

Amex 3

Police Representation  
The Regency  
George Hudson Street  
York  
YO1 6GA



City of York Council  
Licensing Services  
Hazel Court EcoDept  
James Street  
York  
YO10 3DS

5<sup>th</sup> March 2020

Dear Sir/Madam,

As the Force Licensing Manager for North Yorkshire Police, I am delegated on behalf of the Chief Constable to respond to all applications under the Licensing Act 2003. This representation relates to the Licensed Premises, The Regency 2-4 George Hudson Street York YO1 6LP, and for which the Police deem that the Premise Licence holder and Designated Premises Supervisor Mr Zhong Le Chen has undermined the licensing objective Prevention of Crime and Disorder, which will be evidenced below.

Mr Zhongle (Zhong Le) CHEN has been the Premises Licence Holder and Designated Premises Supervisor since 10<sup>th</sup> September 2015. The premises are situated within York City in the Cumulative Impact Area and have licensable activities as follows:-

Recorded Music Sun- Thurs 1000-2400 Fri- Sat 1000-0330hrs  
Late Night Refreshment Sun- Thurs 1000-2400 Fri- Sat 1000-0330hrs  
Supply of Alcohol Sun- Thurs 1000-2400 Fri- Sat 1000-0330hrs

On two separate occasions in September 2017 and September 2019 North Yorkshire Police have attended the premises as part of a multi-agency operation with officers from the Home Office (Immigration) due to intelligence that persons have been employed to work at the Premises who do not have a right to work in the UK. As a result of attending the premises on these occasions persons were removed by Immigration officers on the grounds, they did not have leave to remain in the country.

North Yorkshire Police are concerned that the Premises have undermined the licensing objective Prevention of Crime and Disorder and are concerned that the Premises has failed to ensure compliance with the authorisation issued by the Licensing Authority.

On 8<sup>th</sup> September 2017, PC Bolland an officer from North Yorkshire Police licensing department and staff from the home office and licensing enforcement officers from City of York Council attended the premises, which was open to the public. At the time of the visit, the Designated Premises Supervisor Mr Zhong Le Chen was not present and officers spoke with a female who provided her details as Tina Feng. PC Bolland and Helen Sefton an officer from City of York Enforcement team went through the Premise licence conditions. Feng stated she was unable to work CCTV at the premises and unable to produce details of any staff training. The premises licence conditions state the following:-

- 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.

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

- Retail sale of alcohol;
- Age verification policy;
- Conditions attached to the Premises Licence;
- Permitted licensable activities;
- The licensing objectives; and
- 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).

On 6<sup>th</sup> September 2019, as part of a 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. Four 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. Nigel Woodhead, Enforcement officer from 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, re-attended the premises. A female who provided her details as [REDACTED], (advising [REDACTED] was her English name) stated she was in charge of the Premises. PC Hollis requested to speak to the DPS Mr Zhong Le Chen, but was informed by [REDACTED] she did not know whom this person was nor did other staff present. PC Hollis went through the Premise Licence Conditions with [REDACTED] and identified the following:-

The CCTV equipment was displaying the incorrect time, which is a breach of the following condition:-

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

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

- 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.

No challenge 25 notices displayed on the premises. Premise licence condition states:-

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

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

- An incident book/refusals book will be kept at the premises and made available on request to an authorised officer or the police which will record the following:-
  - All alcohol related crimes reported to the venue
  - Any complaints received regarding alcohol related crime and disorder
  - Any faults in the CCTV system
  - Any refusal of the sale of alcohol
  - Any visit by a relevant authority or emergency service.

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

- A documented staff training programme shall be provided to all members of staff at the premises in respect of the:-
  - Retail sale of alcohol;
  - Age verification policy;
  - Conditions attached to the Premises Licence;
  - Permitted licensable activities;
  - The licensing objectives; and
  - 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).**

Due to concerns that nobody knew who the DPS Mr Zhong Le Chen was and a DPS is the person who authorises the sale of alcohol PC Hollis provided her contact details and requested that the Premise Licence holders contact her to discuss this matter or a DPS variation be submitted with immediate effect. Prior to leaving PC Hollis issued a Section 19 Closure Notice (Section 19 of the criminal justice and police act 2001).

On 31<sup>st</sup> October 2019, PC Hollis attended the Premises to check compliance with the Section 19 notice. Present again was Mr [REDACTED] who advised a DPS transfer had been submitted to the Licensing authority and PC Hollis went through the Premise Licence Conditions again. PC Hollis identified that the CCTV equipment was still displaying the time incorrectly and staff training records were not completed correctly. A further Section 19 notice was issued which Ms [REDACTED] signed. She was advised that offences were being committed under Section 136 of the Licensing Act, unauthorised licensable activities whilst premises licence conditions were not adhered to, the police reserved the right to prosecute in respect of the matters.

On 4<sup>th</sup> November 2019, North Yorkshire Police were notified that the Licensing Authority for City of York had received a DPS Variation in respect of The Regency. The proposed Designated Premises Supervisor was Mr [REDACTED]. The Police are the only responsible authority who can make representations in respect of a Designated Premises Supervisor. Upon receipt of this application PS Booth the Force Licensing Manager for North Yorkshire Police conducted, the due diligence checks in respect of the application. PS Booth was provided a statement from Immigration officer Glyn Jones who advised that Mr [REDACTED] had no right to work in the UK. Upon receipt of this information, on 21<sup>st</sup> November 2019, PS Booth submitted a representation to the Licensing Authority in respect of Mr [REDACTED], objecting to the DPS transfer.

ON 28<sup>th</sup> November 2019, PS Booth and Helen Sefton attended the premises. PS Booth spoke to a female who stated her name was Ms [REDACTED] and advised she wanted to check compliance with the Section 19 notice issued by PC Hollis on 31<sup>st</sup> October 2019. The CCTV was displaying the correct time/date. [REDACTED] produced training documents to PS Booth, and PS Booth took photos of the records. On these records the DPS was recorded as [REDACTED] (whom the police had objected to). PS Booth asked if [REDACTED] was present to speak with but was advised he was not at the Premises. Helen Sefton hand delivered a letter advising that the proposed DPS Mr [REDACTED] and the Premises Licence holder Mr Zhong Le Chen had failed to respond to communication from the Licensing Authority in respect of the DPS application and that contact was required. [REDACTED] stated that she would ensure that [REDACTED] was provided the letter. PS Booth advised [REDACTED] that whilst there had been compliance with the Premise Licence conditions at Annex 2 on the Premise Licence, North Yorkshire Police could not cancel the Section 19 notice issued until the matter regarding the DPS was resolved and again reserved the right to prosecute for any offences under Section 136 of the Licensing Act.

On 12<sup>th</sup> February 2020 North Yorkshire Police were notified by the Licensing Authority that a further DPS variation had been submitted in respect of the premises. North Yorkshire Police have not objected to this application.

Mr Zhong Le Chen has made no contact with North Yorkshire Police Licensing department or the Licensing Authority in respect of the above breaches of the Premises Licence for the matters to be investigated.

Appendix 1 – Statement from PC Bolland

Appendix 2 – Statement from PC Hollis

Appendix 3 – Section 19 Notice 1 – dated 24/10/19

Appendix 4 – Section 19 Notice 2 – dated 24/10/19

Appendix 5 – DPS Variation [REDACTED]

Appendix 6 – Police objection to DPS [REDACTED]

Appendix 7 – Statement of Immigration officer Glynn Jones

Appendix 8 – Statement of DC Wise

Appendix 9 – Statement of Sgt Plumb

Appendix 10- Statement of PS Booth

Appendix 11- Photos of training records visit 28/11/19

Appendix 12 – Statement of Inspector Freer

Appendix 13 – Section 19 Notice – dated 31/10/19

Yours Sincerely,

J Booth

PS133 Booth  
Force Licensing Manager  
Alcohol Licensing Department -  
Fulford Road Police Station  
York  
YO10 4BY

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

**Police representation in response to a review of a premises licence or club premises certificate  
under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 1**

**Statement of PC Bolland**

RESTRICTED (when complete)

MG11

**WITNESS STATEMENT**

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

URN

Statement of: Samantha Bolland

Age if under 18: Over (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: 1520 (witness) Date: 0303/2020

I am PC 1520 Samantha Bolland from North Yorkshire Police. I am stationed at Fulford Road Police Station, York, in the role as a Police Alcohol Licensing Officer, and I have been in this role for the last 4 years.

On 8th September 2017 at 1800 hrs I was on duty when I attended a briefing at Fulford Road Police Station, York targeting The Regency Chinese Restaurant Barbican Road, York and The Regency, George Hudson Street, York, as part of a multi-agency partnership operation, in company with officers from North Yorkshire Police's Safeguarding team, Home Office Immigration officers, and Licensing enforcement officers from City of York Council.

My role was to assist City of York Senior Licensing Officer Helen Sefton to inspect both premises under section 179 of the Licensing Act 2003.

At 18:45 on the same date above, in company with Senior Licensing Officer, Helen Sefton, I entered The Regency Chinese Restaurant, Barbican Road. Upon entering the premise it was open to the Public, there were customers and staff present. Myself and Senior Licensing Officer Helen Sefton proceeded to speak to a male who identified himself as the manager, he stated his name was [REDACTED]. We then went through the Licence conditions outlined within the Premise Licence. We asked to see the CCTV system, however Mr [REDACTED] stated he could not access it and it was only the owner who had access. The owner and Designated Premise Supervisor, ZHONG LE CHEN, arrived at approximately 19:25 hours. Helen Sefton approached the owner and tried to communicate with him, the stated he could not understand English. Helen Sefton asked [REDACTED] to interpret. Helen Sefton asked CHEN, who owned the business and he stated it was his [REDACTED], but he was in China, and he was the only person able to access the CCTV system.

After further discussions myself and Helen Sefton conducted a full inspection of the premise and found the following breaches as per the licence conditions attached to the Premise Licence:

- staff training records were not present/ documented
- No notices asking patrons to leave quietly
- no noise management plan
- no access to CCTV /recordings or retention

Signature: 1520 Signature witnessed by:

2010/11

RESTRICTED (when complete)

RESTRICTED (when complete)

MG11

**Continuation statement of: Samantha Bolland**

After the inspection we then attended the second premises at George Hudson Street, York. A female called Tina FENG stated she was the manager of the premise and spoke with Helen Sefton regarding the Premise Licence conditions. FENG stated she was only in charge of the supermarket part of the premises and there was a separate manager for the restaurant as the premise was divided into two parts.

FENG stated she did not know or have access to the CCTV system, that staff training had been given in relation to licencing matters, but this was not documented. She also stated that the Designated Premise Supervisor was ZHONG LE CHEN.

Shortly after we left the premise and this was the last time I dealt with both premises.

1520

Signature: .....

Signature witnessed by: .....

2010/11

RESTRICTED (when complete)

**Police representation in response to a review of a premises licence or club premises certificate**  
**under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 2**

**Statement of PC Hollis**



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

URN

Statement of: Kimberley HOLLIS

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

Occupation: Police Constable

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: PC1671 (witness)

Date: 4<sup>th</sup> March 2020

I am PC 1671 Kim HOLLIS of North Yorkshire Police currently stationed at FULFORD ROAD POLICE STATION, YORK. I am an Alcohol Licensing Officer covering York and Selby and I have been in the role since April 2018.

At 11.16hrs on 24<sup>th</sup> October 2019 I attended The Regency restaurant and supermarket 2-4 GEORGE HUDSON STREET, YORK in company with Nigel WOODHEAD City of York Council Licensing enforcement Officer with the intention to carry out a licensing check under Section 179 of the Licensing Act 2003.

We entered the restaurant and spoke with [REDACTED], who asked to be called [REDACTED], identifying ourselves and explaining that we were conducting a licensing check. I asked to speak with the designated premises supervisor and premises licence holder Zhong le CHEN. [REDACTED] explained she did not know who this person was but the manager was not in and that she would assist us.

I asked her to clarify if Mr Zhong le CHEN ever attended the premises as she confirmed again that she did not know him and had not seen him.

At 11.19hrs I noted that the CCTV in the main restaurant was incorrect showing the time as 10.30hrs and I made a note of this as it breached conditions as per the premises licence. [REDACTED] advised she did not know how to use the CCTV and that only Tina knew how to change it.

I proceeded to go through the conditions of the licence and document any breaches.

The breaches were as follows:

- CCTV displaying incorrect time
- No notices on the exit asking patrons to be quiet/respect neighbours
- No challenge 25 posters on display
- No incident book
- Staff being unaware of who authorised the sale of alcohol (DPS)
- No staff training records

I documented these on a closure notice under Section 19 of the Criminal Justice and Police Act 2001 and numbered these CYC-053937-1 and CYC-053937-2.

I placed on the notice steps to be taken to address these issues which included:

- Immediate DPS Change
- CCTV time to be made correct (7 days given)
- Challenge 25 posters (7 days given)
- Incident book (7 days given)

- Notices (7 days given)
- Staff refresher training and records (7 days given)

I explained the notice to [REDACTED] and asked for her signature on both parts. After signing I left a copy of the two S.19 notices with [REDACTED].

Myself and Nigel WOODHEAD then left the premises,

At approximately 12.10hrs that same day Nigel and I attended the Regency restaurant 16A BARBICAN ROAD, YORK.

On our arrival we spoke with a male that identified himself to be [REDACTED], asked to be known as [REDACTED]. We explained that we were there to conduct a licensing check and asked if the designated premises licence holder was present but [REDACTED] said that he was not and I then began to go through the premises licence with [REDACTED].

[REDACTED] explained to me that currently the CCTV was not working after a previous visit from Police and Immigration and it has not been able to connect since. I also identified some further breaches of the licence and as such I documented these on a Section 19 closure notice as before. This notice was given number CYC-009221 and they were as follows:

- No staff training records conditions 16,17,18 and 19
- No incident book conditions 20,21 and 22
- No notices asking patrons to be quiet and respect neighbours condition 23
- CCTV not working conditions 2-7

The steps I documented to be taken were as follows:

- Staff retrained and records made (7 days given)
- Incident book (7 days given)
- Notices displayed on exit (7 days given)
- CCTV working (7 days)

Whilst being shown around the premises on the top floor we were shown rooms which had beds inside and one room had a male inside that gave his details to [REDACTED] as [REDACTED] born [REDACTED]. [REDACTED] passed these details on to me as the male did not speak English. He confirmed that he did not work at the premises.

Before leaving the premises I explained the Section 19 notice to [REDACTED] and asked him to sign this which he did. I left a copy of the notice with [REDACTED] and we then left.

On 31<sup>st</sup> October 2019 at around 10.30hrs I again attended Regency, GEORGE HUDSON STREET, YORK in company with Nigel WOODHEAD and we again spoke with [REDACTED]. A follow up check was conducted after issue of the Section 19 notice and I noted that the notices had been placed up, the challenge 25 posters were displayed, an incident register was in place and a note about authorisation to sell alcohol showing the new DPS 2 [REDACTED] who I was advised had submitted an application to transfer DPS from Zong Le CHEN, a refusals register had been created and staff training records had been created but unfortunately did not have signatures on them.

I also noted that the CCTV at 10.30hrs was now showing 11.29hrs.

[REDACTED] explained that she had not realised the staff had to sign the training records and the CCTV had been attempted to be changed but this must not have been done.

Due to this I made the decision to issue a further section 19 notice allowing a further 7 days to rectify these final issues. The notice breaches were as follows:

- CCTV time incorrect
- Staff training records to be filled in correctly

I asked for the following steps to be taken:

- CCTV time to be made correct
- Staff training forms to be signed (7 days given for both)

**RESTRICTED (when complete)**

**MG11**

I again explained this to [REDACTED] and asked her to sign the notice leaving her a copy before we left number CYC-053937-3.

At around 1200hrs we attended Regency BARBICAN ROAD, YORK and again spoke with [REDACTED] who showed me the work they had done to rectify any breaches listed on the section 19 notice issued. All points were now rectified and they were complying with licence conditions so I explained to [REDACTED] that the notice was now closed.

On 4<sup>th</sup> November 2019 I was made aware that an application to change DPS had been accepted by City of York Council Licensing and as such checks were made by our department in relation to the applicant [REDACTED] born [REDACTED]. As a result of these checks I made contact with Immigration Officer 6633 Glyn JONES that same day via email and requested a person check be conducted on [REDACTED].

Officer JONES advised me by reply that [REDACTED] did not have permission to work in the UK. I passed this information on to the Force Licensing Manager PS 133 Jackie BOOTH.

On 13<sup>th</sup> November 2019 Immigration Officer Glyn JONES provided me with a statement in relation to [REDACTED].

I produce the section 19 notices as exhibits:

KH/1 - 24/10/19 Regency George Hudson Street CYC-053937-1  
KH/2 - 24/10/19 Regency George Hudson Street CYC-053937-2  
KH/3 - 24/10/19 Regency Barbican Road CYC-008221  
KH/4 - 31/10/19 Regency George Hudson Street CYC-053937-3

Signature:

*Pc1671*

Signature witnessed by:

**Police representation in response to a review of a premises licence or club premises certificate**

**under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 3**

**Section 19 Notice 1 – dated 24/10/19**



**CLOSURE NOTICE MADE  
UNDER SECTION 10 OF  
THE CRIMINAL JUSTICE  
AND POLICE ACT 2001**

NO. [ ]

Date and time of the Closure Notice:

Person making the Notice:

Signature: [ ]

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

Alleged unauthorised use of the premises:

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

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

Name: [ ]

Signature: [ ]

**Police representation in response to a review of a premises licence or club premises certificate**

**~~under the Licensing Act 2003~~**

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**The Regency, George Hudson Street, York**

**Appendix 4**

**Section 19 Notice 2 – dated 24/10/19**

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



NO. 55151

Date and time of the Closure Notice

24.10.11 11.33 am

Person making the Notice

Det. Sgt. P. J. Roberts

Signature: *[Signature]*

Name (if applicable) and address of the affected premises

1. The premises are situated at  
11, The Green, Brixton  
London SW9 6PU

Alleged unauthorised use of the premises

1. The premises are used as a place of residence for the purpose of the sale of stolen goods and the proceeds of the sale of such goods are used for the purpose of the sale of such goods.

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

1. The premises are to be used as a place of residence for the purpose of the sale of stolen goods and the proceeds of the sale of such goods are to be used for the purpose of the sale of such goods.

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

Name: *[Redacted]*

Signature: *[Redacted]*

White copy: Occupier Blue copy: Legal Services Pink copy: Officer

Signature: *[Redacted]*

**Police representation in response to a review of a premises licence or club premises certificate**

**under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 5**

**DPS Variation ZhengChen FENG**





**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

(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)

**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](http://www.york.gov.uk/LicensingAct2003StatutoryFees)

IT IS AN OFFENCE, UNDER SECTION 166 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 2<sup>nd</sup> applicant 2<sup>nd</sup> 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)

MR [REDACTED]  
REGENCY  
24 GEORGE HUDSON STREET

Post town  
WORK

Post Code  
401 6LP

Telephone number (if any)

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

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.



**Consent of Individual to being specified as premises supervisor**

I [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

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  
[name and address of premises to which application relates] VO1 6LP

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)

Date

25/10/19

**Police representation in response to a review of a premises licence or club premises certificate**

**under the Licensing Act 2003**

**The Regency, George Hudson Street, York**

**Appendix 6**

**Police objection to DPS Feng**



## NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003



North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises:

Regency

2-4 George Hudson Street

Post town: York

Post code (if known): YO1 6LP

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input type="checkbox"/>
3. Prevention of Public Nuisance	<input type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

### GROUND'S FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:

(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to vary a Premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 for the Regency Chinese Restaurant and Supermarket.

As the Force Licensing Manager for North Yorkshire Police, I am delegated on behalf of the Chief Constable to respond to all applications under the Licensing Act 2003. In assessing this application, I have considered the Licensing objectives, particularly the Prevention of Crime and Disorder objective.

North Yorkshire Police do not support this application for a premises licence under Section 18(9) of the Licensing Act, as the applicant and proposed Designated Premises Supervisor Mr [REDACTED] it is believed would undermine the Crime Prevention Objective.

The Section 182 guidance para 4.39 states

"The Police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns."

North Yorkshire Police have to be satisfied that an individual, who performs the role of a DPS, and who will ultimately have day-to-day management of the Premises and be the point of contact for responsible authorities, is able to effectively promote the Licensing Objectives.

On 6<sup>th</sup> September 2019, North Yorkshire Police as part of multi-agency partnership working, attended the Regency Restaurant 2-4 George Hudson Street, in company with Immigration officers. At the time of the visit four persons were removed from the Premises by Immigration officers suspected to be working there illegally. I refer to the statement of DC Lucy Wise ( Appendix 1).

Due to the ongoing partnership working with immigration in respect of the premises, following the visit on 6<sup>th</sup> September 2019, North Yorkshire police have been provided a statement by Immigration Officer Glynn Jones that Mr [REDACTED] has no right to work in the UK. (Appendix 2)

As Mr [REDACTED] has no right to work in the UK, if he is to perform the role of Designated Premises Supervisor, he will be committing a criminal offence, which undermines the licensing objective of Prevention of Crime and Disorder.

North Yorkshire Police have a duty of care to consider information in line with the Prevention of Crime and Disorder objective for Licensing Applications and it is for this reason the Police object to this application and would respectfully ask members of the Licensing Committee to reject this application.

Appendix 1 - Statement of DC Lucy Wise

Appendix 2 - Statement of Immigration Officer Glyn Jones

Signature:

Date: 20/11/19

Contact name: PS 133 Jackie Booth

Address for correspondence: Alcohol Licensing Department Fulford Road Police Station

Post town: York

Post code: YO10 4BY

Tel. number (if any): 01609 643273

Email address if preferred option of contact: NYPLicensing@northyorkshire.pnn.police.uk

**Police representation in response to a review of a premises licence or club premises certificate  
under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 7**

**Statement of Immigration officer Glynn Jones**

**WITNESS STATEMENT**

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

URN [ ] [ ] [ ] [ ] [ ]

Statement of: Glyn Ronald JONES

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

Occupation: Immigration Officer

This statement (consisting of 1 (one) 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: 13/11/2019

I am the person named above and I am employed by the Home Office as an Immigration Officer. I am currently a member on the Arrest Team, Yorkshire & Humberside ICE based at Waterside Court, Kirkstall Road, Leeds LS4 2QB. I have been employed by the Home Office since October 2003.

On 4<sup>th</sup> NOVEMBER 2019 I received a request from PC1671 HOLLIS of NORTH YORKSHIRE POLICE enquiring as to whether a male known as [REDACTED], born [REDACTED] CHINA, and residing at [REDACTED] had permission to work in the United Kingdom.

I was able to confirm from Home Office records that [REDACTED], born [REDACTED] CHINA had NO PERMISSION TO WORK in the United Kingdom.

This statement was made and completed at WATERSIDE COURT, LEEDS on WEDNESDAY 13<sup>th</sup> NOVEMBER 2019 at 13:20hrs.

Signature: .....

..... Signature witnessed by: .....

**Police representation in response to a review of a premises licence or club premises certificate**

**under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 8**

**Statement of DC Wise**

RESTRICTED (when complete)

MQ11

**WITNESS STATEMENT**

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

URN

Statement of: Lucy Wise

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

Occupation: Detective Constable 1358

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: *1358* (witness)

Date: 21/11/19

I am Detective Constable 1358 WISE, currently attached to the Safeguarding Unit with North Yorkshire Police.

On Friday 6<sup>th</sup> September 2019, I was on duty in plain clothes. At 1800 hours I attended THE REGENCY RESTAURANT, GEORGE HUDSON STREET, YORK, in company with PS PLUMB and a number of colleagues from North Yorkshire Police, Home Office Immigration and Gangmasters and Labour Abuse Authority, in order to execute a Section 8 PACE Warrant.

There were a number of workers encountered in these premises, and four people were found to be there working illegally. These four workers were arrested by Home Office Immigration colleagues and were removed from the premises.

I am aware that Immigration enquiries are currently ongoing

Signature:

Signature witnessed by:

**Police representation in response to a review of a premises licence or club premises certificate  
under the Licensing Act 2003**

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**The Regency, George Hudson Street, York**

**Appendix 10**

**Statement of PS Booth**

RESTRICTED (when complete)

MG11

### WITNESS STATEMENT

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

URN

Statement of: Jacqueline BOOTH

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

Occupation: POLICE OFFICER

This statement (consisting of 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: J Booth (witness)

Date: 4<sup>th</sup> March 2020

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 7,500 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.

At 1130hrs on Thursday 28th November 2019, I was on duty in company with Helen Sefton Senior Licensing officer from City of York Licensing Authority when we attended, The Regency 2-4 George Hudson Street York. Upon entering the premises, we spoke to a female I now know to be Ms [REDACTED] (she advised us her English name was [REDACTED]). I explained that I was present to conduct a compliance check in respect of the Section 19 Closure Notice that my colleague PC Kim Hollis had issued on the 31st October 2019. [REDACTED] stated she understood, as she was present when the notice had been issued. [REDACTED] showed me the CCTV that was displaying the correct date, time, and produced to me a folder that she stated contained the training records of the Premises. I took photos of the following documents:-

Age Verification Policy- dated 25/10/19 listing [REDACTED] as DPS (Designated Premises Supervisor) Exhibit JB01  
Authorisation to Sell Alcohol - DPS listed as [REDACTED] Exhibit JB02  
Individual Staff Training Record - Exhibit JB03  
Individual Staff training Record - Exhibit JB04

Upon viewing the above documents, I explained to [REDACTED] that there had been compliance with the Premise Licence conditions listed at Annex 2 on the Premise Licence however that both the Licensing Authority and Police needed to speak with the Designated Premises Supervisor (DPS), who from the documentation held on site was listed as [REDACTED].

I asked [REDACTED] if Mr [REDACTED] was available for me to speak to but she stated he was not on the premises and she did not know what time he would arrive, as he did not have set hours but did turn up most days. Helen Sefton explained that she had been trying to get in touch with Mr [REDACTED] to discuss his application as the DPS but he had failed to respond to any communication. A letter addressed to the Premises from the Licensing Authority was given to [REDACTED] and she was asked to give it to Mr [REDACTED] or the premises Licence holder Mr Zhong Le CHEN. Exhibit JB05 refers.



**RESTRICTED (when complete)**

MG11

I can confirm that on 4th November 2019 North Yorkshire Police were notified by City of York Licensing Authority in accordance with the Licensing Act 2003 that an application to vary the DPS for the Regency George Hudson Street had been received which named [REDACTED].

Due to information held on police systems and a statement from Immigration officer 6633 Glyn Jones that Mr [REDACTED] had no right to work in the UK, on the 21st November 2019 I objected to this application.

From a Police perspective I was concerned that following my visit on 28th November 2019 to the Premises and sighting the documentation held on site showing Mr [REDACTED] as the DPS, dated 25th October 2019 which was prior to the application being submitted to vary the DPS on 4th November 2019, that the Premises were not complying with legislation and due process in respect of the Licensing Act. The premises licence holder Mr Zhong Le CHEN was also undermining the licensing objective Prevention of Crime and Disorder by not conducting due diligence checks in respect of employees.

Signature: J Booth

Signature witnessed by:

**Police representation in response to a review of a premises licence or club premises certificate**

**under the Licensing Act 2003**

**The Regency, George Hudson Street, York**

**Appendix 11**

**Photos of training records visit 28/11/19**



## AUTHORISATION TO SELL ALCOHOL

Name of Premises	Regency Club 2-4 George Hudson Street, York	Premises Licence Holder	[Redacted]
Address of Premises	2-4 George Hudson Street, York YO3 6LP		
Name of DPS	[Redacted]	DPS' Tel No.	[Redacted]
Name of PLH	Zhong Le Chen	PLH Tel No.	[Redacted]

The following people are authorised by the Designated Premises Supervisor (DPS) / Personal Licence Holder (PLH) to sell alcohol under the guidance of the Licensing Act 2003, within the terms and conditions of the premises licence and in accordance with the training they have been given. The authorisation is withdrawn when employment is terminated.

[illegible]

Full name of Staff member

DPS or Personal Licence Holder  
delivering training (Full name)

A new checklist will be used to record when:  
a new staff member is appointed  
changes to the premises licence or policies have occurred  
when carrying out refresher training for existing staff.

This is critical to our business and to demonstrate recommended best practices to comply with the requirements of our premises licence and the licensing objectives of 2003 Licensing Act.

Staff member to Tick in the box (✓) to acknowledge confirmation their full understanding.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the premises has a licence to sell alcohol. That the staff member understands 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 conditions of the operating schedule require. EG: (i) ensuring alcohol is only sold during licensing hours, Mon start 10:00 finish 24:00 Tues start 10:00 finish 24:00 Wed start 10:00 finish 24:00 Thurs start 10:00 finish 24:00 Fri start 10am finish 3.30am Sat start 10am finish 3.30am Sun 10:00 finish 24:00	✓
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 our shop policy is for challenging customers for proof of age?	✓
6. What our shop policy is, for the types of proof of age (ID) staff should accept?	✓





Department of Health

Alcohol Training Course  
A 12 HOUR COURSE  
1998-2001

8. The signs to look out for that the customer may be buying alcohol for others who are underage (Proxy purchasing)?

9. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?

10. 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?

11. Why it is important to record incidents/refusals to sell?

12. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?

13. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?

Full name of person trained	Signature	Position in shop	Date dd/mm/yy
[Redacted]	[Redacted]	Waitress	31/10/2011
Full name(s) of trainer(s)			
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).			

YORK

The Regency  
24 George Hudson Street  
York  
Tel 668

[REDACTED]  
28/1/5

11 30

[REDACTED]  
relates

Police representation in response to a review of a premises licence or club premises certificate

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Under the Licensing Act 2003

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The Regency, George Hudson Street, York

Appendix 13

Section 19 Notice – dated 31/10/19

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

NO. 2010

Date and time of the Closure Notice:

Person making the Notice:

Signature: .....

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

Alleged unauthorised use of the premises:

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

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

Name: .....

Signature: .....

White copy: Occupier Blue copy: Legal Services Pink copy: Officer