

Annex 1



CITY OF YORK COUNCIL

Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

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/We **Anthony Dean of PUBLIC PROTECTION** (Insert name(s) of applicant) 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

Postal address of premises or club premises, or if none, ordinance survey map reference or description	
Regency 2-4 George Hudson Street	
Post town York	Post code: YO1 6LP

Name of premises licence holder or club holding club premises certificate (if known)
Mr Zhongle (Zhong Le) Chen

Number of premises licence or club premises certificate (if known)
CYC – 053937

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) ✓
- 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"/>
				(for example, Rev)					
Surname				First names					
<input type="text"/>				<input type="text"/>					

Please tick ☒ Yes

I am 18 years old or over

☐

Current postal address
if different from
premises 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* Public Protection (Anthony Dean)
Address City of York Council Public Protection Hazel Court Eco Depot York YO10 3DS
Telephone number (if any) 01904 551588
E-mail (optional) anthony.dean@york.gov.uk / public.protection@york.gov.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
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

✓
✓

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

I make this application on behalf of the Licensing Authority, City of York Council (CYC), who wish to seek a review of the above premises licence as the Licensing Objectives in relation to 'prevention of crime and disorder' and 'public safety' have been undermined on a number of occasions.

Mr Zhongle (Zhong Le) Chen has been the premises licence holder and designated premises supervisor (DPS) for this premises since 10 September 2015.

On two occasions CYC Licensing Officers have accompanied North Yorkshire Police (NYP) and the Home Office Immigration Service to the premises following the receipt of intelligence that staff working at the premises did not have the right to remain in this country and therefore did not have the right to work in this country.

On both occasions, on 8 September 2017 and 6 September 2019, Immigration Officers removed people working at the premises who did not have the right to remain in this country.

On both occasions CYC Licensing Officers recorded that the DPS was not present at the premises and that some of the premises licence conditions were not being complied with.

North Yorkshire Fire and Rescue Service (NYFRS) has served notice on the premises, under the provisions of the Regulatory Reform (Fire Safety) Order 2005 on two occasions.

Please provide as much information as possible to support the application (please read guidance note 2)

On 8 September 2017 CYC Licensing Enforcement Officer, Helen Sefton, took part in an operation with officers from NYP and the Home Office Immigration Enforcement Team at the premises. On arrival at the premises it was noted that the premises were open to customers. One person working at the premises was removed by Immigration Officers as they did not have the right to remain in this country and therefore did not have the right to work in this country.

Mr Zhong Le Chen was not present during this visit, Helen Sefton spoke to the duty manager, Ms Tina Feng. During the visit a number of licensing issues were found including the CCTV system which no one on site appeared to be able to operate or had permission to use, and lack of documented staff training in relation to licensing matter. In addition it was found that the glass fire exit door had broken glass and one side of the door was locked in position.

On 6 September 2019 the CYC Licensing Enforcement Officer, Nigel Woodhead, took part in an operation with officers from NYP, the Home Office Immigration Enforcement Team, NYFRS, HMRC, Gangmasters and Labour Abuse Authority and CYC Housing Enforcement Team. On arrival at the premises it was noted that the premises was open to customers. One person at the premises was removed by Immigration Officers as they did not have the right to work in this country.

Mr Chen was not present during this visit so Nigel Woodhead spoke to the duty manager Ms Yan Feng (also known as Tina). A number of breaches of the premises licence conditions were identified including the CCTV displaying the wrong time and date, lack of documented staff training, no incident book or refusals register, and no notices asking the public to leave quietly.

On 24 October 2019 Nigel Woodhead and PC Kim Hollis carried out a further unannounced visit to the premises, to check for compliance with the premises licence conditions. Mr Chen was not present during this visit. Officers spoke to a lady called [REDACTED] who stated she was in charge. The same breaches of conditions on the premises licence as seen on 6 September 2019 were identified. As a result PC Hollis served a closure notice under Section 19 of the Criminal Justice and Police Act 2001, giving the premises licence holder and DPS seven days to rectify these matters.

On the 31 October 2019 Nigel Woodhead and PC Kim Hollis undertook an unannounced revisit to the premises, to check for compliance with the Section 19 notice, previously served by PC Hollis on the 24 October 2019. PC Hollis extended the period for compliance with the notice for a further seven days as there was still an issue with the CCTV not working in accordance with the licensing conditions as it was showing the wrong date and time. All other condition breaches had been rectified.

On the 28 November 2019 CYC Senior Licensing Officer, Helen Sefton, and PS Jackie Booth carried out an unannounced revisit to the premises to check for compliance with the Section 19 notice in relation to the outstanding issue concerning the CCTV. The Section 19 notice was lifted as matters had been rectified and the notice complied with.

On the 4 November 2019 an application was received from Mr Zhongle (Zhong Le) Chen to vary the DPS on the existing premises licence to [REDACTED]. Upon receipt of the application City of York Council contacted NYP, who had in turn contacted the Immigration Service regarding the proposed new DPS. The Immigration Service confirmed that the proposed DPS Mr [REDACTED] did not have the right to work in the UK. As a result the application was refused by City of York Council on 28 November 2019.

As part of the application process Mr Zhongle Chen made a false declaration regarding the status of the of the proposed DPS to work in the UK, this being only two months after Immigration Officers had removed staff from his premises, who were not eligible to work in this country, where he had not carried out the necessary checks on a new employee in relation to their rights to work in the country.

In addition to the above licensing matters, it is also worthy on note that on the **14 August 2018** China Regency Ltd, trading as Regency Restaurant, and Xiu Lan Chen were prosecuted by Public Protection for three breaches of Food Safety and Hygiene Regulations at the Barbican Road, York site.

Ms Chen pleaded guilty to all offences on behalf of both herself and China Regency Ltd at York City Magistrates' Court on 14 August 2018. China Regency Ltd were fined £8,000, with prosecution costs of £1,906.63 and a £170 Court Surcharge. Ms Chen was fined £540 fine and £54 court surcharge.

Furthermore on the **19 November 2017** Tina Feng signed, on behalf of York Regency Associates Ltd of 4 George Hudson Street, York, a simple caution in relation to the sale of a knife to a person under the age of eighteen in July 2017, contrary to the Criminal Justice Act 1988. Tina Feng, as detailed in Nigel Woodhead's statement, was a manager of the Regency Restaurant at 2-4 George Hudson Street and took control of the premises in the absence of the DPS Mr Chen.

A statement from Helen Sefton, Senior Licensing Officer, is attached at Appendix 1

A statement from Nigel Woodhead, Licensing Enforcement Officer, is attached at Appendix 2

A statement from Glynn Jones, Immigration Officer at the Home Office, is attached at Appendix 3

A copy of the summonses relating to Food Safety and Hygiene Offences are attached as Appendix 4

A copy of the signed simple caution relating to the sale of the knife to a person under the age of eighteen is attached at Appendix 5

please tick ✓ yes

Have you made an application for review relating to this premises before?

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

N/A

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
- I understand that if I do not comply with the above requirements my application will be rejected

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:

Date: 07/02/2020

Capacity: Public Protection Manager (Investigations and Compliance)

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Victoria Waudby Legal Services Station Rise	
Post town: YORK	Post code: YO1 6GA
Telephone number (if any): 01904 554350	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
victoria.waudby@york.gov.uk	

This authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Notes for guidance

1. ~~A responsible authority includes the local police, fire and rescue~~ authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

Appendix 1

A statement from Helen Sefton, Senior Licensing Officer

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

FIRST WITNESS STATEMENT OF HELEN LOUISE SEFTON

I, Helen Louise SEFTON, Senior Licensing Officer of City of York Council, Hazel Court, EcoDepot, James Street, YORK, YO10 3DS, make this statement in support of an application by The Council Of The City Of York for a review of premises licences, namely The REGENCY Barbican Road and The REGENCY George Hudson Street, YORK.

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in premises licence review proceedings.
2. I make this statement based upon the records held by the Council. The information provided in this witness statement is within my own knowledge, unless expressly stated otherwise.

I am a Senior Licensing Officer employed by the City of York Council to administer and enforce a wide range of licensable activities. Part of my role is to inspect licensed and unlicensed premises in accordance with the Licensing Act 2003.

On 8 September 2017 I was tasked to attend a multi-agency operation targeting two licensed premises within the district of York. At that time I held the position of Licensing Enforcement Officer. The operation was led by North Yorkshire Police, also in attendance were officers from the Home Office Immigration

Enforcement Team. At 18:00 on 8 September 2017 I attended a briefing at Fulford Road Police Station in York where Inspector FREAR outlined the plan for the evening and allocated roles and responsibilities to Officers. I was to attend the address at 16 Barbican Road, York, YO10 5AA entering the premises under my powers conferred under Section 179 of the Licensing Act 2003, once I had carried out my inspection at 16 Barbican Road I was then to attend a premises at 2-4 George Hudson Street, York, YO1 6LP also under the powers conferred by Section 179 of the Licensing Act 2003.

At 18:45 accompanied by PC BOLLAND Police Licensing Officer, North Yorkshire Police, I entered the licensed premises known as REGENCY Restaurant at 16 Barbican Road, York, YO10 5AA. The restaurant was busy with customers and staff. I identified myself as a Licensing Enforcement Officer and spoke with the person who identified himself as the manager, he told me his name was [REDACTED] and he advised his actual name was [REDACTED] but preferred to be called [REDACTED] [REDACTED] advised he had been the manager at the premises for 2 years. PC BOLLAND and I proceeded to speak to [REDACTED] about the various permissions and conditions contained within the premises licence, issued in accordance with the Licensing Act 2003. At this time other Officers from North Yorkshire Police and the Home Office Immigration Team proceeded to search the premises and speak with other members of staff. We asked to see the CCTV system and [REDACTED] stated that only the business owner could operate the system as it required a passcode which he did not have access to. At approximately 19:25 the premises licence holder and named Designated Premises Supervisor (DPS), ZHONG LE CHEN arrived at

the premises. At first he spoke with Staff members in a language I could not understand. PC BOLLAND and I proceeded to speak with CHEN about the licence permissions and conditions. CHEN stated he could not fully understand English and asked [REDACTED] to interpret for him. I asked CHEN who owned the business and he stated it was his [REDACTED] [REDACTED] he further stated [REDACTED] [REDACTED] was away in China and when asked about the CCTV system he stated only [REDACTED] could operate the CCTV system.

Both [REDACTED] and CHEN stated the restaurant did not stay open past midnight. They stated that staff were trained in licensing matters but it was not documented. I noted there were no notices displayed asking customers to leave the premises quietly and there was no documented noise management plan. After speaking with both gentlemen PC BOLLAND and I carried out a full inspection of the entire premises which included the ground floor bar area, waiting area, restaurant and kitchen. We also went upstairs to the first floor and noted several rooms set up with karaoke equipment, televisions/screens, bench seating and gambling equipment such as dice and dice shakers. The first floor had a locked room with a name plate stating 'Reception'. CHEN provided entry to this room. Once entry was gained to this room it contained alcoholic drinks, various items of stock, several packets of playing cards and the CCTV system. On the second floor of the premises there were more karaoke rooms and also bedrooms containing bunk beds and personal effects. Several more rooms on this floor were locked via external padlocks. PC BOLLAND and I were made aware by the Police Officer in charge that the Immigration Officers were in the

process of detaining four members of staff as they potentially did not have the right to work in the UK

PC BOLLAND and I left the premises at Barbican Road with Police and Immigration Officers still present. We then made our way to the second premises to be visited at George Hudson Street, York.

At approximately 20:00 on the 8 September 2017 PC BOLLAND and I attended a premises, called REGENCY located at 2 – 4 George Hudson Street, York, YO1 6LP. Police and Immigration Officers were already in attendance at this premises and had already searched the premises and spoken with staff. The premises consisted of a supermarket to the left of the front door/entrance and a restaurant/takeaway to the right. I was introduced to the Manager who introduced herself as Tina FENG. FENG advised me she had worked at the premises for 2 years, she was unable to use or view the CCTV as she did not have the necessary permission to use the system. FENG stated staff were trained in licensing matters but it was not documented. She stated the Designated Premises Supervisor (DPS) was ZHONG LE CHEN. She stated the restaurant side of the premises also had a manager but did not provide a name for that person. She advised the premises did not open beyond 1am. I noted that the front glass door of the premises which was also a fire exit was broken and in need of urgent repair, one side of the door was in a locked position due to the damage – I asked FENG to get this done as a priority as this meant the fire escape route was effectively reduced in width by 50%. FENG was advised that someone on site needed to be able to access the CCTV and that all staff

CCTV training must be documented. I was also informed by a Police Officer on site that when they first attended the premises the rear fire door, which had a push bar, was locked shut. I was made aware on the night that the Immigration Officers had detained members of staff from this premises who potentially did not have the right to work in the UK, I do not know the specific number of staff members detained.

After the visits I reported my findings on the night to colleagues in the Council Housing Enforcement Team, Gambling Commission and Fire Service.

In the summer of 2019 I was contacted by Inspector FREAR of North Yorkshire Police, he told me of his intention to organise another multi agency visit to both the REGENCY premises in York, he wanted support from the Licensing Team. He also advised a premises in the Selby area would be involved in the visits and some residential addresses in York and Selby.

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

At 18:10 on 6 September 2019, in company of Lesley COOKE Licensing Manager at City of York Council I entered the premises known as REGENCY Restaurant at 16 Barbican Road, York, YO10 5AA. We entered the premises

under powers conferred by Section 179 of the Licensing Act 2003. Police and Immigration Officers were already in the premises as they had entered using powers granted under a warrant.

I spoke with the manager of the premises [REDACTED], real name [REDACTED]. [REDACTED] showed me his personal licence with Number [REDACTED] issued by Manchester City Council and showing his address as [REDACTED]. [REDACTED] advised however this address needed to be changed to [REDACTED]. I advised [REDACTED] to contact Manchester City Council to amend his licence ASAP. I reminded [REDACTED] that we had met 2 years earlier, he advised me he had left his job at the premises shortly after September 2017 but had recently returned. I sat in the waiting area of the restaurant with [REDACTED] and went through the conditions on the premises licence whilst the Officers from the other agencies carried out the inspections and interviews with staff. [REDACTED] stated he was not the DPS at the premises that was Mr CHEN. He stated CHEN was not often at the premises but was in regular contact with [REDACTED] and did call [REDACTED] when he needed to. Whilst going through the conditions on the premises licence several breaches were identified as follows; (*the corresponding condition appears in brackets*)

The CCTV system was running 36 minutes behind (7). [REDACTED] had no idea how many days the CCTV recordings were kept (5). Staff were trained verbally how to lawfully operate the CCTV but this training was not documented (16, 18 and 19). There was no refusals register or incident report register (20, 21, and 22). There were no notices asking customers to leave quietly (23). [REDACTED] stated the premises closed before midnight and therefore they do not use door

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

After speaking with [REDACTED] I undertook a full inspection of the premises in company of Lesley COOKE. On the first floor I noted a strong smell of cigarette smoke in both the karaoke rooms and evidence of cigarette smoking (smell and used cigarettes and ash) in the Gentleman's toilet. There were also sets of dice and dice shakers in each karaoke room. On the second floor there was evidence of persons sleeping in some of the karaoke rooms this included bedding (duvets, pillows etc.), personal effects such as clothing, shoes, toothbrushes and luggage. Some rooms on the second floor were in the process of being renovated/decorated. Whilst I was in one of the karaoke rooms a young white male with an Eastern European accent came into the room, he said he'd come to get his passport. When asked where he was sleeping he stated it was in this karaoke room. At the ground floor level I met my colleague Nigel WOODHEAD, Licensing Enforcement Officer in the rear car park I noted there was evidence of a severely blocked drain at the rear entrance to the car park which was overflowing with foul water and grease. I then met with Kevin CAULFIELD from North Yorkshire Fire and Rescue Service who informed me that due to a defect on the fire alarm system he would be issuing a Prohibition Notice which would prohibit any persons sleeping on the premises. The Police Officer in charge informed me that several members of staff had been detained and four persons had been detained for potential immigration offences.

After the inspection I reported my findings on the night to colleagues in the Council Gambling Commission, the City of York Council Neighbourhood Enforcement Team (regarding the blocked drain), I also contacted Manchester City Council's Licensing Team regarding [REDACTED] Personal Licence details.

On 4 November 2019 an application was received by the City of York Council's Licensing Team to apply to vary the Designated Premises Supervisor (DPS) at the premises known as Regency 2-4 George Hudson Street, York. I produce a copy of the application as **Exhibit HLS/2**. The DPS is the person who holds overall control and day to day management of a licensed premises, they are also responsible for authorising the sale of alcohol. As part of the application process the Licensing Authority must consult with North Yorkshire Police. Enquiries were made with North Yorkshire Police who in turn consulted Home Office Immigration Officers as to the status of the person named to be the new DPS at the premises [REDACTED].

As a result Immigration Officer Glyn JONES provided a statement regarding [REDACTED] and his status regarding being unable to work in the UK. The application to vary the DPS was ultimately rejected by the Licensing Authority due to the application being incomplete. This was confirmed in my letter dated 28 November 2019 and hand delivered to the premises address, copied to the DPS home address and the registered office of the premises licence holder. The letters were all hand delivered on 28 November 2019. I produce a copy of the letter dated 28 November 2019 as **Exhibit HLS/3**.

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT
ARE TRUE.

Signed:

.....

Dated: 4 February 2020

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

EXHIBIT
Copy of Premises Licence for The REGENCY 16 Barbican Road,
YORK, YO10 5AA

This is the **Exhibit HLS/1** referred to in the statement of Helen Louise SEFTON,
dated 3 February 2020.

445/1



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 009221

Postal address of premises:

16 Barbican Road

Post town: York

Post code: **YO10 5AA**

Telephone number: 01904 623134

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

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

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

LIVE MUSIC
Indoors

Monday
10:00 - 03:30

Tuesday
10:00 - 03:30

Wednesday
10:00 - 03:30

Thursday
10:00 - 03:30

Friday
10:00 - 03:30

Saturday
10:00 - 03:30

Sunday
10:00 - 03:30

RECORDED MUSIC**Indoors**

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

PERFORMANCES OF DANCE**Indoors**

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

ACTIVITIES LIKE MUSIC/DANCE**Indoors**

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

LATE NIGHT REFRESHMENT**Indoors**

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

SUPPLY OF ALCOHOL

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

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

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

An additional hour on the day that British Summertime commences.

The Opening Hours of the Premises

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

Non Standard Timings:

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

An additional hour on the day that British Summertime commences.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:**

Name: Mr Zhongle Chen

Address: 16 Barbican Road
York
YO10 5AA

Telephone number: None

Email address: None

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

Name: Mr Zhongle Chen

Address: 16 Barbican Road
York
YO10 5AA

Telephone number: None

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Selby District Council
LN/000006043

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION – ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$
where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

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

Protection of Children from Harm

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

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

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

1. Prior to using the karaoke rooms customers must have consumed a meal in the restaurant, excluding snacks.

2. Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access for licensable activities and where the public can consume alcohol. For the purpose of clarity this will include all rooms and stairways to which the public have access for licensable activities and where the public can consume alcohol.

3. It will be maintained, working and recording at all times when the premises are open.

4. The recordings should be of sufficient quality to be produced in Court or other such hearing.

5. Copies of the recordings will be kept available for any Responsible Authority for 28 days.

6. Copies of the recordings will be made available to any Responsible Authority within 48hrs of request.

7. Copies of the recordings will display the correct time and date of the recording.

8. All off sales shall be made in sealed containers save for those that are intended for consumption within the building.

9. After 24:00hrs the only door used by members of the public to enter the premises shall be the main door on to Barbican Road.

10. Last public entry to the premises shall be 24:00hrs. For the purpose of clarity no members of the public will be allowed entry to the premises after 24:00hrs until the close of business (this does not prevent re-entry to customers who have left the venue to smoke).

11. After 24:00hrs customers who have left the venue to smoke shall be monitored by a Door Supervisor in a clearly demarked area at the front of the venue which will not block the footpath.

12. Two SIA Door Supervisors shall be provided at the venue from 24:00hrs until the close of business, with at least one staffing the main door on to Barbican Road.

13. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.

14. Standard one pint capacity, half pint capacity and "high ball tumbler" drinking glasses will be strengthened glass (tempered glassware) in design whereby in the event of breakage the glass will fragment and no sharp edges are left.

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

16. Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and the opening times of the venue.

17. Such training (referred to in Condition 16) will be refreshed and documented every 6 months.

18. Such training records (referred to in Condition 16) should be kept for at least 3 years.

19. Such training records (referred to Condition 16) will be made available for inspection upon request by any Responsible Authority.

20. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to underage or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.

21. Both the above documents (referred to in Condition 20) will be kept for at least 3 years.

22. Both the above documents (referred to in Condition 20) will be available for inspection upon request by any Responsible Authority.

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

24. So as to ensure the Licensing Objective the prevention of crime and disorder is not undermined there shall be a maximum capacity of 100 persons of which there shall be no more 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.

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

For and on behalf of
The Director of Communities
& Neighbourhoods

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

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

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk

Website: www.york.gov.uk/licensing

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

EXHIBIT

**Copy of Application to Vary the Designated Premises Supervisor at The
REGENCY, 2-4 George Hudson Street, YORK, YO1 6LP**

This is the **Exhibit HLS/2** referred to in the statement of Helen Louise SEFTON, dated
3 February 2020.



4LS/2

CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10
3DS

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we ZHONG LE CHEN
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

CYC-053937

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

REGENCY
2-4 GEORGE HUDSON STREET,

Post town

YORK

Post code (if known)

YO1 6LP

Telephone number (if any)

01904 659976

Description of premises (please read guidance note 1)

CHINESE RESTAURANT & SUPERMARKET

Part 2

Full name of proposed designated premises supervisor

Nationality

CHINESE

Place of birth

CHINA

Date of birth

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Full name of existing designated premises supervisor (if any)

ZHONG LE CHEN

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003 (Please read guidance note 2)



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee ☒
- I will give a copy of this application to the chief officer of police (Please read Guidance note 3) ☒
- I have enclosed the consent form completed by the proposed premises supervisor ☒
- I have enclosed the premises licence, or relevant part of it or explanation ☒
- I will notify the existing premises supervisor (if any) of this application (Please read guidance note 4) ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

See details of Licensing Act 2003 statutory fees: www.york.gov.uk/LicensingAct2003StatutoryFees

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY 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 A VALID LEAVE TO ENTER OR REMAIN IN THE UK OR AN ADULT WHO IS SUBJECT TO CONDITIONS WHICH WOULD PREVENT THAT PERSON FROM TAKING UP 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 BY VIRTUE OF THEIR IMMIGRATION STATUS.

Part 3 – Signatures (please read guidance note 5)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 6). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

25/10/2019

Capacity

MANAGER

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 7). 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 8)


1 REGENCY
24 GEORGE THOMSON STREET

Post town
YORK

Post Code
YO1 6LP

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address
(optional)



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10
3DS

Consent of individual to being specified as premises supervisor

[redacted]
[full name of prospective premises supervisor]

of

[redacted]
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

APPLICATION TO VARY DPS
[type of application]

by

[redacted]
[name of applicant]

relating to a premises licence

CYC - 053937
[number of existing licence, if any]

for

REGENCY, 2-4 GEORGE HUDSON STREET, YORK
[name and address of premises to which the application relates] YO1 6LP

1. Describe the premises. For example the type of premises it is.
2. An application to vary the premises licence so as to name a different premises supervisor may be given immediate effect (that is, from the time the application is received by the licensing authority) if the premises licence holder requests it at the time he makes an application under Section 37. Section 38 enables the holder of a premises licence to continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work. If the application is rejected, the licence reverts to the form it took before the application was made.
3. A full copy of the application form must be sent to the chief officer(s) of police for the police area(s) in which the premises are situated. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
4. Section 37(4)(b) of the Licensing Act 2003 requires the premises licence holder to notify the existing designated premises supervisor (if any) about this application. It is sufficient for the licensee to inform the existing premises supervisor in writing, without the need to share the specific details of the application. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
5. The application form must be signed.
6. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
7. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
8. This is the address which we shall use to correspond with you about this application.

and any premises licence to be granted or varied in respect of this application made by

[redacted]
(name of applicant)

concerning the supply of alcohol at

REGENCY, 2-4 GEORGE HUDSON STREET, YORK YO1 6LP
(name and address of premises to which application relates)

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[redacted]
(Insert personal licence number, if any)

Personal licence issuing authority

LEEDS CITY COUNCIL
(Insert name and address and telephone number of personal licence issuing authority, if any)

Signed

Name (please print)

[redacted]

Date

25/10/19

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

EXHIBIT
Copy of Letter dated 28 November 2019

This is the **Exhibit HLS/3** referred to in the statement of Helen Louise SEFTON, dated
3 February 2020.



Mr Zhong Le Chen
21a Blake Street
York
YO1 8QJ

Delivered by hand

Economy and Place

Eco Depot
Hazel Court
York
YO10 3DS

Tel: 01904 552422

E-mail: licensing@york.gov.uk
Ask for: Helen Sefton
Our ref: oyc 53937

28 November 2019

Dear Sir

Licensing Act 2003

The Regency, 2-4 George Hudson Street, York

I am writing to you as the premises licence holder at the above address and further to receipt of an application to vary the Designated Premises Supervisor (DPS) made in accordance with Section 37 of the above Act.

My colleague Mr Woodhead wrote to you on 13 November 2019 to advise that we were not in a position to proceed with this application. Furthermore the Licensing Authority has not received the original premises licence as required by Section 37 (3), (b) of the Act.

I would like to speak to both you and your proposed new DPS Mr [REDACTED] about this application. We have made attempts to call and email you in addition to the hand delivered letters but so far no contact has been made. You are therefore invited to attend an informal interview at the City of York Council Hazel Court, Eco Depot, James Street, York, YO10 3DS.

I would be grateful if you could contact me on 01904 552422 or via the email address above to arrange a mutually beneficial date for that interview. If I do not hear from you within 14 days we will be following this up by making visits to the premises to resolve this matter.

Yours sincerely

Helen Sefton
Senior Licensing Officer

Director: Neil Ferris

www.york.gov.uk

Public Protection

Copy to:

- North Yorkshire Police Licensing Team, via email
- Mr Zhong Le Chen, 2-4 George Hudson Street, York YO1 6LP
- [REDACTED]

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

Appendix 2

A statement from Nigel Woodhead, Licensing Enforcement Officer

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

WITNESS STATEMENT OF Nigel Philip Woodhead

I, Nigel Philip Woodhead the Licence Enforcement Officer of City of York Council, Eco Depot, Hazel Court, York, make this statement in support of an application by The Council Of The City Of York for a review of a premises licence, namely Regency Restaurant, George Hudson Street, York and Regency Restaurant, Barbican Road, York

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in premises licence review proceedings.
2. I make this statement based upon the records held by the Council. The information provided in this witness statement is within my own knowledge, unless expressly stated otherwise.

3.

I am the Licence Enforcement Officer for the City of York Council and part of my duties are to enforce all legislation with premises licensed by this authority under the Licensing Act 2003.

In the summer of 2019 I was asked by the Senior Licensing Officer Helen Sefton to assist in a multi agency visit to two premises in York by the name of Regency. About 16.30hrs on Friday 6th September 2019 I attended a briefing at Fulford Road Police Station. In attendance were officers from North Yorkshire Police, HMRC, Home Office Immigration Enforcement, The Gangmasters and Labour

~~Housing Enforcement officers and several interpreters.~~

About 18.00hrs the same day I attended at the Regency Restaurant and Supermarket at 2-4 George Hudson Street, York. Also in attendance were officers from HMRC, Immigration and North Yorkshire Police. Two interpreters were also in attendance. Once inside the premise I spoke to the female manager named as YAN FENG. Ms FENG also goes by the name of 'Tina'. The Premise Licence Holder (PLH) and Designated Premise Supervisor (DPS) ZHONG LE CHEN was not present.

I took 'Tina' to a table to go through the conditions on the Premise Licence. Whilst speaking to her she was constantly looking around and trying to use her mobile phone and told not to by the police as well as looking at a CCTV monitor which showed various areas of the premises. Several breaches of the conditions were identified as follows with the number of the condition appearing in brackets

- (2)The CCTV was displaying wrong time and date
- (6) Yan Feng is the only person who can download footage
- (7) There is no documented staff training
- (9) There is no incident book/refusals register
- (16) No notices asking the public to leave quietly

Throughout my dealings with her she was very un co-operative and wouldn't say much to me. She was then spoken to by Immigration and HMRC.

I can produce a copy of Part A of the premise licence as an exhibit marked NPW/1.

I then walked round the premises including going into the basement under the supermarket part of the premises where I saw that two police officers had found several suitcases containing female clothing along with paperwork that appeared to be in Chinese and also unsigned letters from the University of York. About 19.30hrs I was then called to the Regency Restaurant on Barbican Road, York where I met up with my colleagues, Lesley COOKE (Licensing Manager) and Helen SEFTON. I noted near the entrance to the premises from the car park there was a blocked drain which was overflowing with foul water and grease. I went up onto the first floor where the karaoke rooms were and found a strong smell of cigarette smoking as well as used cigarettes and ash in a basin on the floor of the gent's toilet. There were also sets of dice and dice shakers in each karaoke room.

I went into the kitchen where the fire alarm was being tested and noted that there was a large amount of water on the floor which was flowing out of the bottom of a kitchen unit.

Kevin CAULFIELD from North Yorkshire Fire and Rescue service was testing the alarm with a Chinese male I now know to be the Manager [REDACTED] whose real name is [REDACTED]. The Fire Officer informed us that due to a defect on the fire alarm system he would be issuing a prohibition notice which would prohibit any persons from sleeping on the premises.

About 11.15hrs on Thursday 24th October 2019 in company with the North Yorkshire Police Licensing Officer Pc Kim HOLLIS we attended at The Regency Restaurant on George Hudson Street, York for the purpose of carrying out a routine inspection. The manager YAN FENG was not present and neither was the PLH and DPS ZHONG LE CHEN. WE spoke to another female who gave

her name as [REDACTED]. She said that she was in charge and on going through the conditions of licence it was noted that the same conditions were being breached as of my 6th September visit. Ms [REDACTED] said that did not know how to work the CCTV system. As a result of the inspection Pc HOLLIS issued the premises with a Section 19, Criminal Justice and Police Act 2001 closure notice giving the premises seven days to rectify the breaches. This was clearly explained to Ms [REDACTED] and she signed the notice.

About 12.10hrs the same day again with Pc HOLLIS we attended at the Regency Restaurant on Barbican Road, York, again to carry out a routine inspection. We spoke with the manager [REDACTED]. The PLH and DPS ZHONG LE CHEN was not present. It was seen when the top floor of the premises were checked that several males were resident in bedrooms who appeared to be of Eastern European descent. Details of the males were obtained by Pc HOLLIS. They stated that they were not employed by the restaurant. On checking the karaoke rooms the dice and dice shakers were still in situ. Several breaches of the licence conditions were noted including the fact that the CCTV was not connected, no staff paper records, no incident/refusals book and no notices asking for customers to leave the premises quietly. Pc HOLLIS then issued [REDACTED] with a Section 19, Criminal Justice and Police Act 2001 closure notice giving the premises seven days to rectify the breaches which he duly signed.

At 10.30hrs on Thursday 31st October again with Pc HOLLIS we attended at The Regency Restaurant on George Hudson Street where we again spoke with [REDACTED]. Neither YAN FENG or PLH and DPS ZHONG LE CHEN were present. All the condition breaches had been rectified apart from the fact that

the CCTV system was still showing the wrong date and time and the premises

were again issued with a Section 19, Criminal Justice and Police Act 2001

notice by Pc HOLLIS giving them another seven days to rectify the CCTV fault.

About 12.15hrs the same day again with Pc HOLLIS we attended at the Regency Restaurant on Barbican Road where we spoke with [REDACTED]

[REDACTED]. It was noted that all the licence conditions were now being applied with and the Section 19, Criminal Justice and Police Act 2001 notice was lifted.

On Monday 4th November 2019 the Licensing office received an Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003. The application was in the name of Zhong Le Chen and was for the Regency premises at 2-4 George Hudson Street, York, YO1 6LP.

The new DPS who had signed the necessary consent form was to be a [REDACTED] of [REDACTED]. He had a personal licence issued by Leeds City Council.

The application was copied and sent to the North Yorkshire Licensing Office at Fulford Road, York.

As a result of information then received I wrote a letter to ZHONG LE CHEN stating that we couldn't accept the application over problems with [REDACTED] right to work in this country. This was hand delivered to both 2-4 George Hudson Street and the PLH address at 21a Blake Street, York, YO1 8QJ. I can produce a copy of this letter as NPW/2

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.

Signed

Dated 2nd January 2020

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

EXHIBIT

**Copy of Premise Licence for Regency Restaurant, 2-4 George Hudson
Street, York**

This is the **Exhibit NPW/1** referred to in the statement of Nigel Philip
Woodhead, dated 2nd January 2020.



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number
CYC - 053937

Postal address of premises:

**2-4 George Hudson Street
York**

Post town: **York**

Post code: **YO1 6LP**

Telephone number: 01904 623656

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Recorded Music
Late Night Refreshment
Supply of Alcohol

RECORDED MUSIC Indoors

Monday
10:00 - 24:00

Tuesday
10:00 - 24:00

Wednesday
10:00 - 24:00

Thursday
10:00 - 24:00

Friday
10:00 - 03:30

Saturday
10:00 - 03:30

Sunday
10:00 - 24:00

LATE NIGHT REFRESHMENT

Indoors

Monday
23:00 - 24:00Tuesday
23:00 - 24:00Wednesday
23:00 - 24:00Thursday
23:00 - 24:00Friday
23:00 - 03:30Saturday
23:00 - 03:30Sunday
23:00 - 24:00**SUPPLY OF ALCOHOL**Monday
10:00 24:00Tuesday
10:00 24:00Wednesday
10:00 24:00Thursday
10:00 24:00Friday
10:00 - 03:30Saturday
10:00 - 03:30Sunday
10:00 - 24:00**The Opening Hours of the Premises****OPENING HOURS**Monday
10:00 24:00Tuesday
10:00 24:00Wednesday
10:00 24:00Thursday
10:00 24:00Friday
23:00 - 03:30Saturday
23:00 - 03:30Sunday
10:00 - 24:00**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

On and off the premise

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:**

Name: Mr Zhongle Chen

Address: 21a Blake Street
York
YO1 8QJ

Telephone number: 07477030338

Email address: service@ukregency.com

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

Name: Mr Zhongle Chen

Address: 21a Blake Street
York
YO1 8QJ

Telephone number: 01757 705101

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Selby District Council
LN/000006043

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

2. The first condition is that no supply of alcohol may be made under the premises licence -
(a) at a time where there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION – ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula – $P = D + (D \times V)$

where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Licensing Objectives

Prevention of Crime & Disorder

1. A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.

2. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.

3. CCTV cameras shall be installed to provide adequate cover of all public areas in the premises (excluding toilets).

4. The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.

5. North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording. This should be complied with within 24 hours of the request being made.

6. 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.

7. A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-

- a) retail sale of alcohol;
- b) age verification policy;
- c) conditions attached to the Premises Licence;
- d) permitted licensable activities;
- e) the licensing objectives; and
- f) opening times for the venue.

with such records being kept for a minimum of 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].

8. The premises shall operate the Challenge 25 policy for the sale of alcohol.

9. An incident book / refusals register will be kept at the premises and made available on request to an authorised officer or the police which will record the following:-

- a) all alcohol related crimes reported to the venue
- b) any complaints received regarding alcohol related crime and disorder
- c) any faults in the CCTV system
- d) any refusal of the sale of alcohol
- e) any visit by a relevant authority or emergency service.

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

11. All alcohol on sales will be ancillary to a meal, sold by waitress service and for seated consumption only.

12. The restaurant section of the premises will be securely dividable from the Supermarket area when the Supermarket is not in use. The restaurant will be laid out with seating and tables to accommodate a minimum of 40 seated patrons at any one time.

13. There shall be a minimum of one door supervisor on duty at the restaurant premises from 23:00hrs to close of business at all times when open to the public & undertaking licensable activity beyond 01:00hrs.

14. Where door supervisors are on duty they shall sign in and out of the premises log book, providing full details of their name and SIA number.

15. The Designated Premises Supervisor shall be responsible for risk assessing the need for additional door staff at the venue on days of York Races, on Fridays, Saturdays or bank holidays or other locally or nationally significant events.

Public Nuisance

16. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and area quietly.

17. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

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

No hearing held

Annex 4 – Approved Plan

Plan Number Endorsed on the 12/08/2015

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 10/09/2015

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

THE LICENSING ACT 2003

EXHIBIT

Copy of letter sent to DPS ZHONG LE CHEN at 21a Blake Street, York

This is the **Exhibit NPW/2** referred to in the statement of Nigel Philip

Woodhead, dated 2nd January 2020.



Economy & Place

Hazel Court EcoDepot
James Street
York
YO10 3DS

Mr Zhong Le CHEN
21a Blake Street
York
YO1 8QJ

Tel: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk

13th November 2019

Dear Mr Chen

Licensing Act 2003

Application for Variation of Designated Premise Supervisor
Regency, 2-4 George Hudson Street, York, YO1 6LP

I am writing to you today to inform you that we cannot proceed with the proposed variation to your Designated Premise Supervisor at the above premises to [REDACTED]. It has been brought to our attention by the relevant Authorities that Mr [REDACTED] does not have the right to work in this country and therefore his Personal Licence to supply alcohol is not valid, this having lapsed at the time that his right to work ended or at the time that Schedule 4 of the Immigration Act 2016 came into force.

In order to proceed we will have to receive another application and until we do you will be remaining as the Designated Premise Supervisor unless we hear to the contrary.

Further investigations will need to be made into this matter and it may well be that we will have to formally interview you with regard to the checks that you make on your employees

Yours sincerely

Nigel Woodhead
Licence Enforcement Officer
City of York Council

Director: Neil Ferris

www.york.gov.uk

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

Appendix 3

A statement from Glynn Jones, Immigration Officer at the Home Office

WITNESS STATEMENT

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

URN GRJ 6633 07012020 1

Statement of: Glynn Ronald JONES

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

Occupation: Immigration Officer

This statement (consisting of 2 (two) 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: 07/01/2020

I am the person named above and I am employed by the Home Office as an Immigration Officer. I am currently a member of the Arrest Team, Yorkshire & Humberside ICE (YHICE) based at Waterside Court, Kirkstall Road, Leeds LS4 2QB. I have been employed by the Home Office since October 2003. My position as an IMMIGRATION OFFICER grants me access to information held on Home Office systems that stores details of enforcement visits conducted by YHICE and the numbers of arrested persons and their nationalities from each of those visits.

On 10th DECEMBER 2019, I was requested to provide a summary of YHICE visits conducted to both the REGENCY, 16 BARBICAN ROAD, YORK YO10 5AA and the REGENCY, 2-4 GEORGE HUDSON STREET, YORK YO1 6LP in terms of breaches of the IMMIGRATION ACT 1971 (AS AMENDED), as part of on-going enquiries into the two businesses.

HOME OFFICE records show YHICE have conducted FIVE enforcement visits to the REGENCY, 16 BARBICAN ROAD, YORK YO10 5AA which are recorded below.

1). 7th JUNE 2014 - 2 Chinese nationals arrested; 1 for OVERSTAYING, and 1 for ILLEGAL ENTRY (CLANDESTINE) (initially provided false details and later found to have been previously served as an ILLEGAL ENTRANT (CLANDESTINE)).

2). 21st MAY 2017 - 1 Chinese national arrested for WORKING IN BREACH (held extant leave with no permission to work).

3). 8th SEPTEMBER 2017 - 6 Chinese nationals arrested; 4 for OVERSTAYING their leave, and 2 for ILLEGAL ENTRY (ENTRY WITHOUT LEAVE).

4). 16th MARCH 2018 - No arrests were made, all staff present had permission to live and work in the United Kingdom.

5). 6th SEPTEMBER 2019 - 3 Chinese nationals arrested; 1 for OVERSTAYING their leave, 1 for WORKING IN BREACH (held extant leave with no permission to work) and 1 as a PERSON LIABLE TO DETENTION (previously REFUSED LEAVE TO ENTER but granted temporary admission/bail at port following an application for leave to remain, and subsequently failed to appear for an interview to progress their application).

Signature:

Signature witnessed by:

Similarly, HOME OFFICE records show YHICE have conducted THREE enforcement visits to the REGENCY, 2-4

GEORGE HUDSON STREET, YORK YO1 6LP which are recorded below.

- 1). 7th APRIL 2017 – 1 Chinese national arrested for ILLEGAL ENTRY (ENTRY WITHOUT LEAVE).
- 2). 8th SEPTEMBER 2017 – 1 Chinese national arrested for WORKING IN BREACH (held extant leave with no permission to work)
- 3). 6th SEPTEMBER 2019 – 4 Chinese nationals arrested; 1 for WORKING IN BREACH (held extant leave with no permission to work), 1 for ILLEGAL ENTRY (VERBAL DECEPTION) by providing information to an Entry Clearance Officer which was later found not to be true, which, if it had been disclosed at the time of the application would have led to the entry clearance being refused, 1 for ILLEGAL ENTRY (ENTRY WITHOUT LEAVE), and 1 for being a PERSON LIABLE TO DETENTION (previously served as an ILLEGAL ENTRANT (ENTRY WITHOUT LEAVE) and failed to adhere to their bail conditions by failing to report to the Home Office, and working without permission).

This witness statement was made and completed at WATERSIDE COURT, LEEDS on 7th JANUARY 2020 at 14:15 hrs.

Signature:

Signature witnessed by:

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

Appendix 4

A copy of the summonses relating to Food Safety and Hygiene Offences

SUMMONS

IN THE COUNTY OF NORTH YORKSHIRE

YORK MAGISTRATES COURT

The Law Courts, Clifford Street, York, YO1 9RE
01904 818300

CODE: 2541

ACCUSED: China Regency Ltd

Co. NUMBER: 10961793

ADDRESS: 16 Barbican Road
York
YO10 5AA

You are hereby summonsed to appear on 14 August 2018 at 10am before the Magistrates' Court at The Law Courts, Clifford Street, York, to answer the following information:

ALLEGED OFFENCE:

Count 1

That you between 2 January 2018 and 2 March 2018 at the Regency Restaurant, 16 Barbican Road, in the City of York being a food business operator did fail to comply with a Community provision, namely to keep food premises clean and maintained in good repair and condition, contrary to Annex II Chapter I Paragraph 1 and Article 4(2) of Regulation (EC) No 852/2004 and Regulation 19 of the Food Safety and Hygiene (England) Regulations 2013 (as amended) made under section 2(2) of the European Communities Act 1972

Count 2

That you between 2 January 2018 and 2 March 2018 at the Regency Restaurant, 16 Barbican Road, in the City of York being a food business operator did fail to comply with a Community Provision, namely to provide washbasins with materials for cleaning hands and hygienic drying, contrary to Annex II Chapter 1 Paragraph 4 and Article 4(2) of Regulation (EC) No 852/2004 and Regulation 19 of the Food Safety and Hygiene (England) Regulations 2013 (as amended) made under section 2(2) of the European Communities Act 1972

Count 3

That you between 2 January 2018 and 2 March 2018 at the Regency Restaurant, 16 Barbican Road, in the City of York being a food business operator you failed to comply with a Community provision, namely to effectively clean and disinfect all articles, fittings and equipment with which food comes into contact, contrary to Annex II Chapter V Paragraph 1(a) and Article 4(2) of Regulation (EC) No 852/2004 and Regulation 19 of the

Food Safety and Hygiene (England) Regulations 2013 made under section 2(2) of the
European Communities Act 1972

PROSECUTOR: Andrew Docherty, Assistant Director Legal & Governance
on behalf City of York Council

ADDRESS: Legal Services, West Offices, Station Rise, York, YO1 6GA

DATE OF INFORMATION: 22 June 2018

.....
Clerk to the Justices, Justice of the Peace

DATE: 28 JUN 2018

SUMMONS

IN THE COUNTY OF NORTH YORKSHIRE

YORK MAGISTRATES COURT

The Law Courts, Clifford Street, York, YO1 9RE
01904 818300

CODE: 2541

ACCUSED: Xiu Lan Chen

DATE OF BIRTH: 18 August 1976

ADDRESS: 16 Barbican Road
York
YO10 5AA

You are hereby summonsed to appear on **14 August 2018 at 10am** before the Magistrates' Court at The Law Courts, Clifford Street, York, to answer the following information:

ALLEGED OFFENCE:

Count 1

That you between 2 January 2018 and 2 March 2018 at the Regency Restaurant, 16 Barbican Road, in the City of York being a food business operator did fail to comply with a Community provision, namely to keep food premises clean and maintained in good repair and condition, contrary to Annex II Chapter I Paragraph I and Article 4(2) of Regulation (EC) No 852/2004 and Regulation 19 of the Food Safety and Hygiene (England) Regulations 2013 (as amended) made under section 2(2) of the European Communities Act 1972 and at that time you were a Director of China Regency Limited, and the said offence was committed with your consent or connivance or is attributable to your neglect, contrary to Regulation 20 of the Food Safety and Hygiene (England) Regulations 2013

Count 2

That you between 2 January 2018 and 2 March 2018 at the Regency Restaurant, 16 Barbican Road, in the City of York being a food business operator did fail to comply with a Community Provision, namely to provide washbasins with materials for cleaning hands and hygienic drying, contrary to Annex II Chapter 1 Paragraph 4 and Article 4(2) of Regulation (EC) No 852/2004 and Regulation 19 of the Food Safety and Hygiene (England) Regulations 2013 (as amended) made under section 2(2) of the European Communities Act 1972 and at that time you were a Director of China Regency Limited, and the said offence was committed with your consent or connivance or is attributable to your neglect, contrary to Regulation 20 of the Food Safety and Hygiene (England) Regulations 2013

Count 3

That you between 2 January 2018 and 2 March 2018 at the Regency Restaurant, 16 Barbican Road, in the City of York being a food business operator you failed to comply with a Community provision, namely to effectively clean and disinfect all articles, fittings and equipment with which food comes into contact, contrary to Annex II Chapter V Paragraph 1(a) and Article 4(2) of Regulation (EC) No 853/2004 and Regulation 19 of the Food Safety and Hygiene (England) Regulations 2013 made under section 2(2) of the European Communities Act 1972 and at that time you were a Director of China Regency Limited, and the said offence was committed with your consent or connivance or is attributable to your neglect, contrary to Regulation 20 of the Food Safety and Hygiene (England) Regulations 2013

PROSECUTOR:

Andrew Docherty, Assistant Director Legal & Governance
on behalf City of York Council

ADDRESS:

Legal Services, West Offices, Station Rise, York, YO1 6GA

DATE OF INFORMATION: 22 June 2018

.....
Clerk to the Justices/Justice of the Peace
.....

DATE:

28 JUN 2018

**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

Appendix 5

**A copy of the signed simple caution relating to the sale of the knife to a person under
the age of eighteen**



Public Protection
Eco Depot, Hazel Court
York YO10 3DS
Telephone: 01904 554546

CASE REFERENCE: 2628 /9

SIMPLE CAUTION (COMPANY)

COMPANY NAME: York Regency Associates Ltd.
COMPANY REGISTERED ADDRESS: 4 George Hudson Street, York, YO1 6LP
COMPANY REGISTERED NO: 09197841

DATE of OFFENCE(S): 18 July 2017
PLACE of OFFENCE(S): In the City of York

BRIEF CIRCUMSTANCES of OFFENCE(S)

That you on 18 July 2017 in the City of York sold to a person under the age of eighteen an article, namely a knife, contrary to section 141A of the Criminal Justice Act 1988.

PLEASE READ THE ¹NOTES AND DECLARATION AND MAKE SURE YOU UNDERSTAND IT BEFORE YOU SIGN.

DECLARATION

I have read and understand all this information.

I hereby declare that I x Tina Fens am authorised by the Company² to admit the offence(s) described above and agree to accept a Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should the Company be found to be infringing the law in the future. I further understand that this Caution may be cited should the Company subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances the Company may be under a duty to disclose the existence of this Caution.

NAME (Block capitals) x Tina Fens SIGNED:
POSITION WITH THE COMPANY x Manager

DATED THIS x 19 DAY of x 11 2017

AFTER A SIGNATURE HAS BEEN ADDED ABOVE, AN OFFICER OF CITY OF YORK COUNCIL WILL COUNTERSIGN AND RETURN A COPY.

NAME (Block capitals) MATTHEW BOXALL SIGNED:
DESIGNATION Acting Head of Public Protection

DATED THIS 23 DAY of November 2017

¹ SEE NOTES OVERLEAF

² ONLY DIRECTORS/AUTHORISED OFFICERS OF THE COMPANY MAY SIGN

NOTES:

1. The Company admits to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
2. If new evidence comes to light suggesting that the offence(s) the Company has committed are more serious, you might still take legal action against the Company.
3. If there are any victims as a result of these offences, they might still take civil action against the company and you might give the name and address of the Company's registered office to the victims so they can do this.
4. If the Company is charged with another offence and we go to court, you will tell the court that the company has received this simple caution.
5. If the Company applies for certain licences connected with the business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue any licence.
6. I also understand that in some circumstances the Company may be under a duty to disclose the existence of this Caution.

For the addressee only
Yantong Feng
3 Lincombe Bank
Leeds
LS8 1QG

Tel: 01904 551598
Email: jane.aird@york.gov.uk
Our ref: 2629
Date: 21 November 2017

Dear Yantong Feng

Simple Caution – Sale of a Knife to a Minor

Public Protection has received a signed caution in relation to the sale of a knife to a minor. I have noted that the caution has been signed by Tina Feng (please see the copy enclosed), whom I note is not a Director or Company Secretary of York Regency Associates Ltd. We are happy to accept the signed caution however we would like to make sure you are aware of this document.

Please contact me if you wish to discuss this further. If I do not hear from you I will assume that you are happy for Ms Feng to sign the caution and it will be processed.

Yours sincerely

Jane Aird
Trading Standards Officer