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Police Representation

The Regency  
16 Barbican Road  
York  
YO10 5AA



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, Barbican Road York YO10 5AA, 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 25<sup>th</sup> June 2015. The premises have licensable activities as follows:-

Recorded Music Mon- Sun 1000-0330hrs  
Performance of Music/Dance Mon- Sun 1000-0330hrs  
Late Night Refreshment Mon-Sun 2300-0330hrs  
Supply of Alcohol Mon - Sun- 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. Upon entering the premise a male who provided his details as [REDACTED], (preferred to be called [REDACTED]) stated he was the manager. PC Bolland and Helen Sefton from the City of York Enforcement Team went through the Premises licence with M [REDACTED]. Upon requesting to see the CCTV, he advised that only the business owner could access it. Whilst officers were still in attendance, the Premises Licence holder and Designated Premises Supervisor Mr Zhong Le Chen arrived at the premises. He was asked about the Premise Licence conditions and the CCTV however, he stated he did not fully understand and asked [REDACTED] to interpret for him. It was established that Mr Zhong Li Chen could not access the CCTV, his [REDACTED] was the only one who could do this but was abroad in China. Officers were therefore unable to check if the CCTV equipment was operating in accordance with the following conditions:

- **Digital colour CCTV will be installed to cover the premises and will include all areas to where public have access for licensable activities and where the public can consume alcohol.**
- **It will be maintained, working and recording at all times when the premises are open.**
- **The recordings should be of sufficient quality to be produced in court or other such hearing.**
- **Copies of the recordings will be kept available for any Responsible Authority for 28 days.**
- **Copies of the recordings will be made available to any responsible authority within 48hrs of request.**
- **Copies of the recordings will display the correct time and date of the recording.**

On 6<sup>th</sup> September 2019, as part of 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. Three persons working at the premises were removed by Immigration officers due to concerns around their right to work in the UK. The premises were open to the public, and operating licensable activities. Helen Sefton 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. [REDACTED] was again present and stated the DPS Mr Zhong Le Chen was not at the premises. PC Hollis went through the Premise Licence Conditions with [REDACTED] and identified the following:-

The CCTV equipment was not working having been removed by the Police on 6<sup>th</sup> September 2019 and none of the CCTV conditions referred to above were being adhered to

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

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

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

- **A refusals register and incident report register will be kept. Such documents will record incidents of staff refusals to underage or drunk people, as well as incidents of any anti-social behaviour and ejections from the premises.**
- **Both the above documents will be kept for at least 3 years.**
- **Both the above documents will be available for inspection upon request by any Responsible Authority.**

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

- **Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and the opening times of the venue.**
- **Such training will be refreshed and documented every 6 months**
- **Such training records should be kept for at least 3 years.**
- **Such training records will be made available for inspection upon request by any Responsible Authority.**

Prior to leaving PC Hollis issued a Section 19 Closure Notice (Section 19 of the criminal justice and police act 2001) and informed [REDACTED] that every alcoholic drink sold would be a prosecutable offence and that she would return in seven days to check compliance.

On 31<sup>st</sup> October 2019, PC Hollis attended the Premises to check compliance with the Section 19 notice. Present again was [REDACTED] and PC Hollis went through the Premise Licence Conditions again, to check compliance and advised that the Section 19 had been complied with and the Premises now operating in accordance with an authorisation.

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Appendix 1 – Statement from PC Bolland

Appendix 2 – Statement from PC Hollis

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

Appendix 4 – Statement of Inspector Freer

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, Barbican Road, York**

**Appendix 1**

**Statement from 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 [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, he 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: ..... 520 ..... 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 wa 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 licenising 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**

**The Regency, Barbican Road, York**

**Appendix 2**

**Statement from 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 11.15hrs 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 18,17,18 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 2018 at around 10.30hrs I again attended Regency, GEORGE HUDSON STREET, YORK in company with Nigel WOODHEAD and we again spoke with [REDACTED] [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 [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 11.20hrs.

Julie 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)

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-009221
- KH/4 - 31/10/19 Regency George Hudson Street CYC-053937-3

Signature:

*Pc1671*

Signature witnessed by:

[redacted]

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

**The Regency, Barbican Road, York**

**Appendix 3**

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





# CLOSURE NOTICE MADE UNDER SECTION 19 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 reoccurring: .....

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

Name: .....

Signature: .....

Steps use of  
The period  
been served  
Name: ..  
Signature:

White copy: Occup