00:44 #001665 SOUSTER, KATHERINE No  
*Log entry:* i have attended regency chinese following no CCTV being presented for viewing or download. i have explained that under section 19 of pace i would need to take the hard drive to obtain the data required. the staff called their lawyer who i spoke to, he then had a conversation with staff and they then allowed me to take the hard drive without issues. they directed me to the hard drive, stating the other boxes were for karaoke. the drive seized was by the screens, all of which seemed to be working at the time.  
 it is noted that the time on the CCTV is 13 minutes fast but the date correct.  
 hard drive taken to fulford and booked in as exhibit KS/03  
 i have attempted to fill in a DFU referral, using the new procedure. i have not done one before. awaiting outcome of authorisation.  
 yesterday i send a DPA to strong guard security re, the door staff's details. nothing back yet.  
 no results from the urine sample back yet.
- 13 Other 17/02/2022 19:27 #006662 THACKRAY, RACHEL No  
*Log entry:* victim updated.  
 [REDACTED] He has received the DPA request but can't provide any details of the male as he is not employed by the company itself. He is a sub-contractor who provides extra cover if [REDACTED]  
 [REDACTED] Email to PC1665 with update.
- 14 Investigator action 21/02/2022 07:26 #001665 SOUSTER, KATHERINE No  
*Log entry:* I am currently struggling to get any information about the door security staff. Given that the security company rang on 101 instead of replying to me directly, and failed to provide return contact details, i would say they have been most unhelpful. i have replied to the security company again asking for direct contact via email for the director.  
 i would suspect that they have more [REDACTED] for [REDACTED], they have also not provided any rota as requested.  
 [REDACTED]



i have sent a message to SIA to request his DoB and address: [REDACTED]).

enquiries into the door security officer continue.

15 Supervisor review 07/03/2022 14:32 #000592 LEWIS, No  
OLIVER

*Log entry:* A/PS 592 Lewis - I have noted the below. OIC has all enquiries in hand. OIC to now view the CCTV footage at Calder Park following their authorisation. OIC to link in with the NYP Licencing Team who may also assist with this enquiry. This is the final LOE for this incident and as such we need to progress this otherwise we have no other evidential leads.

16 Supervisor review 05/05/2022 14:17 05/05/2022 14:18 #001052 COOPER, No  
WESLEY

*Log entry:* **Investigation – Ongoing Supervisor's Review**  
In Domestic Abuse, Child Abuse, Sexual Offences or cases involving a Vulnerable Victim or Witness, where RUI has been used, a Sergeant should review at least every 10 Days. In all other cases Supervisors should review Investigations at least every 28 Days.

**Completed:**

The OIC has seized the hard drive under S19 as documented, we have results from the drugs test, but still pending the Urine results.

**Outstanding:**

Review of CCTV with calder park, and results of Urine

**Timescales (Inc. EFD or APB):**

2 Weeks

**Victim:**

Please ensure victim is updated to investigation.

17 Investigator action 29/05/2022 11:41 #001665 SOUSTER, No  
KATHERINE

*Log entry:* i have booked an appointment with calder park on monday 6th June at 11:00 with the hard drive from regency chinese

18 Supervisor review 30/05/2022 22:12 30/05/2022 22:13 #001052 COOPER, No  
WESLEY

*Log entry:* **Investigation – Ongoing Supervisor's Review**  
In Domestic Abuse, Child Abuse, Sexual Offences or cases involving a Vulnerable Victim or Witness, where RUI has been used, a Sergeant should review at least every 10 Days. In all other cases Supervisors should review Investigations at least every 28 Days.

**Completed:**

OIC has enqs in hand, and has an appointment at Calder Park on 6th June 2022

**Outstanding:**

Examination of CCTV

**Timescales (Inc. EFD or APB):**

1 Week

**Victim:**

[Click to add comments.](#)

19 Investigator action 06/06/2022 12:20 #001665 SOUSTER, No  
KATHERINE

*Log entry:* i have just returned from Calder Park with the hard drive from Regency Chinese. this was examined ad there is no footage at all from the date in question.  
we have looked at the activity log and there is no record of the CCTV being accessed and deleted. he hard drive was completely full and it appears as though for this reason there is only 10 days worth of footage and this over rides every 11 days. the footage on the hard drive is from 22/01/2022 to 03/02/2022. tis is one day after the incident.  
Also, most of the cameras do not work, the ones that are filming are the kitchen and one of the karaoke rooms.  
here is no footage on the hard drive relating to the incident and there is no evidence that it was tampered with. therefore i dont see why it cannot be returned.

20 Investigator action 08/06/2022 04:12 #001665 SOUSTER, No  
KATHERINE

*Log entry:* **Investigation – Proposal for Closure: Outcome 18**  
**Investigation Complete. No Suspect Identified.**

**Please Note:** If there is a Suspect linked to the Occurrence, then this outcome cannot be used. Please apply an alternative outcome.

I am the Officer in the Case, and I confirm the following: **Summary of Circumstances:** (As borne out by the evidence gathered) on the 22nd January 2022 the victim was out with friend and attended a karaoke night at the regency Chinese, barbican road, York. during the evening she was drinking but not heavily. she began to feel very ill and a friend took her home.  
she showed signs of drug ingestion, rolling eyes and a tight jaw.

the following morning she paid for a recreational drugs test with came back as positive for benzodiazepines.

**The Investigation has been completed and no Suspect has been identified. [Yes](#)**

here were a number of lines of enquiry followed in this case.

firstly, samples were taken from the victim and placed in the POTF freezer. a test was requested but i was told that without a suspect the samples would not be evidentially tested.

the CCTV from the regency has been examined and does not show any footage of the night of the incident. here were no incidents matching this MO recorded in York around the same time. the victim does not think and of her friends will have been involved and watched the bar staff make her drinks. she didnt leave her drink unattended at any point.

here are no further lines of enquiry for this incident, the victim has been given safety advice.

**Safeguarding:**

Has the correct level of safeguarding been implemented? [Yes](#)

no suspect identified

Where applicable, relevant forms have been completed and evidential material attached to the Occurrence?	<a href="#">Yes</a>
I have checked that all required crimes are recorded, in line with the NCRS/HOCR.	<a href="#">Yes</a>
All relevant Crimes/Occurrences are linked to this record on Niche.	<a href="#">Yes</a>
All tasks are actioned and complete.	<a href="#">Yes</a>
All property has been returned, as appropriate.	<a href="#">Yes</a>
A PPN has been submitted and reviewed.	<a href="#">N/A</a>
Form 174 (Hate Crime) has been submitted.	<a href="#">N/A</a>
PENY Form 145 (Youth Referral) has been submitted.	<a href="#">N/A</a>
Has the Victim/their Representative been updated with the Outcome?	<a href="#">Yes</a>
A Victim Witness Contact Module (VWCM) has been completed.	<a href="#">Yes</a>

21

Supervisor review 14/06/2022 18:02 14/06/2022 18:02 #001052 COOPER, No WESLEY

Log entry:

**Investigation - Sergeant's Final Outcome Review**

I have reviewed the CAD and OEL, including the OIC's proposal for finalisation below.

An appropriate entry from a Supervisor is recorded on this OEL detailing the rationale for a disposal and that decision is compliant with DPP Guidance and all other relevant policies/procedures. [Yes](#)

**Where the above rationale is missing or insufficient, record sufficient detail for closure here:**

The OIC template covers the finalisation rationale

**The disposal decision is identical to the crime which is recorded? Where an alternative offence has been used to dispose of the recorded crime, this will be reviewed by the Force DDM. The rationale for an alternative offence is:**

[Enter details here.](#)

I have checked the OIC's answers to the closure questions and am satisfied that the criteria for closure is met, under Outcome 18.

The Expected Standards of Investigation have been met.	<a href="#">Yes</a>
Relevant documentation specific to the disposal is attached as required.	<a href="#">Yes</a>
Appropriate Crimes are recorded.	<a href="#">Yes</a>
Has a Victim Personal Statement been offered or completed?	<a href="#">Yes</a>
Tasks and Property are appropriately actioned.	<a href="#">Yes</a>
Appropriate documentation such as MG11s/PNB entries, exhibits, PPNs, F174s etc have been attached.	<a href="#">Yes</a>
All relevant Nominal/s are linked to the record.	<a href="#">Yes</a>
Victim has been updated with outcome and Niche is Victim Code Compliant.	<a href="#">No</a>
A Victim Witness Contact Module (VWCM) has been completed.	<a href="#">Yes</a>
Child's Voice recorded on PPN.	<a href="#">N/A</a>

**Please Finalise/Returned to OIC for further actions as below:**

Victim to be contacted prior to finalisation to update

**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Samantha Bolland

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) 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 to be true.

Signature: SB (witness)

Date: 09/06/2022

I am PC 1520 Samantha Bolland, of North Yorkshire Police. I am stationed at Fulford Road Police Station, York, in the role of Police Alcohol Licensing Officer and have been in this role for 6 years.

On 18<sup>th</sup> February 2022, at 12:00pm, I was on duty in plain clothes in company with PC 1671 Kimberley Hollis, Alcohol Licensing Officer. At this time we had reason to attend Sky Blue, (formerly Regency), 16 Barbican Road, York.

Upon arrival at the premises, we spoke with a male who goes by the name Kevin, his legal name is Man LEUNG. I have dealt with LEUNG previously during Licensing inspections at Sky Blue, and have known him since 2017.

PC 1671 Hollis explained to LEUNG that we had been made aware of possible breaches of the Premise Licence conditions under Premise Licence CYC -68154, after a call for service from North Yorkshire Police, where officers attended the premises.

LEUNG stated he was cleaning and was insistent that he was not in charge, however he was the person who spoke with PC 1671 Hollis and myself.

Upon inspecting the premises, the following breaches of the Premises Licence were found and at 12:38 hours, a Section 19 Closure Notice was issued by PC 1671 Hollis:

1. CCTV time incorrect – showing 12:28hrs at 12:14hrs – Cond 1, Annex 2
2. No staff training signed for licensable activities – Cond 2, Annex 2
3. No staff HR system and records cond 17 & 18, Annex 2

The Section 19 Closure Notice was issued to Man Leung, and he was given 7 days to rectify the breaches.

On 25<sup>th</sup> February 2022 at 12:14 hours, PC Kim Hollis and myself returned to Sky Blue to check the Section 19 Closure Notice had been actioned. At this time PC Hollis spoke with Man LEUNG. PC Hollis went through the Section 19 Closure Notice with LEUNG, which included LEUNG showing us the staff training records and staff details, as per the premise licence conditions.

I took photos of the staff training records and staff details, and I exhibit these as:

SB-1 – Photo of “Training record Form for server of alcohol” page 1 of 2

SB-2 – Photo of “Training record Form for server of alcohol” page 2 with signatures

SB-3 – Staff personal details form

The paper records were produced from a folder which was kept in an unsecure location behind the downstairs bar. PC Hollis advised LEUNG that these records needed to be kept in secure location as they contained sensitive and personal material.

PC Hollis and I then left the premise and I had no further dealings with the premises.

Signature: Samantha Bolland

Signature witnessed by: n/a

**SB/1**

1 of 2

**Training Record Form for a Server of Alcohol  
Licensing Act 2003 and the Supervision of Gaming Machines and Tobacco  
Purchases**

There are strict laws and company rules concerning the sale of alcohol, tobacco and the playing of gaming machines. This form is designed to ensure that you understand your responsibilities. You must therefore sign this form before you are allowed to serve alcohol and have been trained in respect of tobacco products and gaming machines.

Breaking the law can result in heavy fines and the loss of our licences. At the very least, in the event of the authorities discovering that you have served alcohol to someone under the age of 18 or someone who is drunk, you could be issued with an £80 fixed penalty notice which would be your personal responsibility to pay. A conviction for any of the matters listed below not only leaves you with a criminal record but may also prevent you from becoming a personal licence holder in the future. In addition, if you do not comply with these rules disciplinary action may be taken against you which could result in the loss of your job.

It is essential that if you do not understand any of these instructions or require further information that you discuss the matter with your Manager.

1. Do not sell alcohol to anybody who is under 18. If you are in any doubt about their age simply do not sell alcohol to them. If a customer looks under 21 you must ask for identification. The only acceptable forms of identification are an international passport, a UK photo card driving licence and a PASS Scheme proof of age card.
2. Do not sell alcohol to anybody who you suspect is drunk. In addition, you should not sell to anyone whom you believe to be purchasing on behalf of an individual who is drunk or appears to be drunk. If you suspect that someone is drunk then inform the Manager immediately.
3. Do not serve alcohol outside the hours listed on your premises licence. You must also make sure that drinking up is completed within 30 minutes.
4. You must be aware of any conditions which are attached to the licence for your premises and abide by them.
5. Always ensure that you serve a correct measure. It is an offence to give an under measure.
6. It is forbidden and against the law to smoke anywhere within the trading premises.
7. It is against the law for anyone under the age of 18 to purchase tobacco products such as cigarettes, if a customer looks under 21 you must ask for identification.
8. It is against the law for anyone under the age of 18 to play on Category C gaming machines, or for anyone to permit or participate in such play, and their use must therefore be supervised, if a player looks under 21 you must ask for identification.
9. Hand wash basins must be only used for hand washing and should always contain soap, hot water, nail brush and a supply of hand towels.

These requirements must be observed at all times. Both you and the company can be prosecuted if they are not adhered to and if you are found guilty of an offence you may receive a criminal conviction and/or a fine.

I can confirm that I have received training in all the above matters and have read and understood the details of these instructions.

**Person trained**

Name SUSAN Date 3/11/20 Signed [Redacted]  
I am satisfied that the above named person fully understands the content of these instructions and that they are competent to sell alcohol in accordance with the law and have been trained in respect of tobacco purchases and gaming machines.

**Personal licence holder**

Name MAN WAI LUNG Date 3/11/20 Signed [Redacted]

V3 July 2007

REPROCESSED on 18/3/2022

MAN WAI LUNG, [Redacted] P.T.O.

SB/2

**Training Record Form for a Server of Alcohol  
Licensing Act 2003 and the Supervision of Gaming Machines and Tobacco  
Purchases**

**Continued**

Person (s) trained

Name	Date	Signed
RICKY	3/11/20	[Redacted]
SI	3/11/20	[Redacted]
XOEMAN	3/11/20	[Redacted]
WONLOW	6/11/20	[Redacted]
MIKE	1/6/21	[Redacted]
MARCO	4/7/21	[Redacted]
X. Chen	2/7/21	[Redacted]
<del>MIKE</del> MIKE	18/2/22	[Redacted]
GA GA Guo	18/2/22	[Redacted]
PATRICK	18/2/22	[Redacted]
X. CHEN	19/2/22	[Redacted]
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I am satisfied that the above named person(s) fully understand the content of this instruction and that they are competent to sell alcohol in accordance with the law and have been trained in respect of tobacco purchases and gaming machines.

Personal licence holder

Name	Date	Signed
M-J-LBUNDY	6/11/20	[Redacted]
JAN + KEVIN LBUNDY	2/7/21	[Redacted]
KHENRY KOAY	18/2/22	[Redacted]
KEVIN LBUNDY	18/2/22	[Redacted]

**SB/3**

Private and Confidential

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中文姓名 Name: YIEN'S YEE  
 出生日期 DOB: [REDACTED] 年齡 Age: [REDACTED]  
 體重 Weight: [REDACTED] 身高 Height: [REDACTED]  
 Marital Status: [REDACTED] 種族 CHINESE  
 地址 Address: [REDACTED] Postcode: [REDACTED]  
 聯絡電話 Tel: [REDACTED] (Day) [REDACTED] 夜(Night)  
 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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開工日期 Start date: 31/Jan/22 ✓  
 工作經驗 Resume: ~~on hold~~ on hold 工作崗位 Position: CHEF.

Hobbies: \_\_\_\_\_  
 Past illnesses: \_\_\_\_\_  
 Criminal Record: \_\_\_\_\_

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**For Office Use Only**

\_\_\_\_\_

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\_\_\_\_\_

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Made under section 19 of the Criminal Justice and Police Act 2001



Premises Licence No: C4C-68154

Date and time of the Closure Notice: 18/02/22 - 12:38hrs

Person making the Notice: PC1671 Kim Hollis  
Signature: [Handwritten Signature]

Name (if applicable) and address of the affected premises: SKY BLUE 16 BARBICAN RD, YORK, YO10 5AA

- Alleged unauthorised use of the premises:
- CCTV Time incorrect showing 12:28hrs at 12:14hrs. Concl 1 Annex 2.
  - No staff training signed for licensable activities. Concl 2 Annex 2.
  - no staff HR system + records Concl 17 + 18 Annex 2.

- Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:
- CCTV time to be corrected.
  - Staff to sign training for licensable activities.
  - individual files for staff to be made with HR record.
- 7 days

The person (if applicable) on whom the Closure Notice has been served:  
Name: Alan LEUNG (Kevin)  
Signature: [Handwritten Signature]

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**Closure Notice**

Made under section 19 of the Criminal Justice and Police Act 2001



Premises Licence No: CYC-68154

Date and time of the Closure Notice:  
18/02/22 - 1238 hrs

Person making the Notice:  
PC1671 Kim Hollis  
  
Signature: [Handwritten Signature]

Name (if applicable) and address of the affected premises:  
SKY BLUE, 16 BARBICAN RD  
YORK YO10 5AA

Alleged unauthorised use of the premises:  
- no noise management plan  
Cond 29. Annex 2.

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:  
- noise management plan to  
be submitted to CYC  
licensing authority.  
  
7 days.

The person (if applicable) on whom the Closure Notice has been served:  
  
Name: Man LEUNG (Kevin)  
  
Signature: [Handwritten Signature]

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JB/03

**From:** Booth, Jackie  
**Sent:** 15 June 2022 09:47  
**To:** [REDACTED] >; greatwallchina93@yahoo.com  
**Subject:** Sky Blue- 16 Barbican Road York

Good Morning Mr Koay,

Thank you for your time on the telephone this morning. As explained to you I am the Force Licensing Manager for North Yorkshire Police and have been made aware of a criminal investigation that occurred at the above Premises for which you are the Premises Licence Holder and Designated Premises Supervisor, on 21<sup>st</sup> January 2022 police reference number 12220012237.

The investigating officer has advised that she has not been able to obtain any staff records as part of the investigation.

I have attached a copy of your Premise Licence which has the following conditions:-

**17. The premises licence holder will operate a full HR management system where all relevant documents are stored for each individual member of staff.**

**18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.**

**19. The premises licence holder will work with Peninsula (or any other HR company) to carry out checks on the Home Office website and verify identification documents such as right to work documents to ensure that all new members of staff can be legally employed.**

**20. No new member of staff will be able to work at the premises unless they have provided satisfactory proof of identification and right to work.**

Failure to comply with the above conditions is a criminal offence under Section 136 of the Licensing Act ( unauthorised licensable activities).

I am wanting to obtain details of your full staff records and also liaise with Peninsula as per condition 19 in respect of what advice/support they have provided to you.

If you are amenable to providing consent so that I can liaise directly with Peninsula, can I please request that you reply to this email advising if you are happy for North Yorkshire Police to have access to ALL or if you wish to specify certain correspondence in your contract with Peninsula.

I have copied in [REDACTED] from Peninsula, if you can also include him in your reply.

Once I have received your response, I will contact you further to arrange a meeting at the Premises to discuss the above and some other matters.

If you have any queries in relation to the above please do not hesitate to contact me.

Kind Regards

Jackie

PS133 Booth  
Force Licensing Manager  
Partnership Hub  
Tel 101 Ext 30133  
Mobile: 07710977979  
Email:- [Jacqueline.booth@northyorkshire.police.uk](mailto:Jacqueline.booth@northyorkshire.police.uk)

**Please note my working days are Mon-Thurs 0700x1700**

***Committed to the Code of Ethics***

Private and Confidential

中英姓名Name: Yani Amy Leung  
出生日期 DOB: 21/5/1963 年齡 Age: 38 性別 Sex  M  F  
體重 Weight: 153.42 身高 Height: 170cm 血型 Blood Group: B  
Marital Status: Married Nationality: British  
地址 Address: 12 Aberdeen Ave Postcode AE12 8AG  
聯絡電話 Tel: 251165129 日 (Day) 9 夜 (Night) 9  
Fax: \_\_\_\_\_ Email: Amyon.Amber@HSE.gov.uk

開工日期 Start date: 1/12/2021 工作崗位 Position: Sp. Clinical Clerk  
工作經驗 Resume: \_\_\_\_\_

Hobbies: \_\_\_\_\_  
Past illnesses: \_\_\_\_\_  
Criminal Record: \_\_\_\_\_

For Office Use Only

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SGSL  
U.S.A.

### VENUE CAPACITY AND INCIDENT RECORD

*Friday December 31, 2010*

DAY / DATE	CAPACITY		Total A+B+C	INCIDENTS / EJECTIONS	
	In	Out		Compliant (no actions required)	Non-Compliant (complete incident / Accidents)
00:00					
00:30					
01:00					
01:30		00			
02:00					
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03:00					
03:30					
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5

TOTAL 3:00

PRIVATE & CONFIDENTIAL when completed

SGSL DS 11  
Issue 01/02/2010

Nationality: SIG/548&A  
GRACE ROMANIAN

**StrongGuard Security**  
UK LTD

### VENUE CAPACITY AND INCIDENT RECORD

DAY / DATE		CAPACITY			INCIDENTS / EJECTIONS
28-1-22		In	Out	Total	Compliant (no actions required)
Time	A	B	A-B+C		
00:00					
00:30					
01:00					
01:30					
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20:30					

**INCIDENTS / EJECTIONS**

Compliant (no actions required)

TOTAL \_\_\_\_\_

Non-Compliant (complete Incident / Accident)

TOTAL \_\_\_\_\_

Lost Property (to be given to bar management)

TOTAL \_\_\_\_\_

Confiscated (weapons / drugs / illegal items)

TOTAL \_\_\_\_\_

First Aid (complete Incident / Accident)

TOTAL \_\_\_\_\_

Health & Safety (hazards such as glass, spillage)

TOTAL \_\_\_\_\_

ID Checks (how many IDs have you checked?)

TOTAL \_\_\_\_\_



DOOR SUPERVISOR REGISTER

Venue: **SKY BLUE RESTAURANT**

It is extremely important that you sign in and out and complete all fields IN FULL.

Date	Name	Licence No	Expiry Date	Start Time	Finish Time	DS Signature	Client approval
31/12/22	Hanza Ali	10186687035026	9 Dec 2024	9:00	2:00	[Signature]	[Signature]
28 Jan	R. Shaheed	10124160086706	23 Dec 2024	9:00	2:00	[Signature]	[Signature]
4 Feb	R. Shaheed	1024160436706	23 Dec 2024	9:00	2:00	[Signature]	[Signature]
5/2/22	Shakeeb J	101145670074496	27/12/25	21:00	2:00	[Signature]	[Signature]
11/2/22	R. Shaheed	1024160436706	23 Dec 2024	9:00	2:00	[Signature]	[Signature]
12/2/22	Shakeeb J	101145670074496	27/25	9:00	2:00	[Signature]	[Signature]
13/2/22	Shakeeb J	101145670074496	27/25	9:30	2:00	[Signature]	[Signature]
19/2/22	Shakeeb J	101145670074496	27/25	09:15	2:00	[Signature]	[Signature]
25/2/22	Shakeeb J	101145670074496	27/25	09:05	2:00	[Signature]	[Signature]
26/2/22	Shakeeb J	101145670074496	27/25	20:55	2:00	[Signature]	[Signature]
4/3/22	Shakeeb J	101145670074496	27/25	21:00	2:00	[Signature]	[Signature]
5/3/22	Shakeeb J	101145670074496	27/25	21:00	2:00	[Signature]	[Signature]
11/3/22	Shakeeb J	101145670074496	27/25	21:05	2:00	[Signature]	[Signature]

SGSL DS 13

Issue 01/02/2013

Approved MD

Reducing Crime and the Fear of Crime

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**Closure Notice**  
Made under section 19 of the  
Criminal Justice and Police Act 2001

Premises  
Licence No: CYC - 68154

Date and time of the Closure Notice:  
21/06/22 1335 hrs

Person making the Notice:  
PS133 BOOTH  
Signature: [Signature]

Name (if applicable) and address of the affected premises:  
Sky BLUE  
16 BARBICAN ROAD  
YO10 5AA

Alleged unauthorised use of the premises:  
Breach of PL Conditions  
1. No data stored for 28 days  
for Karaoke rooms (25th May 22)  
2. No documented staff  
training - kept for 1 yr  
3. No Refused Incident Book  
4. No SIA Sign on 21/06/22

Steps which may be taken to end the alleged unauthorised use of  
the premises, or to prevent it from re-occurring:  
18. No staff shift documents  
on site  
23. One member of staff  
to check rooms every 30  
mins.  
7 DAYS TO COMPLY

The person (if applicable) on whom the Closure Notice has been  
served:  
Name: KHENG Cheol KOAY  
Signature: [Signature]

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**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Kim HOLLIS

Age if under 18: Over 18 *(if over 18 insert 'over 18')*

Occupation: Police Officer

This statement (consisting of 3 page(s) each signed by me) 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 to be true.

Signature: KH (witness)

Date: 01/09/2022

I am PC 1671 Kim HOLLIS of North Yorkshire Police currently stationed at Fulford road Police Station, York and I perform the role of Licensing Officer for York.

I have been in this role since April 2018 and I am authorised to act on behalf of the Chief Constable on licensing matters under the Licensing act 2003.

On 14<sup>th</sup> February 2022 I was made aware of a Police incident, 1222001237, in which Police attended 16 Barbican Road, York in order to investigate a report of an incident of drink spiking with the alleged victim being 16 years old. The Officer in the case had contacted Sergeant 133 Jackie BOOTH, Force Licensing Manager, as she was having difficulties obtaining the CCTV from the premises. Sgt BOOTH asked me to follow up and visit the premises.

On 15<sup>th</sup> February 2022 I made a call to Mr Kheng KOAY, Premises licence holder and designated premises supervisor (PLH & DPS) for Sky Blue restaurant, to request that he was present at the venue that night so that the investigating Officer could attend and collect the CCTV following on from this spiking incident. I introduced myself as the Police Licensing Officer for York and explained about the incident and the requirement for CCTV to be produced as part of the licence conditions. Though Mr KOAY's English was good I did have to explain to him what spiking was. Mr KOAY advised me he may not be able to attend but that his managers 'Kelvin' and 'Mike' would be present and CCTV would be made available.

I made Sgt BOOTH aware of this information by email at 1513hrs that same day and I can produce this as exhibit KH/01.

I was later made aware that this CCTV was not available for Officers attending and that the hard drive had to be seized.

On 18<sup>th</sup> February 2022, at 12:00pm, I was on duty in plain clothes in company with PC 1520 Samantha BOLLAND, Alcohol Licensing Officer. At this time we attended Sky Blue, 16 Barbican Road, York (previously called Regency) in order to conduct a licensing check under section 179 of the Licensing Act.

Upon arrival at the premises, we spoke with Mr Man LEUNG who is known by the name 'Kevin'. I have dealt with LEUNG at the premises on a number of occasions before as he was the manager of Regency restaurant at the same address.

I made LEUNG aware of possible breaches of the Premise Licence conditions under Premise Licence CYC-68154, after a call for service from North Yorkshire Police, where officers attended the premises having been unable to obtain CCTV of an incident on 21<sup>st</sup> January 2022. He was aware of the incident and Officers having attended.

LEUNG stated he was cleaning and was helping out at the premises, however he was the only person available to speak with us and go through the conditions of the licence.

Upon inspecting the premises we found a number of breaches of the Premises Licence and I documented these across two Section 19 Closure Notices under the Criminal Justice and Police act 2001 which I issued to Man LEUNG (Kevin) at 1238hrs and he signed to confirm this.

Below are the breaches identified:

CCTV time incorrect – showing 12:28hrs at 12:14hrs – Cond 1, Annex 2.

No staff training signed for licensable activities – Cond 2, Annex 2.

No staff HR system and records Cond 17 & 18, Annex 2.

No noise management plan – Cond 29, Annex 2.

I handed the notice to Man LEUNG (Kevin) and he was given 7 days to rectify the breaches.

After this engagement I made checks with colleagues at City of York Council Licensing team to enquire of the noise management plan was submitted with them and they confirm that it had. I also had email correspondence from John WALKER, legal representation for 16 Barbican Road and confirmed this point with him.

On 25<sup>th</sup> February at 1214hrs I re-attended the premises in company with PC BOLLAND in order to follow up on the section 19 closure notice as detailed above.

Again when we entered the premises we were met with Man LEUNG (Kevin) and I went through the notice with him. At this time I was able to check the CCTV time and date was now correct and confirmed that I had received confirmation about the noise management plan being in place. I also checked documents which LEUNG showed me regarding staff training and signatures to confirm who was trained as well as a folder with some staff details which he explained to be HR records. PC BOLLAND took photographs of these and we confirmed that at this time no new breaches were identified. I advised LEUNG I would confirm in a written letter when the notice was closed and we left.

I was unable to make further enquiries regarding this or follow up with a letter to LEUNG as I was absent from work from 23<sup>rd</sup> March 2022 until 13<sup>th</sup> June 2022.

On returning to work after discussing with Sgt BOOTH I attended 16 Barbican Road, York with Sgt BOOTH on 21<sup>st</sup> June 2022 at 1200 noon, after an appointment she had made with management at the premises.

**RESTRICTED (when complete)**

MG11

On arrival we were met with Premises Licence Holder and Designated Premises Supervisor Mr Kheng Koay, Mr Man LEUNG (Kevin) and legal representation Mr John Walker.

Sgt BOOTH explained that it was her intention to look at a review of the premises licence for Sky Blue on the back of the failings regarding the CCTV in January and the subsequent findings. She then proceeded to go through the conditions of the premises licence with Mr KOAY first asking him to show her the licence summary on display. Mr KOAY did not seem to know where this was and LEUNG assisted to show Sgt BOOTH the copy on display behind the bar.

Mr KOAY was then asked to show Sgt BOOTH CCTV footage from 25<sup>th</sup> May 2022 as CCTV conditions state that footage must be recording for 28 days. Mr LEUNG again assisted with this as Mr KOAY explained LEUNG was the person who deals with CCTV.

The CCTV system was set up in which it only went back so far and then the hard drive had to be changed over in order to go back further to meet the 28 days and LEUNG spent some time going through the CCTV and changing the hard drives over for CCTV both downstairs and upstairs to see if it could show us back the full 28 days.

After quite some time it became clear that there was no CCTV for 25<sup>th</sup> May for the karaoke rooms. Sgt BOOTH noted this breach.

The staff training records were then examined by SGT Booth again with the assistance of LEUNG and it became apparent that on closer inspection the signatures that were on the staff training did not cover some current members of staff from the HR records and that the details of what was covered in the staff training listed on the document did not cover all the details required to meet the condition on the licence. When I had viewed the signatures previously with LEUNG on the staff training I was not able to check these against HR records for current staff and LEUNG assured me that all aspects of the condition were covered during the training. When I asked Mr KOAY about the staff training he advised me that he just handed the piece of paper to staff, asked them to read it and then sign to say they had.

I probed him on this and asked what he covered in the training and he replied that he advised staff not to serve people under 16 or 18. When I expressed concern at this he advised me that he didn't really do much staff training and it was LEUNG who did this mainly.

Sgt BOOTH continued with the check and also became aware that there was no current incident book, again Mr KOAY did not know about this and had to revert to LEUNG.

Sgt BOOTH documented the current breaches on a further section 19 closure notice and handed this to Mr KOAY advising that 7 days would be given to rectify issues raised and this would be followed up after this time.

It was clear from our visit that the DPS Mr KOAY did not have any working knowledge of the day to day running of the premises and that he relied on Mr LEUNG for this.

We left the premises around 1350hrs.

On Wednesday 17<sup>th</sup> August at 1107hrs I attended the premises a further time in company with PC 1520 BOLLAND who had arranged to meet with Mr KOAY to follow up again from a section 19 notice. In attendance at the premises was Mr KOAY, Mr LEUNG and John WALKER with an associate of his. PC BOLLAND checked compliance with each point.

PC BOLLAND confirmed the staff training was now in order and we were then shown CCTV relating to use of the Karaoke rooms. The following dates and times were checked:

09/08/22

2015hrs – Room empty

2019hrs – customers enter

2122hrs – staff member seen to enter room

13/08/22

2200hrs – All 4 karaoke rooms empty.

Mr LEUNG also showed myself and PC BOLLAND a document detailing when the checks were conducted in the karaoke rooms and I took a photograph of this.

I was also shown a notice at the foot of the stairs detailing the conditions relating to sale of alcohol which I again took a photo of.

We then proceeded to the 4 karaoke rooms and checked each room had a notice inside which I can confirm it did and I took a photograph of the notice in karaoke room 203.

I exhibit the photographs as follows:

17/08/22 1114hrs – KH/10 Checklist for Karaoke rooms

17/08/22 1119hrs – KH/11 Supply of alcohol notice, Restaurant

17/08/22 1120hrs – KH/12 Supply of alcohol notice, Karaoke room 203

We left the premises shortly after.

Signature: Kim HOLLIS

Signature witnessed by: n/a

ROOM: 201

Checklist for KTV ROOMS

( no less than every 30 minutes )

DATE	TIME IN	TIME OUT	INCIDENT	SIG.
- 1 -	15:57	15:58	Botery	✓
- 4 -	16:28	16:28	-	✓
- 4 -	16:59	16:59	finish	✓
06/08/22	20:05	20:07	Start	✓
- 4 -	20:48	20:49	Order Drunk	✓
- 4 -	20:50	20:50	Drinks	✓
- 4 -	21:20	21:20	-	✓
- 7 -	21:30	21:30	Talk	✓
- 4 -	22:18	22:18	finish	✓
09/08/22	20:19	20:20	Start	✓
- 4 -	20:24	20:26	Drinck	✓
- 4 -	20:27	20:28	Ice	✓
- 4 -	20:31	20:32	fruits	✓
- 4 -	20:42	20:43	Microden Bottle	✓
- 4 -	20:11	20:12	-	✓
- 4 -	21:42	21:48	Ice	✓
- 4 -	22:12	22:12	-	✓
- 4 -	22:43	22:43	-	✓
- 4 -	23:12	23:13	-	✓
- 4 -	23:23	23:23	tell them time is over	✓
- 11 -	23:28		finish	

**MANDATORY CONDITIONS IN RELATION  
TO THE SUPPLY OF ALCOHOL**

- 1 . ALL ALCOHOL CONSUMED IN THE KARAOKE ROOMS NEED TO BE SERVED BY WAY OF WAITER/ WAITRESS SERVICE.
2. FOR THE USE OF THE KARAOKE ROOMS WILL BE LIMITED TO CUSTOMERS WHO HAVE CONSUMED A MEAL IN THE RESTAURANT.
3. ALCOHOL DRINKS PURCHASED ON THE PREMISES MAY ONLY BE TAKEN OFF THE PREMISES IS SEALED CONTAINERS.
- 4.NO DRINKS OR DRINKING GLASSES SHALL BE TAKEN OUT OF THE LICENSED PREMISES OR (LICENSED AREA) ONTO THE PAVEMENT OR HIGHWAY.
- 5.THE SALE OF ALCOHOL SHALL CEASE 30 MINUTES BEFORE CLOSE OF BUSINESS ON ANY GIVEN DAY TO ALLOW FOR "DRINKING UP" TIME.
- 6.AT LEAST ONE MEMBER OF OUR STAFF MUST ENTER THE ROOM TO PROVIDE SERVICE TO OUR CUSTOMERS EVERY 30 MINUTES.

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**From:** Kevin Caulfield <[Kevin.Caulfield@northyorksfire.gov.uk](mailto:Kevin.Caulfield@northyorksfire.gov.uk)>  
**Sent:** 21 July 2022 11:45  
**To:** Booth, Jackie <[Jacqueline.Booth@northyorkshire.police.uk](mailto:Jacqueline.Booth@northyorkshire.police.uk)>  
**Subject:** RE: Sky Blue (previously Regency) 16 Barbican Road York

Hi Jackie,

I have attached documents which I think should have all the information we discussed. I don't have any record of Mr Koay date of birth, but we did prosecute Mr Koay personally as the documents show.

I have two weeks leave after this week, if you need any more information let me know.

Thank you

*K Caulfield*

Kevin Caulfield  
Watch Manager  
Business Fire Safety

Telephone: [REDACTED]  
Mobile: [REDACTED]  
email: [kevin.caulfield@northyorksfire.gov.uk](mailto:kevin.caulfield@northyorksfire.gov.uk)



**From:** Booth, Jackie <[Jacqueline.Booth@northyorkshire.police.uk](mailto:Jacqueline.Booth@northyorkshire.police.uk)>  
**Sent:** 21 July 2022 09:04  
**To:** Kevin Caulfield <[Kevin.Caulfield@northyorksfire.gov.uk](mailto:Kevin.Caulfield@northyorksfire.gov.uk)>  
**Subject:** RE: Sky Blue (previously Regency) 16 Barbican Road York

Good Morning Kevin,

In relation to my previous email would you be able to give me a call please to discuss.

I interviewed Mr Koay yesterday and upon completing a PNC I noted that he was prosecuted for failing to comply with prohibition notice under Fire Regs in 2018 relating to Mr Happy 53 Blossom Street in York.

I contacted CYC licensing to find out some further information. I spoke to [REDACTED] who advised there was nothing in relation to licensing being notified as it is a licensed premises but she interrogated CYC systems and found a statement that had been provided to yourself in respect of some living accommodation at the premises.

Again I would be grateful if you could provide me some more details [REDACTED]

[REDACTED]

My mobile is listed below and I am available today if you are free to speak.

Kind Regards

Jackie

PS133 Booth

Force Licensing Manager

Partnership Hub

Tel 101 Ext 30133

Mobile: [REDACTED]

Email:- [Jacqueline.booth@northyorkshire.police.uk](mailto:Jacqueline.booth@northyorkshire.police.uk)

**Please note my working days are Mon-Thurs 0700x1700**

***Committed to the Code of Ethics***

-V-

**Mr. Kheng Chool Koay**

**In relation to the premises**

**Mr Happy  
53 Blossom Street  
York  
YO24 1AZ**

**Alleged failures to comply with the REGULATORY REFORM  
(FIRE SAFETY) ORDER 2005**

Article 32 (2) (h) fail to comply with any prohibition or restriction imposed by a prohibition notice.

Article 8 (1) (a) Duty to take general fire precautions.

(Supported by Article 4, Meaning of “general fire precautions”)

Article 8 (1) (b) Duty to take general fire precautions.

(Supported by Article 4, Meaning of “general fire precautions”)

Article 9 (1) Risk assessment

## **1.0 ALLEGATION**

1.1 It is alleged that between 13<sup>th</sup> May 2015 and 25<sup>th</sup> May 2017, Mr. Kheng Chool Koay the Responsible Person, failed to comply with the requirements of Regulatory Reform (Fire Safety) Order 2005.

1.2 It is alleged Mr. Kheng Chool Koay failed to comply with the following articles of the Regulatory Reform (Fire Safety) Order 2005.

a) Article 32 - Offences

Article 32 (2) (h) fail to comply with any prohibition or restriction imposed by a prohibition notice.

b) Article 8 Offences – Duty to take general fire precautions

- i. Article 8 (1) (a) failed to take such general fire precautions as will ensure so far as is reasonably practicable, the safety of any of his employees.
- ii. Article 8 (1) (a) failed in relation to relevant persons who are not his employees, to take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

Article 4 - meaning of “general fire precautions”

Article 4 (1) In the Order “general fire precautions” in relation to premises means;

- a) Measures to reduce the risk of fire on the premises and the risk of spread of fire on the premises.

-v-

**Mr. Kheng Chool Koay**

- b) Measures in relation to the means of escape from the premises
- c) Measures for securing that, at all material times, the means of escape can be safely and effectively used.
- d) Measures in relation to the means for fighting fire on the premises.
- e) Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- f) Measures in relation to the arrangements for action to be taken in the event of fire on the premises, including-
  - (i) measures relating to the instruction and training of employees; and
  - (ii) measures to mitigate the effects of fire.

c) Article 9 Offences – Risk assessment

Article 9 (1) The responsible person failed to make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needed to take to comply with the requirements and prohibitions imposed on him by or under the Order.

**1.0 BACKGROUND**

- 2.1 On 25th May 2017 North Yorkshire Fire and Rescue Service attended Mr Happy, 53 Blossom Street, York, YO24 1AZ to carry out a scheduled fire safety audit. Concerns were raised by WM Jamison from White watch York. The concerns were about people sleeping above the takeaway shop.
- 2.2 People were found to be living on the first and second floors above the shop. The access and egress from the upper floors was via an external fire escape. A number of other serious fire safety deficiencies were found which included;
- Fire alarm inoperable and did not cover 1<sup>st</sup> and 2<sup>nd</sup> floors
  - No Fire Risk Assessment in place
  - No Fire Safety Arrangements in place
  - No emergency lighting on the upper floors
  - Unsafe electrical plug socket
  - No up to date maintenance of fire fighting equipment
  - No staff fire safety training had been carried out.
- 2.3 A prohibition notice was served on the Responsible person Mr. Kheng Chool Koay, to prevent sleeping from continuing to take place in the premises. A Prohibition Notice is the most draconian formal notification available to be used by the Fire Authority. It is used only in cases where the risk to persons in the event of a fire is imminent. In the event of a fire it would be likely to result in death or serious injury. As such, this sanction is exercised sparingly and only in appropriate circumstances.
- 2.4 An enforcement notice was subsequently also served on Mr. Kheng Chool Koay, The Fire & Rescue Authority considered it appropriate to serve on the Responsible Person, an Enforcement Notice under the Regulatory Reform (Fire Safety) Order 2005.

-v-

**Mr. Kheng Chool Koay**

- 2.5 An Enforcement Notice is a formal notification available to be used by the Fire Authority. It is used only in cases where the risk to persons in the event of a fire is high. As such, this sanction is exercised sparingly and only in appropriate circumstances.
- 2.6 The Enforcement/Prohibition Notice has a right of Appeal to a Court of law if the Responsible Person considered the actions of the Fire Authority inappropriate. The Responsible Person, in this case, has not exercised this right.
- 2.7 The Enforcement Notice has been complied with within the specified time limit. The prohibition notice remains in force although there are no signs of people living above the shop.
- 2.8 The Fire and Rescue Authority always aims to ensure compliance with fire safety legislation through advice and education and by working in partnership with business and commerce. However, it uses legal sanctions sparingly and appropriately and where necessary, to ensure the safety of the public.

**3.0 INSPECTION AND THE PREMISES**

- 3.1 The premises consist of a basement, ground, first, and second floors. The basement is used for storage. The ground floor is used as a small restaurant and take away shop. The upper floors were in use as sleeping and storage accommodation.
- 3.2 Fire safety officers visited the premises on 25<sup>th</sup> May 2017 and due to failures with regard to fire safety; a prohibition notice was served.

Fire safety officers visited the premises on 26<sup>th</sup> May 2017 and due to failures with regard to fire safety; an enforcement notice was served.

- 3.3 On 25<sup>th</sup> May 2017 specific failures with regard to fire safety included;
1. On the first floor rooms had been created to make bedrooms, the construction was of poor quality with insufficient fire separation.
  2. There was no working fire detection system in the building. In the event of fire people living on the upper floors would not have been alerted to a fire in its early stages.
  3. No fire risk assessment had been carried out.
  4. No thought had been given to what fire safety arrangements were needed to be in place.
  5. No staff training had been carried out.
  6. There was an electrical item in a dangerous state with exposed live wires.
  7. The old internal stairs had been blocked off and floored over on the first floor but not to the required fire separation standard of a minimum of 30 minutes.

-v-

**Mr. Kheng Chool Koay**

- 3.4 Mr. Kheng Chool Koay did not have effective fire safety arrangements in place to ensure that the requirements of the Regulatory Reform (Fire Safety) Order 2005 were being complied with.
- 3.5 On 14<sup>th</sup> July 2017 a further visits to Mr Happy 53 Blossom Street York was carried out to check on compliance with the enforcement and prohibition notices, most of the fire safety deficiencies listed above were complied with.

**4.0 INTERVIEW**

- 4.1 Mr. Kheng Chool Koay, attended interview at York Fire Station on 28<sup>th</sup> June 2017. It was established that a private limited company had been set up called Mr Happy (YORK) limited; Requests where made to HMRC and this showed No Corporation Tax returns have been filed with HMRC by Mr Happy (YORK) Ltd for the period from 06/04/2015 to 05/04/2017. Also HMRC were unable to trace a Value Added Tax (VAT) record for Mr Happy (YORK) Ltd.
- 4.2 Mr. Kheng Chool Koay stated he was the owner of the business. Mr. Kheng Chool Koay admitted people where sleeping on the first and second floor from May 2015. He stated six to eight people slept at the premises.
- 4.3 On the 7<sup>th</sup> Dec 2017 City of York Council Licensing Enforcement Officer Mick Wilkinson attended Mr Happy, 53 Blossom Street, York with Immigration Officers. One person was found to living on the first floor, a Romanian male was in one of the first floor bedrooms. The male had his possessions in the room and was eating a meal at this time. When asked how long he had been at the premises he stated he had been living there a week. This is a breach of the prohibition notice which is inforce to prohibit people sleeping at the premises.
- 4.4 Mr. Koay and his family were living in a hostel in York; he has now been re-housed in York with his family.

**5.0 THE DECISION TO PROSECUTE**

- 5.1 The Fire and Rescue Authority consider that prosecution for the alleged contraventions of the Regulatory Reform (Fire Safety) Order 2005 is appropriate in the circumstances of this case.
- 5.2 The Fire and Rescue Authority consider that the decision to prosecute Mr. Kheng Chool Koay is a serious step and not one taken lightly.
- 5.3 The following factors have been taken into account in coming to its decision:
  - 1. The Responsible Person was in a position of authority.
  - 2. The alleged contraventions were caused by an act or omission that should have been foreseeable to the Responsible Person.
  - 3. The alleged contraventions would, in the event of a fire, put relevant persons at risk of death or injury. The relevant persons having little control of the act or omissions that endangered them.
  - 4. The alleged contraventions are serious and not of a minor nature.

-v-

**Mr. Kheng Chool Koay**

5. The alleged contraventions would have continued had the Fire Authority not acted by serving an Enforcement and or Prohibition Notices on the Responsible Person.

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# **NORTH YORKSHIRE FIRE & RESCUE SERVICE**

## **NEWS RELEASE**

Communications and Media Team  
North Yorkshire Fire and Rescue Service  
Headquarters  
Thurston Road  
Northallerton  
DL6 2ND

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### **Prosecution of York takeaway shop**

On the 25<sup>th</sup> May 2017 North Yorkshire Fire and Rescue Service fire safety inspectors visited a takeaway shop Mr Happy Oriental Restaurant and takeaway, 53 Blossom Street, York, YO24 1AZ

During the visit the fire safety inspectors found that there were people living and sleeping on the first and second floors. There was no working fire alarm in the building, nor was there a fire protected escape route. The business owner had also failed to carry out a fire risk assessment.

In the event of a fire, the people living there would not have received an early warning that a fire had started and they would not have had a fire protected route to make an escape, meaning they could very easily have become trapped inside a burning building.

Due to the poor fire safety conditions found a Prohibition Notice was served, informing the responsible person that they must not allow anyone to sleep in the building.

North Yorkshire Fire and Rescue Service were of the opinion there was a risk to life of death or serious injury in the event of fire and prosecution was considered the appropriate action to take.

At York Magistrates Court on Tuesday 31<sup>st</sup> July 2018, Mr Kheng Chooi Koay the owner of Mr Happy Oriental Restaurant and takeaway, pleaded guilty to three contraventions of the Regulatory Reform (Fire Safety) Order 2005 which included breaching the Prohibition Notice served on the premises.

Mr Kheng Chooi Koay was fined £5000 and ordered to pay £1989 in costs with a surcharge of £170. A total cost of £7159

The magistrates stated these were very serious offences.

Watch Manager, Kevin Caulfield of North Yorkshire Fire and Rescue Service said; *“North Yorkshire Fire and Rescue Service will always make a visit to a property when reports of poor fire safety standards are made to us. Depending on what is found appropriate advice will be given to the business, informal action may be taken or in some cases, such as this, the necessary enforcement action will be implemented.”*

*“In this case following the inspection, Prohibition and Enforcement Notices were served. An investigation was conducted because the fire safety problems were so serious. The responsible person had not given any real thought to what might happen to the people sleeping in the building if a fire had occurred. Conducting or commissioning a fire risk assessment is the starting point for beginning to ensure that a building is or can be made safe for people in the event of a fire.*

*“North Yorkshire Fire and Rescue Service will in most cases give responsible persons chance to comply with the legislation before taking legal proceedings. However, where cases are found where there is risk to life or death or serious injury in the event of fire, prosecution will be considered and where appropriate taken.”*

He continued: *“North Yorkshire Fire and Rescue Service find that many businesses and sole traders are proactive in managing their fire safety well. Sadly there are still too many occasions, like this case, where businesses are unaware or ignoring what they should be doing.*

*“As a service we provide free fire safety advice to businesses and the public. We engage with various trade organisation and individual businesses to raise awareness of best practice around fire safety. I would welcome ideas from anyone and especially businesses and sole traders as to how we as a Service could best reach out and deliver our important fire safety messages. Improving the standards of fire safety and fire safety management will reduce the risk of fire and help to keep individuals and businesses safer.”*

North Yorkshire Fire and Rescue Service would like to remind business owners and landlords that it is important that they are aware of the legislative requirements they need to comply with including having an up to date fire risk assessment.

For other fire safety information call the Fire Safety Advice Line (01609) 788545 or visit our website [www.northyorksfire.gov.uk](http://www.northyorksfire.gov.uk) where links to business guidance documents can be found.

NORTH YORKSHIRE FIRE AND RESCUE SERVICE

Watch Manager Caulfield

09/01/2018

**A summary report of a fire safety investigation.**

**1.0 Purpose of Report**

- 1.1 To inform the panel of the outline factors in relation to a fire safety investigation. This is in relation to potential breaches of the Regulatory Reform (Fire Safety) Order 2005 (The Order) at Mr Happy restaurant / takeaway, 53, Blossom Street York, YO24 1AZ.

**2.0 Introduction**

- 2.1 In line with Service procedure the circumstances surrounding the investigation as known at this time are provided. The purpose of this report is to provide sufficient information to enable the panel to undertake the evidential and public interest tests.
- 2.2 Further guidance in relation to the public interest test with regard to prosecution can be found within guidance issued by [The Crown Prosecution Service](#) the [HSE](#) and [Xact training](#)
- 2.3 The panel are reminded that for there to be an offence. The responsible person or any other person mentioned in article 5 (3) must in this case;
- ‘fail to comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire.’

**3.0 Background**

On 25th May 2017 North Yorkshire Fire and Rescue Service carry out a scheduled fire safety audit at Mr Happy restaurant , 53 Blossom Street, York, YO24 1AZ, concerns where raised by WM Jamison from White watch York, the concerns were about people sleeping above the takeaway shop.

- 3.1 The premises consist of a basement, ground, first, and second floors. The basement is used for storage, ground floor is used as a small restaurant and take away shop. The upper floors were in use as storage and sleeping accommodation.(Image DSC00220).

**NORTH YORKSHIRE FIRE AND RESCUE SERVICE**

3.2 WM Caulfield attended the premises on the 25<sup>th</sup> May 2017, Mr Kheng Chooi Koay was on the premises and identified himself as the owner.

3.3 People were found to be living on the first and second floors above the shop. On the first floor rooms had been created to make bedrooms, the construction was of poor quality with insufficient fire separation. Image DSC 00227

3.4 The fire alarm panel was located in the restaurant part at the front of the building, The panel was showing a number of faults including power fault and general fault. (Images DSC 00216). On the 25<sup>th</sup> May 2017 a prohibition notice was served.

**4.0 Case evidence and investigation details**

4.1 On 25<sup>th</sup> May 2017 Mr Koay admitted that he was the business owner. Mr Koay accepted and signed for the prohibition notice. Mr Koay was unable to produce a fire risk assessment; he admitted that his staff and non members of staff slept at the premises.

4.2 The RRO applies to the whole of the premises.

4.3 [REDACTED]

4.4 Mr Kheng Chooi Koay was invited for interview under caution. He attended interview on 28th June 2017. Transcript of the interview is available.

4.5 It was established that a private limited company had been set up called Mr Happy (YORK) limited; Requests where made to HMRC and returned No Corporation Tax returns have been filed with HMRC by Mr Happy (YORK) Ltd for the period from 06/04/2015 to 05/04/2017. Also HMRC were unable to trace a Value Added Tax (VAT) record for Mr Happy (YORK) Ltd.

The director of Mr Happy York Ltd a Mr Zhongle Chen was also invited and attended an interview under caution, Transcript of the interview is available.

Mr Zhongle Chen is known to the Police for suspected involvement in people trafficking.

In interview he claims the company was only set up to help his friend Mr Koay with his business, and as the returns from HMRC show the company (Mr Happy (YORK) limited) does not show evidence of trading.

**NORTH YORKSHIRE FIRE AND RESCUE SERVICE**

Both Mr Koay and Mr Chen required the use of an interpreter during their interviews.

4.6 During interview it was established that;

- Mr Koay has day to day control of the premises.
- No Fire Risk assessment had been carried out. (Article 9)
- Routine testing and maintenance of the fire detection and fire alarm system had not been carried out in line with national guidelines. (Article 17)
- Matters in relation to fire safety management and organisation had not been established (Article 11).
- Mr Koay admitted people had been sleeping on the premises from 13<sup>th</sup> May 2015.

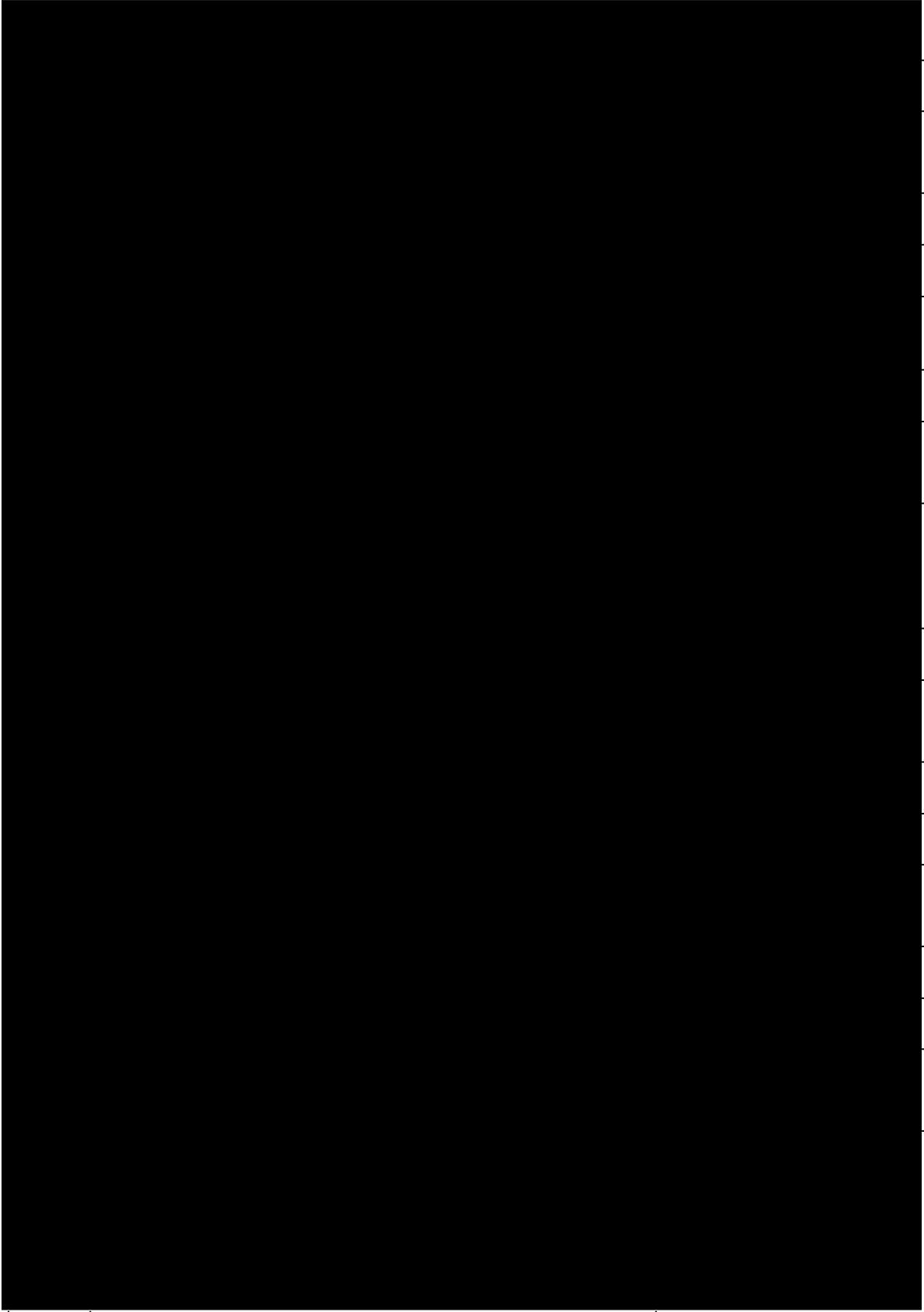
5.0 [REDACTED]

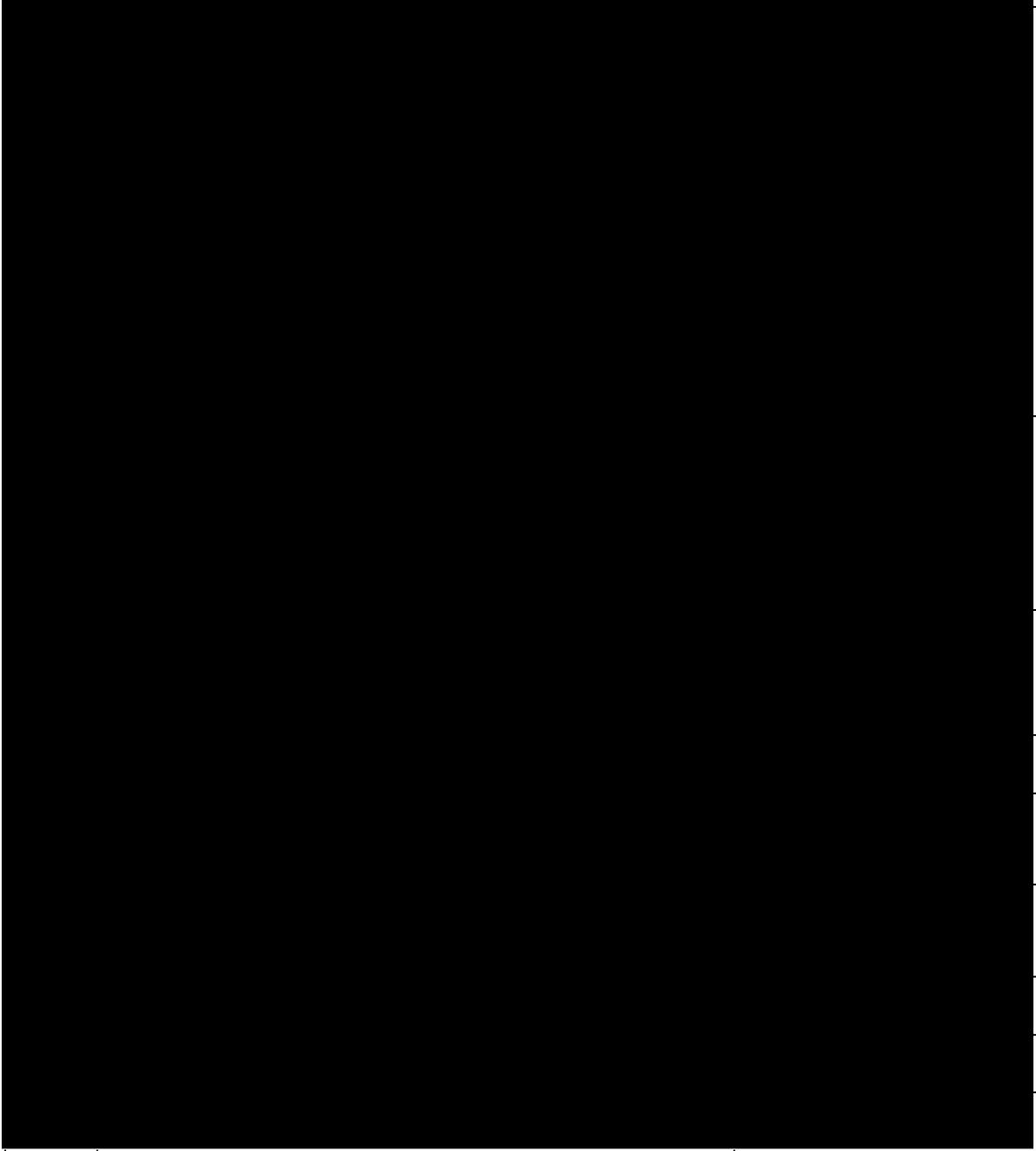
5.1 [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

5.2 [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]





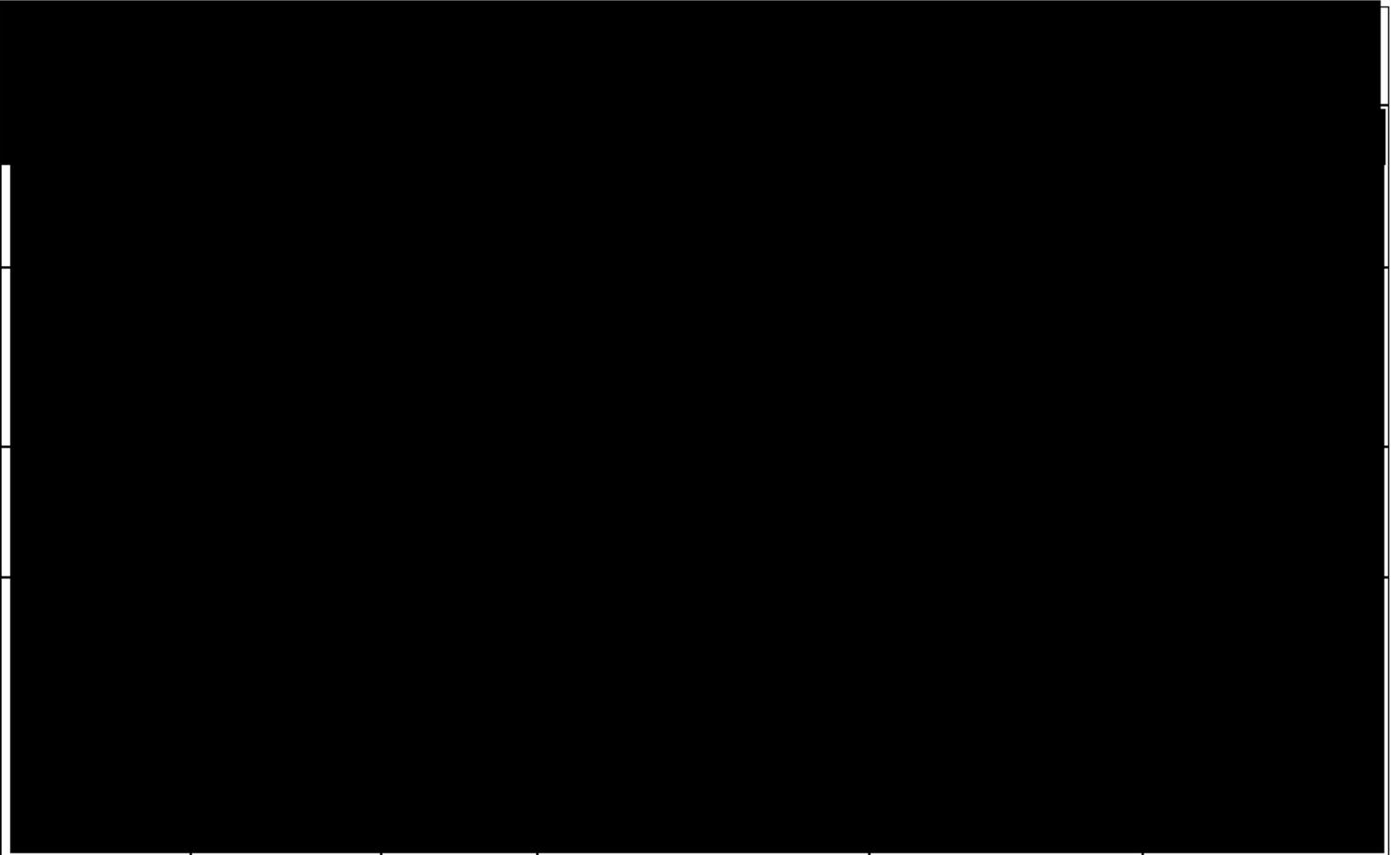
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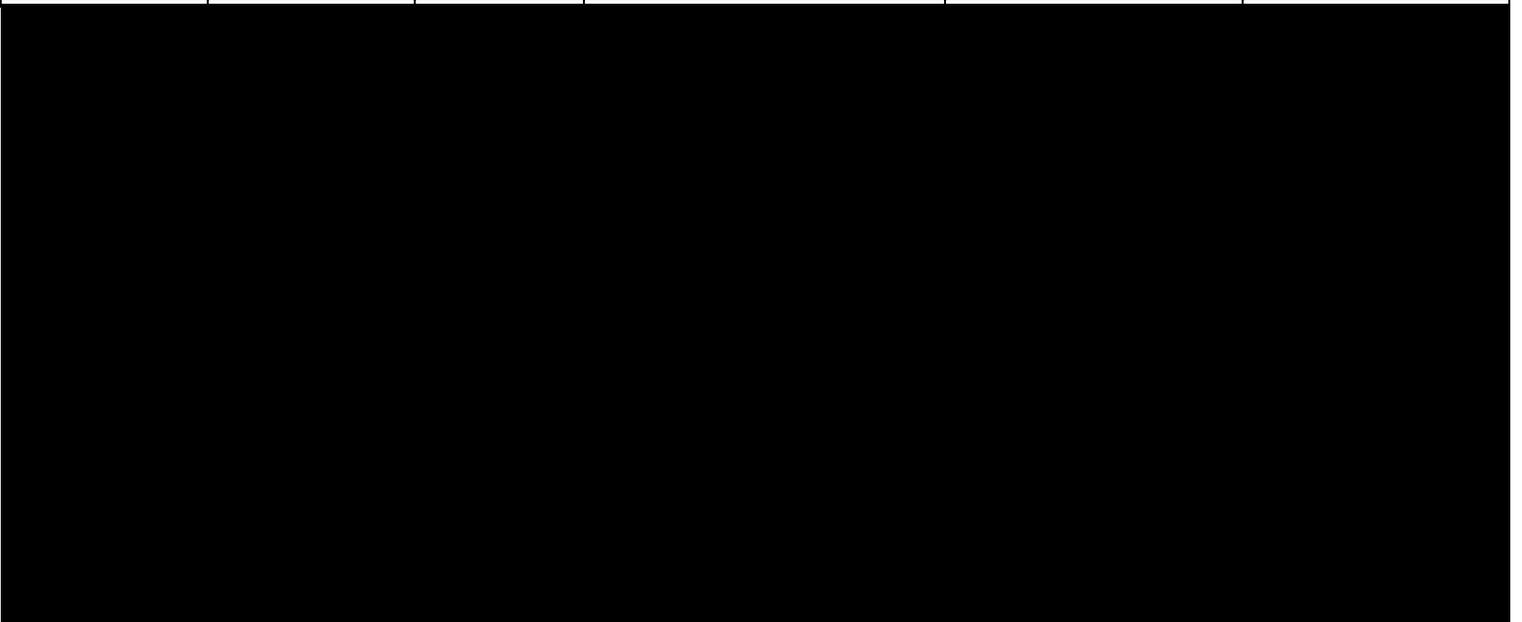
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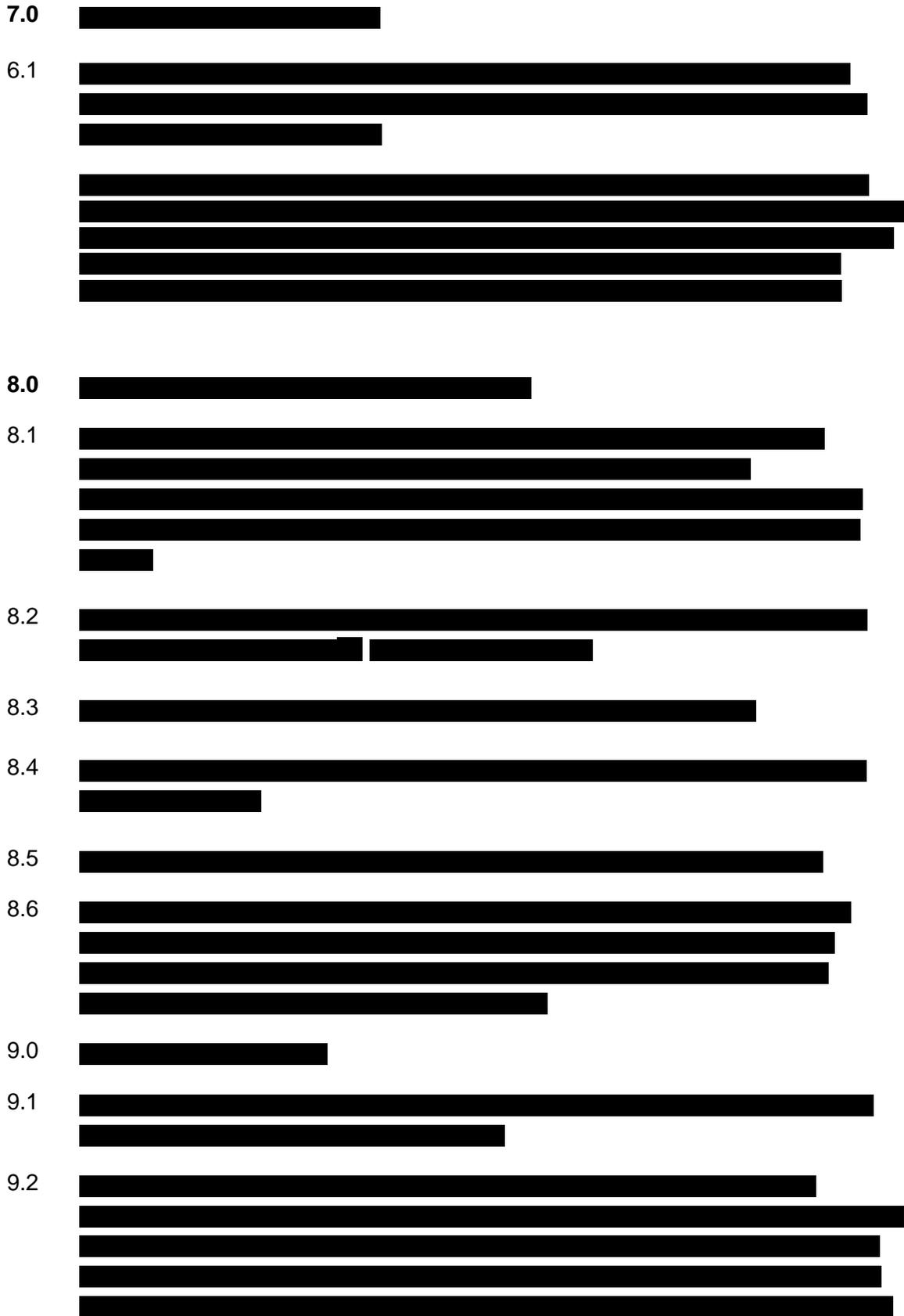








NORTH YORKSHIRE FIRE AND RESCUE SERVICE





**10.0 Decision of the panel**

10.1 In consideration of the information provided. The decision of service manager ACFO Rushworth, supported by the panel is to –

- *Submit the file to the Fire and Rescue Authority legal advisors for legal opinion. If there is sufficient evidence to provide a realistic prospect of conviction, proceed to issue summons,*

**Kevin Caulfield**  
**Watch Manager**

23/02/2018

From: Booth, Jackie <Jacqueline.Booth@northyorkshire.police.uk>  
Sent: 09 August 2022 08:30  
To: [REDACTED]  
Cc: NYP Licensing <NYPLicensing@northyorkshire.police.uk>  
Subject: Sky Blue- Section 19 Non-Compliance

Good Morning Mr Koay,

Following my visit to Sky Blue yesterday to check compliance with the Section 19 Notice which I issued on 21<sup>st</sup> June 2022, the below Premise Licence Conditions are still not being adhered to as listed in your Premise Licence authorisation.

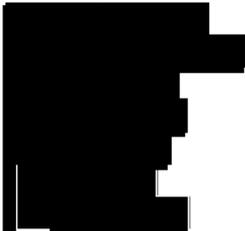
**Annex 2**

**2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-**

- **Retail sale of alcohol**
- **Age verification policy**
- **Conditions attached to the Premises Licence**
- **Permitted Licensable activities**
- **The Licensing objectives and**
- **The Opening Times of the venue.**

**Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.**

I have attached a letter which I received from Peninsula dated 15<sup>th</sup> July 2022 listing current staff members. Yesterday working from the information provided in that letter we established the following staff had not undertaken any training in line with the above condition and there was no staff training records.



You also have a member of staff [REDACTED] listed whom you state has resigned. Please advise when this person resigned.

You also need to update all the current training records in respect of Challenge 25 which is condition 12 on your Premise Licence.

The next condition not complied with is Annex 2, condition 18

**18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.**

In relation to [REDACTED] mentioned above if he has resigned you are still required to keep training records for him. Also you have not been able to produce staff rota's for dates that staff members work which would be a relevant document for HR purposes and would in line also with condition 17:-

**17. The premises licence holder will operate a full HR management system where all relevant documents are stored for each individual member of staff.**

Whilst present yesterday we examined the CCTV system from Saturday 6<sup>th</sup> August 2022 covering the Karaoke rooms and established Condition 23 was not being complied with:-

**23. Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.**

Footage was viewed from 21:10hrs until 22:18hrs to ascertain in line with time sheet checks if a member of staff entered the room to check on customers present. Despite time sheets showing the room was checked at 21:20hrs and 21:30hrs no member or staff was seen on the CCTV as per the above to enter the room.

At present the Section 19 Notice issued on 21<sup>st</sup> June 2022 has not been complied with and unauthorised licensable activities have taken place at the premises which is a criminal offence. Non-compliance with any condition on the Premise Licence whilst the premises are open for licensable activities is a prosecutable offence under Section 136 of the Licensing Act.

As Premise Licence Holder and Designated Premises Supervisor it is your responsibility to manage the premises in line with any authorisation.

It is imperative that you address the breaches immediately as failure to comply could result in a criminal prosecution against you and/or an application to the Magistrates Court under Section 20 of the Criminal Justice and Police Act 2001 for a Closure Order.

I have copied in your legal representative Mr Walker.

A member of the Police licensing team will arrange a further visit to check compliance with the above in the next 7 days.

Kind Regards

Jackie

PS133 Booth  
Force Licensing Manager  
Partnership Hub  
Tel 101 Ext 30133  
Mobile: [REDACTED]  
Email:- [Jacqueline.booth@northyorkshire.police.uk](mailto:Jacqueline.booth@northyorkshire.police.uk)

**Please note my working days are Mon-Thurs 0700x1700**

***Committed to the Code of Ethics***



Success Starts Here

15 July 2022

**Strictly Private and Confidential  
For the attention of the addressee only**

Jackie Booth (PS133)  
Force Licensing Manager  
North Yorkshire Police

Sent by email only to [Jacqueline.Booth@northyorkshire.police.uk](mailto:Jacqueline.Booth@northyorkshire.police.uk)

Dear Jackie

**Re: Sky Blue Restaurant, 16 Barbican Road, Yorkshire**

I write further to the request to access data from the Peninsula Group in relation to the above premises.

We received a 'Declaration Form for Data Use' authorised by Inspector D C Barf on 14 June 2022. We have considered our own data protection obligations and the data has been provided as a result of the information being required for a criminal investigation and for the prevention and detection of crime. We have also received consent on behalf of the premises from Mr Kheng Koay. You have already been provided with the advice records held by Peninsula Business Services Limited.

This letter now sets out the data held by Bright HR Limited ('Bright'), who provide an online HR management system to the above premises. You should note as per the terms of Bright's Privacy Policy, the customer is the controller of any data held by Bright and is able to permanently change/alter and remove data. The information provided below is correct at the point of extraction, which took place on 11th July 2022

Your request consisted of the following:

- 1. I need to know the names of all current staff members to ensure they have been trained in relation to the Licensing Act.*

The following employees have been recorded in Bright:

Peninsula Business Services Limited, The Peninsula, Victoria Place, Manchester, M4 4FB  
Tel: 0844 892 2773    [www.peninsula-uk.com](http://www.peninsula-uk.com)

Title	FirstName	LastName
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	man	leung
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

2. I require to know the details of the shift Rota and all staff who were working on 21<sup>st</sup> January 2022, which is the date of an incident reported to police for which there is a criminal investigation.

There have been no shifts recorded in Bright for these dates.

3. I also require the full HR details in respect of Man Leung specifically when his employment commenced, his position in the company and if he has had any breaks in employment.

The details of Mr Man Leung have been recorded as follows with no break in employment:

Email Address	Title	First Name	Last Name	Job Title	StartDate	Termination Date
kevinsupra88@hotmail.co.uk		man	leung		01/12/2021	NULL

The above information has been provided as it appears on Bright's platform. As outlined above, the data is entered onto the platform by clients. Bright accept no responsibility for any errors, omissions or inaccuracies in the information.

I trust we have now satisfied your request but if you require anything further, please contact me directly in the first instance.

Yours sincerely



Zohaib Mati  
In House Solicitor  
Group In House Legal

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**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: Jacqueline BOOTH

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: POLICE OFFICER

This statement (consisting of six page(s) each signed by me) 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 to be true.

Signature: J Booth (witness)

Date: 1<sup>st</sup> September 2022

I am the Force Licensing Manager for North Yorkshire Police and have responsibility for managing a team of Police staff who deliver front-line operational services to over 6,500 premises across eight Licensing Authority areas within North Yorkshire and the City of York.

I am authorised to act on behalf of the Chief Constable of North Yorkshire Police in matters relating to the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2014 and Local Government (Miscellaneous Provisions) Act 1982.

I have completed the Institute of Licensing Professional Licensing Practitioner's Qualification and the British Institute of Inn keeping Awarding Body's Award for Licensing Practitioner's (Alcohol).

My role involves working with statutory partners and key stakeholders to ensure the promotion of the four Licensing objectives, The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety, and the Protection of Children from harm, alongside compliance with the Licensing Act 2003.

On Monday 8th June 2020, I was on duty when I participated and represented North Yorkshire Police at a remote Licensing Hearing arranged by City of York Council in relation to the review of Premises Licences for the following premise:-  
Regency Restaurant 16 Barbican Road York.

Members of the Licensing sub-committee heard representations from the Licensing Authority, and North Yorkshire Police and the determination from the hearing was that the Premises Licence at 16 Barbican Road should be revoked.

On 10th March 2021 North Yorkshire Police received notification from City of York Licensing Authority in respect of an application for a new Premises Licence for a restaurant, takeaway and karaoke bar at 16 Barbican Road York, Sky Blue. The applicant being Mr Kheng Koay. Mr Koay provided information that there would be "wholly new management team in place" and following negotiations robust and enforceable conditions to mitigate risks were agreed with the applicant.

On 29th April 2021 a remote hearing was held in respect of the application for Sky Blue, and the full hearing is available in the public domain on the City of York Council Website under Licensing Hearing Webcasts. I will return to this aspect later in my statement.

On 14th February 2022, I had sight of an email regarding an Operation Night investigation ( operation night is North Yorkshire Police's response to investigations relating to reports of drink or needle spiking). The investigation advised that an allegation had been made from a female victim aged 16 years of age who believed she had been spiked whilst attending Karaoke at 16 Barbican Road York Sky Blue. (Appendix 8 refers to police incident and Appendix 9 refers to statement from victim).

The investigating officer PC1665 Souster advised that she was having difficulties obtaining the CCTV, to progress the investigation from the Premises.

I emailed her to advise of the Premises Licence Conditions and their obligations to comply with requests for CCTV and arranged for a member of my team PC Hollis to contact the Premises Licence Holder and Designated Premises Supervisor to advise that we required the CCTV.

On 15th February 2022 I checked the police incident and noted that the investigating officer had re-attended the Premises but still had been unable to obtain the CCTV, (Appendix 12 refers).

Following this update and to secure and preserve evidence I advised PC Souster to seize the CCTV hard drive as it was within the 28-day time frame that the Premise Licence Condition requires them to retain footage.

I requested PC Bolland and PC Hollis to attend 16 Barbican Road on 18th February 2022 to ensure the Premises were complying with the Premise Licence Conditions. Mr Koay the DPS was not present, but Mr Man Wai Leung ( known as Kevin ) was present. Leung was part of the previous management team when the Premises operated under the Regency.

Referring back to the hearing webcast Mr Koay's legal representative Mr Craig advised the hearing members of the following:-

28mins 50 secs " A condition that has been offered and agreed excluding previous management from the Premises and that is absolutely quite right.. "

Despite the above assurance during the Licensing hearing on 29th April 2021 it appeared that a member of the management Mr Leung who had been involved with the Premise when it was operating under "The Regency" was still working and in a position of responsibility at the Premises.

Both officers advised me that Mr Koay was not present and that breaches of the Premises Licence were found at the time and as a result a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 was issued. ( See Appendix 13 Statement from PC Bolland and Appendix 19 statement of PC Hollis).

On 15th June 2022 following an update from PC Souster that the CCTV from Sky Blue had been forensically examined and contained no footage from 21st January 2022, I contacted Mr Koay first by telephone to discuss the concerns around the criminal investigation being frustrated by failings from the Premise Licence Conditions not being adhered to. I followed this up with a written email which I produce as exhibit JB/03 ( Appendix 15).

On 16th June 2022 I contacted Mr Koay by text and phone to arrange a meeting at the Premises on Tuesday 21st June 2022 at 1200hrs.

On 21st June 2022 I attended Sky Blue 16 Barbican Road York, in company with PC Kim Hollis the Licensing Officer for York. I met with Mr Koay and present was his legal representative Mr Walker and a male I know to be Mr Man Wei Leung ( known as Kevin). I have met Leung previously at the premises when it was operating under the business name of "The Regency".

My encounters with Mr Leung previously have included issuing him a Section 19 Notice under the Criminal Justice and Police Act 2001 on 2nd December 2020 when he was the person in charge of the Premises operating under "The Regency" for breach of Premise Licence Conditions.

I informed Mr Koay that the reason I was in attendance was due to the concerns that had been highlighted to me from the criminal investigation going back to the incident on 21st January 2022, which had highlighted the failings of the Premise to adhere to Premise Licence Conditions. This had resulted in a visit from Police Licensing on 18th February 2022 and a Section 19 Notice that had been issued by PC Hollis.

I explained that due to breaches of the Premises Licence, the concerns highlighted as part of the criminal investigation in that a 16-year-old had been served alcohol at the premise I had concerns that the Licensing Objectives were being seriously undermined, and my intention was to seek a review of the Premises Licence, and for a Licensing committee to determine if the Premises was fit to operate under a Premise Licence.

Mr Walker legal representative advised that it was his understanding that the breaches relating to the previous Section 19 notice issued in February had been rectified and I explained that whilst present I would conduct a Section 179 inspection to ascertain if there was compliance but that the previous Section 19 was still open as all aspects had not been complied with.

I began by asking Mr Koay if he could show me the Premise Licence summary which is required to be on display in a visible place on the Premises. He was unsure as to where this was located and he sought advice from Mr Leung who advised it was on display on a shelf at the Bar and Mr Koay then went to retrieve it.

I then commenced going through the conditions at Annex 2 on the Premises Licence. The first condition related to CCTV. I asked Mr Koay if he could show me footage from the 25th of May 2022 (this is per the condition to retain recordings for 28 days). He again asked Mr Leung to do this stating he was the person who deals with the CCTV. The CCTV is not stored on one hard drive it is retained over several and Mr Leung had to take hard- drives out and change them over. It became apparent though that there was no footage for the Karaoke Rooms from the 25th of May 2022, placing them in breach of the Premise Licence Condition.

I requested Mr Koay produce staff training records as per condition 2 on the Premise Licence. He produced names of staff who he stated where current employees but had no training records. The training records also did not include the requirements from the Licence.

Mr Koay was asked by PC Hollis to explain how he delivered the training and he said that he leaves that responsibility to Mr Leung but on occasions when he has done it, he hands the member of staff a page to read regarding age verification and they sign the document. There were no documents in relation to the Premises Operating Challenge 25, the conditions attached to the Licence , the permitted Licensable Activities, the licensing objectives, or the opening times of the venue.

I requested Mr Koay produce to me the refusals and incident register. He again did not appear to know where this was located and spoke in Chinese to Mr Leung about this and then produced some pieces of paper from a folder. There were no details of PC Hollis's visit in February and no details of any incidents recorded.

I went on further to identify other breaches and subsequently issued a further Section 19 Closure Notice to Mr Koay for failing to comply with the following conditions on the Premises Licence:-

1.A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.

- It will be maintained, working, and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing.
- Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
- Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
- Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to 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 requirements.

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

3. 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

8.When SIA Door Supervisors are on duty, they shall sign in and out of the premises in a register and shall provide their full name and SIA number.

18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.

23. Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.  
Appendix 19 refers to the Section 19 Closure Notice.

On 30th June 2022 I submitted a Review application in respect of Sky Blue to City of York Licensing Authority as I was concerned that the Licensing objectives had been seriously undermined, following the issue of two Section 19 Closure Notices on 18th February 2022 and 21st June 2022, for failing to comply with Premise Licence Conditions and concerns that a person under 18 had been served alcohol and been involved in an incident which had resulted in a police investigation at the Premises.

On Tuesday 5th July 2022 I re-attended Sky Blue following a pre-arranged appointment, to follow up the Section 19 Notice issued on 21st June 2022, in company with PC 1520 Bolland and Nigel Parkin Senior CCTV officer Regional Scientific Support West Yorkshire Police.

At this time I discussed with Mr Koay, who was in company with his legal representative Mr Walker and also Mr Leung one of the managers if the Section 19 Notice had been complied with. Appendix 18.

Mr Koay advised me that in respect of the CCTV, he had upgraded the system to ensure that there was sufficient capacity to comply with the Premise Licence conditions regarding storage for 28 days. Nigel Parkin examined the CCTV but as it had only been installed on 1st July 2022, whilst the hard drive appeared to have storage capacity to retain storage for 28 days, he advised that I checked the system was recording once 28 days had lapsed. The system was recording at the time of my visit and I did however check footage from the previous weekend Saturday 2nd July 2022.

Whilst checking the CCTV recordings for this date I noted the following breaches in respect of Premise Licence conditions at Annex 2-

"7. At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands".

At 22:27hrs on 2nd July 2022 a male identified as working as SIA staff at the premises was noted to not be wearing any high visibility arm band in line with the above condition. There was nothing from the footage to identify him as SIA and he looked like a customer at the premises from the way he was dressed with nothing highlighting him as SIA.

A further breach was identified as follows in respect of condition 24:-

"24. The members of staff situated on the first and second floor shall be in direct radio link with the door staff and will ensure that all alcohol consumed in the karaoke rooms is served by way of waiter/ waitress service. All users of the karaoke rooms will have evidence of their room hire on their food bill as suitable evidence of food purchase and use of the karaoke rooms will be limited to customers who have consumed a meal in the restaurant, excluding snacks. No dancing is to take place on the ground floor of the building at any time."

From viewing CCTV footage between 22:30 hrs and 22:32 hrs on 2nd July 2022 two separate customers were observed purchasing drinks from the bar and not being served by way of waiter/waitress service in line with the above condition. At this time I identified Mr Leung, one of the managers working behind the bar who served one of the customers.

I advised Mr Koay that given we were present to check compliance with a Section 19 Notice issued for previous breaches of Premise Licence conditions that to identify further breaches were taking place was extremely concerning and that as Section 136 offences of unauthorised licensable activities had taken place, I would arrange a formal police interview at the police station to investigate the criminal matter.

I continued to then check compliance with the Section 19 Notice in respect of the six conditions which had previously not been complied with. Mr Koay was advised as per the information on the notice that he had seven days to comply but due to operational demands, by the time of the police follow up visit he had had fourteen days to rectify the breaches and again the appointment was pre-arranged. However despite the additional time he had to comply of the six conditions not being complied with only one had been rectified, condition three:-

"3. 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."

I advised Mr Koay that he would be formally interviewed for the Section 136 offence of unauthorised Licensable activities for failing to comply with Premise Licence conditions pertaining to the Section 19 Notice of 21st June 2022 and the two further offences I had identified from 2nd July 2022.

At 1032hrs on 20th July 2022 I was on duty at Fulford Road Police Station in company with PC1720 Furlong when I commenced an interview under Caution with Mr Koay in respect of the following offence:-

Section 136 – Unauthorised (1)A person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, meaning a premises licence

Mr Koay had legal representation during the interview and fully admitted the offence of breach of Premises Licence conditions on 18th February 2022 ( date of first Section 19 Notice issued by PC Hollis ), 21st June 2022 and 2nd July 2022.

The interview concluded at 1137hrs and Mr Koay was advised he would be reported for the offence in question.

On 21st July 2022 I conducted enquiries with North Yorkshire Fire and Rescue Service and emailed Mr Kevin Caulfield Watch Manager at York. Appendix twenty refers to the email correspondence.

Mr Caulfield advised that the Fire Service had prosecuted Mr Koay for breach of Fire Regulations in respect of a Premises Mr Happy 53 Blossom Street York for which he was the Premise Licence Holder, this resulted in Mr Koay being convicted on 31st July 2018, see attached Appendix 21 (Fire Service prosecution document and Appendix 22 Fire Service press release following the conviction).

I would refer members again to the webcast of the Sky-Blue hearing when one of the representors at the hearing asked which premises Mr Koay had been involved in. His legal representative Mr Craig asks Mr Koay at 35 mins to which he replies, "Mr Happy and Chunking Hotpot in York". Mr Craig goes on to further say "There have been no issues have there?" Mr Koay replies "No No no issues".

Clearly Mr Koay has misled members in his response to this question given the information provided from North Yorkshire Fire and Rescue.

North Yorkshire Police have conducted enquiries and Mr Koay is not the Premise Licence Holder for Chunking HotPot nor has he ever been. He has been the Designated Premises Supervisor when the licence was applied for on 23rd December 2019 until 27th May 2021.

On 28<sup>th</sup> July 2022 I was on duty in company with PC 1520 Bolland when I attended Sky Blue, to check the compliance with the CCTV retention, following the upgrade of the system hard drive referred to above. Present at the Premise was Mr Leung who showed me the CCTV and I confirmed the system was recording and storing data for the required 28 period. I asked if Mr Koay was on site to speak to him about the outstanding Section 19 Notice however Leung advised he was not at the Premises. I informed Leung I would contact Mr Koay direct to arrange a meeting to go through the Section 19 Notice. I conducted no further checks at this time.

Following a Police disposal decision in line with the Director of Public Prosecution Guidelines, on Thursday 4th August 2022 at 1200hrs I was on duty at Fulford Road Police Station when I issued Mr Koay a Simple Police Caution in relation to the Section 136 offences for which he had been interviewed on the 20th of July 2022.

Mr Koay was advised that I would arrange to visit his premises Sky Blue on Monday 8th August 2022 to check compliance with the Section 19 Notice still outstanding from 21st June 2022.

On Monday 8th August 2022 at 1100hrs I attended the premise in company with PC 1520 Bolland. Mr Koay, Mr Leung, and Mr Walker legal representative were all present.

Checks with the outstanding Section 19 Notice revealed that Premise Licence Conditions were still not being adhered to as listed in the Premise Licence authorisation. The following had still not been complied with from the Section 19 notice:-

"2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence

- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority."

Working on information provided to me by Peninsula the HR company contracted to provide support in respect of staff training and management I identified that seven members of staff had no training records.

Furthermore in respect of condition 18 (below) no HR records could be provided for a member of staff that Mr Koay claimed had left the premises or any staff rotas in respect of what staff members had worked on what dates.

"18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request."

I examined the CCTV system from Saturday 6th August 2022 covering the Karaoke rooms and established Condition 23 was not being complied with:-

"23. Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes."

Footage was viewed from 21:10hrs until 22:18hrs to ascertain in line with time sheet checks if a member of staff entered the room to check on customers present. Despite time sheets showing the room was checked at 21:20hrs and 21:30hrs no member or staff was seen on the CCTV as per the above to enter the room.

The Section 19 Notice had still not been complied with from 21st June 2022, and despite being issued a Simple Caution on 4th August 2022 for Section 136 offences at Sky Blue, Mr Koay continued to allow further breaches of the Premise Licence conditions on 6th August 2022, a further 136 offence of unauthorised licensable activity.

I followed this visit up with an email to Mr Koay on 9th August 2022 which I produce as Appendix 24.

In respect of Sky Blue, there has been continued significant breaches of Premises Licence conditions which Mr Koay as the Premise Licence Holder and Designated Premises Supervisor has responsibility for.

On every occasion that police have attended the premises Mr Leung has been present and appears to be the person with day-to-day responsibility.

Correspondence with Peninsula reveal that he has been in continual employment at the premises since 1st December 2021. As stated above he was part of the management and the previous issues which lead to the revocation of the previous licence when it was operating under "The Regency". Appendix 25.

Mr Koay has repeatedly failed to ensure compliance with the Premise Licence Conditions and was fully aware that due to the history associated with this Premise it would be under scrutiny from Responsible Authorities. Despite the reassurances provided by him and his legal representative at the hearing it is the view of North Yorkshire Police that he misled Responsible Authorities and members of the Licensing Sub-committee in that previous management have not been replaced and continue to operate the venue.

North Yorkshire Police are of the position that the Premise Licence should be revoked for the reasons highlighted above.

Signature: J Booth

Signature witnessed by:

RESTRICTED (when complete)

MG11

<b>Witness contact details</b>		URN				
Name of witness:						
Home Address:		Postcode:				
E-mail address:		Mobile:				
Home Telephone Number:		Work Telephone Number:				
Preferred means of contact ( <i>specify details for vulnerable/intimidated victims and witnesses only</i> ):						
Gender:		Date and place of birth:				
Former name:		Ethnicity Code (16 + 1):				
<b>DATES OF WITNESS NON-AVAILABILITY:</b>						
<b>Witness care</b>						
a)	Is the witness willing to attend court?		If 'No', include reason(s) on form <b>MG6</b> .			
b)	What can be done to ensure attendance?					
c) <b>Victims Only</b> – does the victim fall into one of the 3 priority categories who are eligible for enhanced care under the Code of Practice for Victims of Crime? 1) Victims of most serious crimes <input type="checkbox"/> 2) Persistently targeted victims <input type="checkbox"/> 3) Vulnerable and intimidated <input type="checkbox"/> If any of the boxes are checked then Inform CPS at <b>pre-charge</b> stage on MG3, and on MG11 at all other stages and/or where necessary MG2						
d) <b>Witness Only</b> - Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? <input type="checkbox"/> ( <i>youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case</i> ) If they do submit <b>MG2</b> with file in anticipated not guilty, contested or indictable only cases.						
e) Does the witness have any particular needs? If 'Yes' what are they? ( <i>Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?</i> ).						
<b>Witness Consent (for witness completion)</b>						
a)	The Victim Personal Statement scheme (victims only) has been explained to me			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
b)	I have been given the Victim Personal Statement leaflet			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
c)	I have been given the leaflet "Giving a witness statement to the police..."			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
d)	I consent to police having access to my medical record(s) in relation to this matter ( <i>obtained in accordance with local practice</i> )		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
e)	I consent to my medical record in relation to this matter being disclosed to the defence		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
f)	I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
g)	<b>Child witness cases only.</b> I have had the provision regarding reporting restrictions explained to me.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
	I would like CPS to apply for reporting restrictions on my behalf.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
<i>'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.</i>						
Signature of witness:			PRINT NAME:			
Signature of parent/guardian/appropriate adult:			PRINT NAME:			
Address and telephone number (of parent etc.), if different from above:						
Statement taken by:			Time and place statement taken:			

RESTRICTED (when complete)



**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: Samantha Bolland

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 3 page(s) each signed by me) 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 to be true.

Signature: SB (witness)

Date: 05/09/2022

I am PC 1520 Samantha Bolland of North Yorkshire Police currently stationed at Fulford road Police Station, York. I am a Licensing Officer and have been in this role for 6 years.

Further to my previous statement dated 9<sup>th</sup> June 2022, I would like to add the following;

On Tuesday 5th July 2022 I re-attended Sky Blue following in company with PS Jackie Booth, Force Licensing Manager, for a pre-arranged appointment, to follow up the Section 19 Notice issued by PS 133 Booth on 21st June 2022. Also in attendance was Nigel Parkin, Senior CCTV officer, Regional Scientific Support, West Yorkshire Police.

Upon arrival Mr Koay, Mr Walker, legal representative and Mr Leung were present. PS 133 Booth spoke with Mr Koay regarding the Section 19 Notice.

Mr Koay stated that he had upgraded the CCTV system to ensure that there was sufficient capacity to record footage for 28 days. Nigel Parkin examined the CCTV and stated that as it had only been installed on 1st July 2022, it would have to be rechecked in 28 days to check footage had been stored. He advised that the CCTV was checked once 28 days had lapsed, from the date of attendance. The system was recording at the time of the visit.

Whilst PS 133 Booth checked the CCTV recordings, further breaches were found

PS 133 Booth advised Mr Koay that given we were present to check compliance with a Section 19 Notice issued for previous breaches of Premise Licence conditions that to identify further breaches were taking place was extremely concerning and that as Section 136 offences of unauthorised licensable activities had taken place, PS 133 Booth stated she would arrange a formal police interview at the police station to investigate the criminal matter.

During this visit I took photos of numerous documents which I exhibit as:

- SB04 – SIA login (Nouman)
- SB05 – Staff training record dated 210622
- SB06 – 2 Staff training record dated 210622
- SB07 – 3 Staff training record dated 210622
- SB08 – 4 Staff training record dated 210622
- SB09 – Age verification poster
- SB10 – Security log dated 240622
- SB11 – Security log dated 040722 signed by 1520

PS 133 Booth continued to then check compliance with the Section 19 Notice.

PS 133 Booth advised Mr Koay that he would be formally interviewed for the Section 136 offence of unauthorised Licensable activities for failing to comply with Premise Licence conditions pertaining to the Section 19 Notice of 21st June 2022 and the two further offences which were identified from 2nd July 2022.

Upon leaving the premises via the rear carpark I saw a male I know to be Mr Zhongle Chen, who got out of a black Jaguar, Reg YE18 BDF. This was parked in the Sky Blue private carpark. Upon checking the Police National Computer is Registered to Mrs Xiulan Chen 16 Barbican Road, York YO10 5AA, and insured parties are Xiulan Chen and Mr Zhongle Chen address 27 Topcliffe Court, Selby YO8 3WB.

I know Mr Zhongle Chen from previous Licensing visits at Sky Blue, 16 Barbican Road, York. CHEN was the Premise Licence Holder and Designated Premise Supervisor in 2017, when I first visited the premises, until the Premise Licence was revoked in 2020. I have had no other dealings with him.

There was also a white BMW present, which has been present on multiple occasions when I have conducted Licensing visits. The car's registration was 8888 GC, from checking the Police National Computer is Registered B and G LTD, 21A Blake Street, York YO1 8QJ, and insured parties are Mr Zhong Le Chen and Ms Yantong Feng 27 Topcliffe Court, Selby YO8 3WB.

On 28<sup>th</sup> July myself and PS 133 Booth reattended the premises to check compliance of the CCTV and 28 day retention of footage. The white BMW described above was present again in the private car park. I took photos of the sign in books for the CCTV logs for the karaoke rooms, which I exhibit as,

SB12 – Photo of karaoke room check – room V888  
SB13 - Photo of karaoke room check – room 201  
SB14 – Photo of karaoke room check – room 202  
SB15 – Photo of karaoke room check – room 202 continued  
SB16 – Photo of karaoke room check – room 203  
SB17 – Photo of karaoke room check – room 205  
SB18 - Photo of karaoke room check – room 206

On Monday 8th August 2022 at 1100hrs I reattended the premise in company with PS 133 Booth. Mr Koay, Mr Leung, and Mr Walker legal representative where all present. Checks with the outstanding Section 19 Closure Notice revealed that Premise Licence Conditions were still not being complied with.

I took photos of the following items which I exhibit as,

SB19 – Security log dated 05-060822  
SB20 – Security log dated 07-080822  
SB21 – Karaoke room 201 30 min check sheet dated 05-060822  
SB22 – SIA sign in sheet dated from 080722-060822  
SB23 – Staff training sheet – Marine LABONDE dated 220722

On Wednesday 17<sup>th</sup> August 2022 at 1107hrs I attended the premises for a pre-arranged appointment, in company with PC1671 Hollis, to meet with Mr KOAY to follow up again from a section 19 Closure notice. In attendance at the premises were Mr KOAY, Mr LEUNG and John WALKER, legal representative with an associate of his.

I checked compliance with each point as detailed in PS 133 Booth's email, Appendix 24.

The staff training was now in compliance and all names detailed within the email were present and signed by the staff member and a member of management. I then spot checked the CCTV from 9<sup>th</sup> and 13<sup>th</sup> August 2022 against the staff sign in sheet. The 30 minute staff checks were completed and this condition was now in compliance with the Premise Licence condition, the timings checked are as follows;

09<sup>th</sup> August 2022 Room 201  
2015hrs – Room empty  
2019hrs – customers enter  
2122hrs – staff member seen to enter room

**RESTRICTED (when complete)**

**MG11**

13<sup>th</sup> August 2022 Room 201  
2200hrs – All 4 karaoke rooms empty.

Mr LEUNG showed myself and PC Hollis a customer information document, detailing the 30 minute checks conducted in the karaoke rooms by staff, which forms part of a Premise Licence condition.

Mr LEUNG then showed myself and PC Hollis the 4 karaoke rooms which all had the customer information document displayed.

We left the premises shortly after.

Signature: S. Bolland

Signature witnessed by: n/a

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**SB/1**

1 of 2

**Training Record Form for a Server of Alcohol  
Licensing Act 2003 and the Supervision of Gaming Machines and Tobacco  
Purchases**

There are strict laws and company rules concerning the sale of alcohol, tobacco and the playing of gaming machines. This form is designed to ensure that you understand your responsibilities. You must therefore sign this form before you are allowed to serve alcohol and have been trained in respect of tobacco products and gaming machines.

Breaking the law can result in heavy fines and the loss of our licences. At the very least, in the event of the authorities discovering that you have served alcohol to someone under the age of 18 or someone who is drunk, you could be issued with an £80 fixed penalty notice which would be your personal responsibility to pay. A conviction for any of the matters listed below not only leaves you with a criminal record but may also prevent you from becoming a personal licence holder in the future. In addition, if you do not comply with these rules disciplinary action may be taken against you which could result in the loss of your job.

It is essential that if you do not understand any of these instructions or require further information that you discuss the matter with your Manager.

1. Do not sell alcohol to anybody who is under 18. If you are in any doubt about their age simply do not sell alcohol to them. If a customer looks under 21 you must ask for identification. The only acceptable forms of identification are an international passport, a UK photo card driving licence and a PASS Scheme proof of age card.
2. Do not sell alcohol to anybody who you suspect is drunk. In addition, you should not sell to anyone whom you believe to be purchasing on behalf of an individual who is drunk or appears to be drunk. If you suspect that someone is drunk then inform the Manager immediately.
3. Do not serve alcohol outside the hours listed on your premises licence. You must also make sure that drinking up is completed within 30 minutes.
4. You must be aware of any conditions which are attached to the licence for your premises and abide by them.
5. Always ensure that you serve a correct measure. It is an offence to give an under measure.
6. It is forbidden and against the law to smoke anywhere within the trading premises.
7. It is against the law for anyone under the age of 18 to purchase tobacco products such as cigarettes, if a customer looks under 21 you must ask for identification.
8. It is against the law for anyone under the age of 18 to play on Category C gaming machines, or for anyone to permit or participate in such play, and their use must therefore be supervised, if a player looks under 21 you must ask for identification.
9. Hand wash basins must be only used for hand washing and should always contain soap, hot water, nail brush and a supply of hand towels.

These requirements must be observed at all times. Both you and the company can be prosecuted if they are not adhered to and if you are found guilty of an offence you may receive a criminal conviction and/or a fine.

I can confirm that I have received training in all the above matters and have read and understood the details of these instructions.

**Person trained**

Name SUSAN Date 3/11/20 Signed [Redacted]  
I am satisfied that the above named person fully understands the content of these instructions and that they are competent to sell alcohol in accordance with the law and have been trained in respect of tobacco purchases and gaming machines.

**Personal licence holder**

Name MAN WAI LUNG Date 3/11/20 Signed [Redacted]

V3 July 2007

*REPROCESSED ON 18/3/2022*

*MAN WAI LUNG [Redacted] P.T.O.*

SB/2

**Training Record Form for a Server of Alcohol  
Licensing Act 2003 and the Supervision of Gaming Machines and Tobacco  
Purchases**

**Continued**

Person (s) trained

Name	Date	Signed
RICKY	3/11/20	[Redacted]
SI	3/11/20	[Redacted]
XOEMAN	3/11/20	[Redacted]
WenLew	6/11/20	[Redacted]
MIKE	1/6/21	[Redacted]
MARCO	4/7/21	[Redacted]
X. Chen	2/7/21	[Redacted]
<del>MIKE</del> MIKE	18/2/22	[Redacted]
GA GA Guo	18/2/22	[Redacted]
PATRICK	18/2/22	[Redacted]
X. CHEN	19/2/22	[Redacted]
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I am satisfied that the above named person(s) fully understand the content of this instruction and that they are competent to sell alcohol in accordance with the law and have been trained in respect of tobacco purchases and gaming machines.

Personal licence holder

Name	Date	Signed
M-J-LBUNDY	6/11/20	[Redacted]
JAN + KEVIN LUNDY	2/7/21	[Redacted]
KHENRY KOAY	18/2/22	[Redacted]
KEVIN LUNDY	18/2/22	[Redacted]



DOOR SUPERVISOR REGISTER

Venue <u>SKY BLUE RESTURANT</u>							
It is extremely important that you sign in and out and complete all fields IN FULL.							
Date	Name	Licence No	Expiry Date	Start Time	Finish Time	DS Signature	Client approval
21/5/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:00	02:00	[Signature]	
27/5/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:07	02:00	[Signature]	
28/5/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	20:40	02:00	[Signature]	
03/6/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:06	02:00	[Signature]	
04/6/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:08	02:00	[Signature]	
10/6/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:05	02:00	[Signature]	
11/6/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:10	02:00	[Signature]	
17/6/22	[REDACTED]	[REDACTED]	[REDACTED] 27/25	21:00	02:00	[Signature]	
18/6/22	[REDACTED]	[REDACTED]	4846 27/25	21:00	02:00	[Signature]	
24/6/22	[REDACTED]	[REDACTED]	Jan/25	21:00	02:00	[Signature]	
25/6/22	[REDACTED]	[REDACTED]	Jan/25	20:40	00:00	[Signature]	
01/07/22	[REDACTED]	[REDACTED]	Jan/25	20:42	02:12	[Signature]	
02/07/22	[REDACTED]	[REDACTED]	Jan/25	20:46	02:00	[Signature]	

Staff training checklist for -- alcohol

Staff member full name: ANDREEA ELENA DARGIE

A new checklist should be used to record when;

- a new staff member is appointed
- changes to the shops alcohol licence or policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are trying to comply with the specific requirements of your alcohol licence and the objectives of 2003 Licensing Act, so should be kept in a safe place. We would recommend best practice is to keep completed checklists on the shop premises in a clearly labelled and accessible 'alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the shop has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	✓
3. What the alcohol licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises, e.g. where in the shop alcohol can be displayed for sale.	✓
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	✓
5. What your shop policy is for challenging customers for proof of age?	✓
6. What your shop policy is, for the types of proof of age (ID) staff should accept?	✓
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?	✓
8. What to do if they challenge someone using fake or someone else's ID?	✓
9. How to operate any 'till prompt' system installed?	✗
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	✓
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	✓

12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p><b>The above areas are a best practice minimum only.</b>                  Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully?                  (If you need more space, note this is the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
ANDREEA ELENA DARGIE		BAR	21/06/22
Full name(s) of trainer(s)			
KEVIN LEUNG		General Manager	21/06/22
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			
MORNING LEUNG		G.M.	21/06/22

Staff training checklist for -- alcohol

Staff member full name: XIU LAN CHEN

A new checklist should be used to record when;

- a new staff member is appointed
- changes to the shops alcohol licence or policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are trying to comply with the specific requirements of your alcohol licence and the objectives of 2003 Licensing Act, so should be kept in a safe place. We would recommend best practice is to keep completed checklists on the shop premises in a clearly labelled and accessible 'alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the shop has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	✓
3. What the alcohol licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises, e.g. where in the shop alcohol can be displayed for sale.	✓
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	✓
5. What your shop policy is for challenging customers for proof of age?	✓
6. What your shop policy is, for the types of proof of age (ID) staff should accept?	✓
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?	✓
8. What to do if they challenge someone using fake or someone else's ID?	
9. How to operate any 'till prompt' system installed?	✗
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	✓
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	✓

12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p><b>The above areas are a best practice minimum only.</b> Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully? (If you need more space, note this is the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
XIU LAN CHEN		CASHIER + WAITER	21/06/22
Full name(s) of trainer(s)			
KAREN LEUNG		GENERAL MANAGER	21/06/22
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			
MAN WAI LEUNG		G.M.	21/06/22

SB/07

Staff training checklist for -- alcohol

Staff member full name: Xuanzhen Guo

A new checklist should be used to record when;

- a new staff member is appointed
- changes to the shops alcohol licence or policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are trying to comply with the specific requirements of your alcohol licence and the objectives of 2003 Licensing Act, so should be kept in a safe place. We would recommend best practice is to keep completed checklists on the shop premises in a clearly labelled and accessible 'alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the shop has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	✓
3. What the alcohol licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises, e.g. where in the shop alcohol can be displayed for sale.	✓
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	✓
5. What your shop policy is for challenging customers for proof of age?	✓
6. What your shop policy is, for the types of proof of age (ID) staff should accept?	✓
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?	✓
8. What to do if they challenge someone using fake or someone else's ID?	✓
9. How to operate any 'till prompt' system installed?	✗
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	✓
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	✓

12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p><b>The above areas are a best practice minimum only.</b> Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully? (If you need more space, note this is the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
Xuanzhen Guo	<i>Guo</i>	SENIOR WAITRESS	21/6/22
Full name(s) of trainer(s)			
MAN WAI LEUNG	<i>[Signature]</i>	General Manager	21/6/22
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			
MAN WAI LEUNG	<i>[Signature]</i>	G.M.	21/6/22

Staff training checklist for -- alcohol

Staff member full name: ADRIANA LUMINITA COVACI

A new checklist should be used to record when;

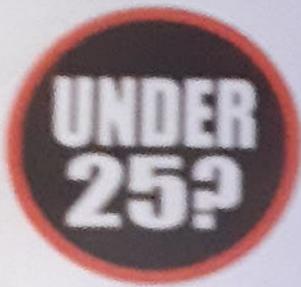
- a new staff member is appointed
- changes to the shops alcohol licence or policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are trying to comply with the specific requirements of your alcohol licence and the objectives of 2003 Licensing Act, so should be kept in a safe place. We would recommend best practice is to keep completed checklists on the shop premises in a clearly labelled and accessible 'alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the shop has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	✓
3. What the alcohol licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises, e.g. where in the shop alcohol can be displayed for sale.	✓
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	✓
5. What your shop policy is for challenging customers for proof of age?	✓
6. What your shop policy is, for the types of proof of age (ID) staff should accept?	✓
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?	✓
8. What to do if they challenge someone using fake or someone else's ID?	✓
9. How to operate any 'till prompt' system installed?	✗
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	✓
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	✓

12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p><b>The above areas are a best practice minimum only.</b>                  Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully?                  (If you need more space, note this is the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
ADRIANA LUMINITA COVACI		SUPERVISOR	21/06/22
Full name(s) of trainer(s)			
MAN WAI LEUNG		GENERAL MANAGER	21/6/22
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			
MAN WAI LEUNG		G.M.	21/6/22

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## AGE VERIFICATION POLICY

**NO** Proof of Age  
Alcohol

If you look **Under 25** you may  
be asked to prove you are  
**Over 18** when buying alcohol

ACCEPTABLE FORMS OF PROOF ARE:



PASS I.D. CARD WITH  
HOLOGRAM



PHOTOCARD DRIVING LICENCE



PASSPORT

You are committing an offence if you are under 18 years of age and attempting to buy alcohol. The licensee reserves the right to refuse supply.



## WEIGHTS & MEASURES ACT

**Gin - Rum - Vodka - Whisky**

Unless supplied pre-packed are offered for sale  
or served on these premises in quantities of

**Thirty-Five Millilitres**

or multiples thereof

## WINE BY THE GLASS

In accordance with the revised legislation for Capacity  
Measures (Intoxicating Liquor) Regulations, this  
establishment now sell Wine by the Glass in quantities of

**125ml**

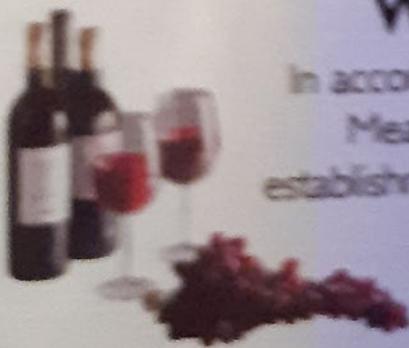
Small glass

**175ml**

Medium glass

**250ml**

Large glass



# SECURITY LOG

## INCIDENT DETAILS

1. CCTV → O.K

## PERSON(S) INVOLVED

## WITNESSES

## ACTION TAKEN

## POLICE INVOLVED? IF YES RESPONDING OFFICERS NAME & OUTCOME

## NOTES

NEW DOOR MAN (FIRST DAY).  
Explained on what to do and showed him the restaurant.

## SECURITY OFFICERS NAME & SIGNATURE

Kevin



# SECURITY LOG

Date 28/6/22

Time

12-00

## INCIDENT DETAILS

1. CCTV → O.K.  
2. NEW CCTV system has been installed.

## PERSON(S) INVOLVED

## WITNESSES

## ACTION TAKEN

## POLICE INVOLVED? IF YES RESPONDING OFFICERS NAME & OUTCOME

## NOTES

## SECURITY OFFICERS NAME & SIGNATURE

Kevin



# SECURITY LOG

Date 4/7/22 12.01  
INCIDENT DETAILS

CCTV (7073.25)  
6284.25

PERSON(S) INVOLVED

WITNESSES

ACTION TAKEN

POLICE INVOLVED? IF YES RESPONDING OFFICERS NAME & OUTCOME

NOTES

SECURITY OFFICERS NAME & SIGNATURE

# SECURITY LOG

Date 5/7/22 Time 10-30  
INCIDENT DETAILS

CCTV (7019-75)  
617.50

PERSON(S) INVOLVED

WITNESSES

ACTION TAKEN

POLICE INVOLVED? IF YES RESPONDING OFFICERS NAME & OUTCOME

NOTES

Checked by police licensing  
PC1520 BOURN (redacted) 15.20  
6/7/22.

SECURITY OFFICERS NAME & SIGNATURE







SB/15

ROOM: 302

Checklist for KTV ROOMS

( no less than every 30 minutes )

DATE	TIME IN	TIME OUT	INCIDENT	SIG.
8/7/22	23:40	23:49	food order	<del>ST</del>
-11-	23:50	23:51	card payment	<del>ST</del>
-11-	23:59	00:00	food service	<del>ST</del>
9/7/22	00:31	00:34	—	<del>ST</del>
		01:05		<del>ST</del>
9/7/22	22:05	22:09	im	<del>ST</del>
-4-	22:41	22:41	—	<del>ST</del>
-4-	23:22	23:24	Drinck	<del>ST</del>
=11-	23:53	23:59	—	<del>ST</del>
-11-		00:10	Finish	<del>ST</del>
13/7/22	23:20	23:21	Staff Party	<del>ST</del>
-4-	00:12	00:12	—	<del>ST</del>
-4-	00:43	00:43	—	<del>ST</del>
-4-	01:02	00:02	Over conditions	<del>ST</del>
-7-	01:34	01:35	—	<del>ST</del>
-4-	01:53	01:54	—	<del>ST</del>
—	02:36	02:37	—	dr
—	02:49	02:49	—	
—	03:25	finish	—	<del>ST</del>
15/07/22	20:25	20:26	Open Room + Show System	<del>ST</del>







**SB/19 SECURITY LOG** Date 5/8/22 Time 11-36

**INCIDENT DETAILS**

CCTV: 4911-50  
600-00

**PERSON(S) INVOLVED**

**WITNESSES**

**ACTION TAKEN**

**POLICE INVOLVED? IF YES RESPONDING OFFICERS NAME & OUTCOME**

**NOTES**

**SECURITY OFFICERS NAME & SIGNATURE**

1111 

**SECURITY LOG** Date 6/9/22 Time     

**INCIDENT DETAILS**

CCTV: 4844-00  
401-00

**PERSON(S) INVOLVED**

**WITNESSES**

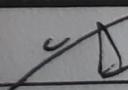
**ACTION TAKEN**

**POLICE INVOLVED? IF YES RESPONDING OFFICERS NAME**

**NOTES**

ONLY ONE DOOR MAN TURNED U

**SECURITY OFFICERS NAME & SIGNATURE**

KEVIN 

**Exhibit SB/20 - File corrupted and unable to be exhibited**





**Staff training checklist for -- alcohol**

Staff member full name: Marine LABONDE

A new checklist should be used to record when;

- a new staff member is appointed
- changes to the shops alcohol licence or policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are trying to comply with the specific requirements of your alcohol licence and the objectives of 2003 Licensing Act, so should be kept in a safe place. We would recommend best practice is to keep completed checklists on the shop premises in a clearly labelled and accessible 'alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the shop has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	✓
3. What the alcohol licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises, e.g. where in the shop alcohol can be displayed for sale.	✓
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	✓
5. What your shop policy is for challenging customers for proof of age?	✓
6. What your shop policy is, for the types of proof of age (ID) staff should accept?	✓
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?	✓
8. What to do if they challenge someone using fake or someone else's ID?	✓
9. How to operate any 'till prompt' system installed?	✗
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	✓
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	✓

12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p><b>The above areas are a best practice minimum only.</b>                  Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully?                  (If you need more space, note this in the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
Marine LABONDE		PART time	22/07/2022
Full name(s) of trainer(s)			
Kevin Labonde		G.M.	22/07/2022
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

#### Part 1 Premises details

Premises licence number CYC - 68154
--

Postal address of premises: <b>16 Barbican Road</b>	
Post town: <b>York</b>	Post code: <b>YO10 5AA</b>
Telephone number: 01904 466785	

**Expiry date:** This licence has no expiry date.

#### Licensable activities authorised by the licence:

Live Music  
Recorded Music  
Performance of Dance  
Other Entertainment  
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	

## PERFORMANCE 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	

## OTHER ENTERTAINMENT

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 the above:

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 starts

<b>The Opening Hours of the Premises</b>			
Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 01:00 - 04:00

Friday	Saturday	Sunday
10:00 - 04:00	10:00 - 04:00	10:00 - 04:00
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 starts

**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 premises licence:**

Name: Mr Kheng Chooi Koay

Address: 28 St Philips Grove  
York  
YO30 6JP

Telephone number:

Email address:

**Registered number of holder, for example company number, charity number (where applicable):**

Not applicable

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

Name: Mr Kheng Chooi Koay

Address: [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:**

HDC 1084 Hambleton DC

## **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.

**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.

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

1. A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.
  - It will be maintained, working and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing.
  - Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.
  - Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.
  - Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to 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 requirements.

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-
  - Retail sale of alcohol
  - Age verification policy
  - Conditions attached to the Premises Licence
  - Permitted Licensable activities
  - The Licensing objectives and

- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

3. 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.

4. The premises shall operate as a restaurant and karaoke bar and not as a vertical drinking establishment providing food and non-alcoholic drinks.

5. There shall be a minimum of 60 table covers available at all times on the ground floor.

6. A min of 2 SIA registered door staff shall be provided at the premises from 2400 hours to the close of business Fridays, Saturdays, Sunday's leading in to a bank holiday and any day where a Race meeting is held at York Racecourse (save for the Family meeting held in September and the first meeting in May).

7. At all other times the need for SIA registered door staff shall be determined in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor and or the Premises Licence Holder. When employed, door staff will wear high visibility arm bands.

8. When SIA Door Supervisors are on duty, they shall sign in and out of the premises in a register and shall provide their full name and SIA number.

9. 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.

10. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.

11. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

12. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.

13. 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 (until other effective identification technology e.g thumb print or pupil recognition, is adopted by the Premises Licence Holder).

14. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

15. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.

16. The outside area will be regularly cleared and kept tidy.
17. The premises licence holder will operate a full HR management system where all relevant documents are stored for each individual member of staff.
18. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.
19. The premises licence holder will work with Peninsula (or any other HR company) to carry out checks on the Home Office website and verify identification documents such as right to work documents to ensure that all new members of staff can be legally employed.
20. No new member of staff will be able to work at the premises unless they have provided satisfactory proof of identification and right to work.
21. After 00:00hrs the only door used by members of the public to enter the premises shall be the main door on to Barbican Road.
22. Last public entry to the premises shall be 00:00hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 00:00hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).
23. Where 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 and the member of staff will monitor the rooms that are in use and will enter each room that is occupied no less than every 30 minutes.
24. The members of staff situated on the first and second floor shall be in direct radio link with the door staff and will ensure that all alcohol consumed in the karaoke rooms is served by way of waiter/ waitress service. All users of the karaoke rooms will have evidence of their room hire on their food bill as suitable evidence of food purchase and use of the karaoke rooms will be limited to customers who have consumed a meal in the restaurant, excluding snacks. No dancing is to take place on the ground floor of the building at any time.
25. After 00:00hrs 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.
26. 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.
27. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
28. 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.
29. 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.

30. Drinking glasses of any type will not be allowed to enter or leave the premises whilst under the customers care.

31. All doors and windows shall be closed during regulated entertainment or, when entertainment is not provided after 2300 each night – except for ingress and egress.

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

1. Coaches attending the premises must not park, idle, pick-up, or drop-off on either Barbican Road or Wellington Street at anytime.
2. Coach noise is to be assessed via the noise management plan.
3. A leaflet containing the premises duty manager(s) contact details and the City of York Council's noise patrol contact details must be provided to all properties on Barbican Road, Wellington Street, Lawrence Court and Barbican Mews prior to the premises operating, and each October thereafter.
4. The smoking area for the premises is to be assessed and agreed by the Council's Public Protection team.

### **Annex 4 – Approved Plan**

Plan Number: B.R. (16)/ O1 July 2012

For and on behalf of  
The Corporate Director of Place

Date: 29/04/2021

Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@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 - 68154

Postal address of premises:

**16 Barbican Road**

Post town: **York**

Post code: **YO10 5AA**

Telephone number: 01904 466785

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

This licence has no expiry date.

#### Licensable activities authorised by the licence:

Live Music  
Recorded Music  
Performance of Dance  
Other Entertainment  
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	

## PERFORMANCE 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	

## OTHER ENTERTAINMENT

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 the above:

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 starts

<b>The Opening Hours of the Premises</b>			
Monday 10:00 - 04:00	Tuesday 10:00 - 04:00	Wednesday 10:00 - 04:00	Thursday 10:00 - 04:00
Friday	Saturday	Sunday	

10:00 - 04:00

10:00 - 04:00

10:00 - 04:00

**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 premises licence:**

Name: Mr Kheng Chooi Koay

Address: 28 St Philips Grove  
York  
YO30 6JP**Registered number of holder, for example company number, charity number (where applicable):**

N/A

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

Mr Kheng Chooi Koay

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

Challenge 25 policy in operation

For and on behalf of  
The Corporate Director of Place

Date: 29/04/2021

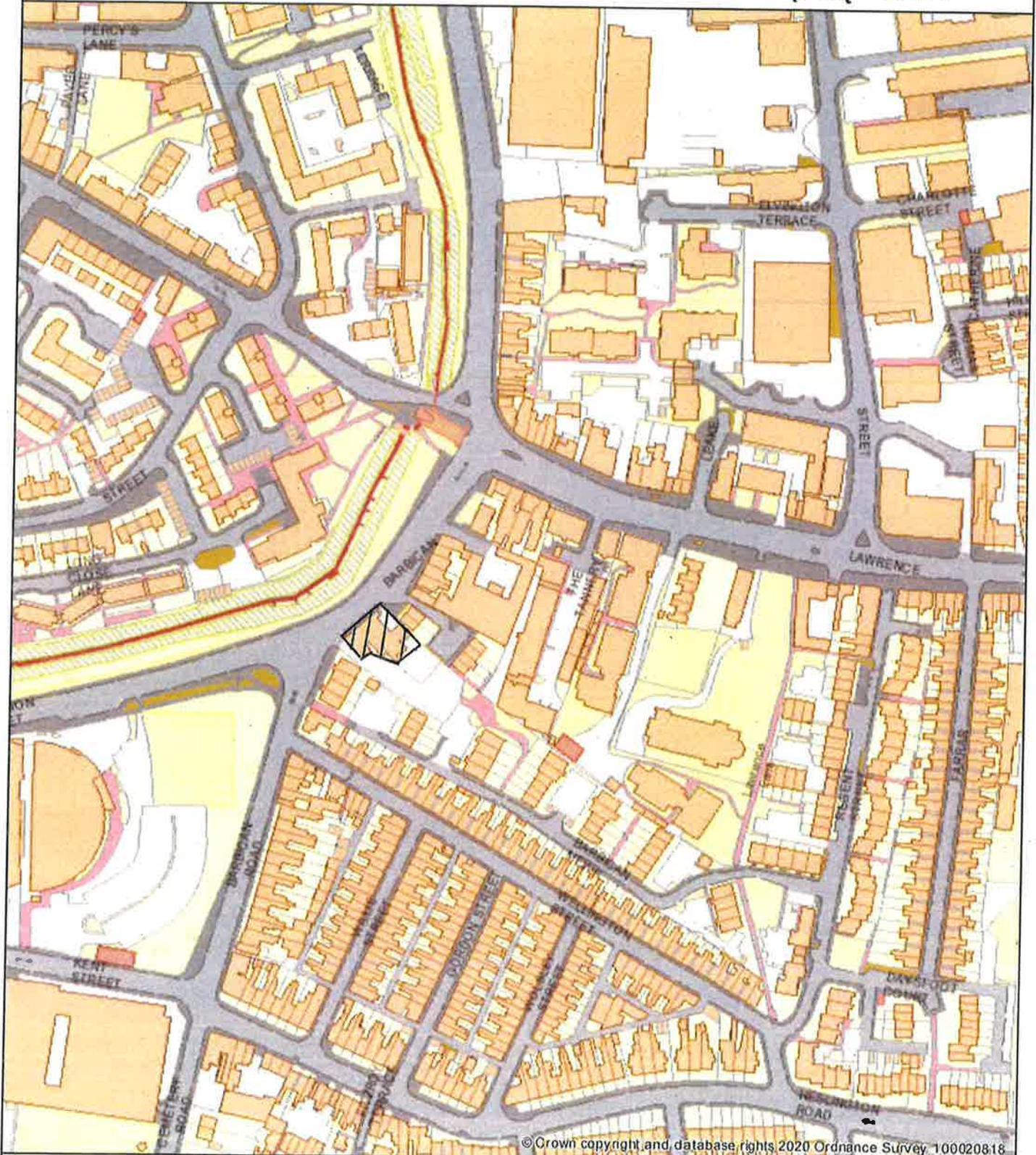
Licensing Services  
Hazel Court EcoDepot  
James Street  
York  
YO10 3DSPhone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



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Annex 3 -

16 Barbican Road



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Date:

Author: n/a

Scale: 1:2,500



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**Legislation and Policy Considerations****Review of Premises Licence**

1. The following provisions of the Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s51 Application for review of premises licence; s52 Determination of application for review; s53 Supplementary provision about review.
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 advertising of reviews.
3. The following provisions of the Secretary of State's guidance apply to this application: Chapter 10 Conditions attached to premises licences and club premises certificates and Chapter 11 Reviews.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 8.0 Licensing Hours;11.0 Review of licences.
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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