

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

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Statement of: Jacqueline BOOTH

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

Occupation: POLICE OFFICER

This statement (consisting of three 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: 10th February 2021

I am the Force Licensing Manager for North Yorkshire Police and have responsibility for managing a team of Police staff who deliver front-line operational services to over 6,500 premises across eight Licensing Authority areas within North Yorkshire and the City of York.

I am authorised to act on behalf of the Chief Constable of North Yorkshire Police in matters relating to the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2014 and Local Government (Miscellaneous Provisions) Act 1982.

I have completed the Institute of Licensing Professional Licensing Practitioner's Qualification and the British Institute of Inn keeping Awarding Body's Award for Licensing Practitioner's (Alcohol).

My role involves working with statutory partners and key stakeholders to ensure the promotion of the four Licensing objectives, The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and the Protection of Children from harm, alongside compliance with the Licensing Act 2003.

On Monday 8th June 2020, I was on duty when I participated and represented North Yorkshire Police at a remote Licensing Hearing arranged by City of York Council in relation to the review of Premises Licences and a transfer for the following premise:-
Regency Restaurant and Supermarket 2-4 George Hudson Street.

Members of the Licensing sub-committee heard representations from the Licensing Authority, and North Yorkshire Police and the determination from the hearing was that the Premises Licence was revoked and the transfer application in the name of Ms Tina Feng was refused. The Premises licence holder subsequently lodged an appeal to the decision and so the premises was able to continue to operate pending the outcome of the appeal. The appeal was dismissed by the Magistrates court on 8th December 2020.

On 29th December 2020 North Yorkshire Police received notification from City of York Licensing Authority in respect of an application for a new Premise Licence for Regency Supermarket and Restaurant. The applicant being Mr Win Lun MAN.

North Yorkshire Police conduct due diligence checks in respect of every application.

Regarding the Premises checks on Companies house reveal the following

York Regency Associates Ltd- Current and sole director since 27 February 2019 Yan Tong FENG. Exhibit JB/01

Checks on North Yorkshire Police systems reveal Yan Tong FENG dob [REDACTED] known by name of Tina FENG.

25th February 2020 - North Yorkshire Police receive an application in the name of Yan Tong FENG to transfer the premises Licence for the Regency. PS Booth submits a representation objecting to the Transfer (referred to above) on the grounds she is associated with the illegal working of persons as the premises.

8th June 2020 - Yan Tong FENG attends the Licensing Hearing in respect of the Regency restaurant and stated the following " She confirmed she understood that she was part of the family business if the transfer of the licence was revoked many of her staff would lose their jobs". The determination of the sub-committee found that "Felt, however, given the history of serious failings at the premises whilst the applicant has been involved with the running of the premises (significant breaches of conditions, fire safety issues and the presence of illegal workers), that it was not satisfied that as a premises licence holder Ms Feng would be a responsible licensee, that there would be any change in how the business would be operated in the future if she were the licensee and that the prevention of crime and disorder objective would be undermined by the transfer of the licence to her. They therefore rejected the application for transfer. The Sub-Committee considered this decision to be appropriate for the promotion of the crime prevention objective. " Exhibit JB/02 Determination notice.

21st August 2020 - North Yorkshire Police receive a report of a Theft at the Regency Restaurant George Hudson Street. Incident [REDACTED] refers. An appointment was made for an officer to attend on 25th August to obtain details and investigate the matter. The investigating officer obtained a statement from Tina FENG who was working at the premises at the time, however CCTV was not available. On 27th August the officer had to further emailed FENG to produce images of the suspects. Track and trace details which the restaurant were obtaining at the time due to the Covid Pandemic were inaccurate and the wrong customer details were provided which did not match the suspects. The investigation was closed as no suspects were identified.

On 21st January 2021 I contacted Mr MAN by telephone to discuss the application and I subsequently followed this up with an email to advise of my concerns in relation to the premises licence. Please see Appendix 1 submitted with Police Representation. During the conversation with Mr MAN I asked him about the following from his application

" I will appoint myself as the Designated Premises Supervisor (DPS) who has day to day responsibility for the running of the business, as I have been working in the retail and catering industry for over 10 years within the role".

I asked Mr MAN to clarify where he had worked before in the role of DPS. He stated that in fact he had not worked as a DPS and this would be his first time. He confirmed that he was currently working in a Fish shop in Leeds. He advised he would be employed at the restaurant once current lockdown restrictions were lifted. See Appendix 1.

On 26th January 2021 following the reply from Mr MAN, regarding the premises intention to use HR consultancy Peninsula UK I contacted Lee Muscroft from the company who had prepared the proposal, He confirmed to me that he had previously met with Tina FENG from the Regency who advised him she was the director of the premises. He stated that at that time the Regency had not engaged the services of the company.

26th January 2021 I emailed Mr MAN to advise that I had submitted a police representation in relation to his application but was available to discuss this further with him. He replied to my email advising he would contact me on Wednesday 27th January 2021 to discuss. Exhibit JB/03. I never received a call from Mr MAN, on this date.

3rd February 2021 I telephoned Mr MAN and asked if he had received the police representation and if wanted to discuss any aspects of relating to the objection. He stated that he had been unwell and hadn't had the opportunity to review but would come back to me if he wanted to discuss further.

3rd February 2021 I emailed the Leeds Licensing Authority and obtained confirmation that Mr MAN had obtained his personal licence on 5th February 2020. Exhibit JB/04

4th February 2021 I received a telephone call from Lee Muscroft from Peninsula Services advising that Tina FENG had been in touch to request a meeting with Peninsula about engaging their services for the Regency Premises.

On 8th February 2021 I had a further telephone call with Lee Muscroft which I followed up with a written email, Exhibit JB/05. On 9th February 2021 Mr Muscroft replied to my email advising that Pensinsula had been instructed and entered into a contract with Tina FENG. Exhibit JB/06.

On 9th February 2021 I received an email from Mr MAN advising that after my phone call to him previously he didn't have any questions. JB/07.

North Yorkshire Police believe that there are exceptional circumstances to consider in relation to this Premises Licence application. The current applicant has attempted to mislead responsible authorities in his written application by suggesting that he has performed the role of a DPS for a period of 10 years. This has been proved to be false and in fact has only obtained his personal licence on 5th February 2020.

He will be employed and work alongside Tina FENG at the premises. She has previously been present when illegal persons have been working at the premises, when breaches of Premise Licence conditions have taken place. She is the director on companies house for the premises and is entering into signed contracts with third parties such as Peninsula, not Mr MAN who is applying to be the Premise Licence holder.

It is the view of North Yorkshire Police that Mr MAN is being used as a front for the Regency due to the previous history of FENG, and her transfer application being refused. She will be employing Mr MAN and how will he have day to day responsibility when she is working alongside him as he has stated as a Personal licence holder at the premises. Her association over a period of three years with the management of the business which has been linked to illegal working suggests that Mr MAN will not have control in respect the premises.

I have tried to engage Mr MAN on several occasions to discuss the application and the concerns however it would appear that he is not either willing or in a position to offer any mitigating conditions to address Tina FENG being involved in the operation of this buisness.

North Yorkshire Police have a duty of care to consider information in line with the Prevention of Crime and Disorder objective for Licensing Applications. MAN is not deemed to be suitable due to his inexperience as a DPS to manage a premises which has severley was present and employed in a managerial position at a premises where criminal acitivites were taking place on three separate occasions, and for this reason police deem him unsuitable to be Premise Licence holder and Designated Premises Supervisor.

Signature: J Booth

Signature witnessed by:

Witness contact details		URN				
Name of witness:						
Home Address:		Postcode:				
E-mail address:		Mobile:				
Home Telephone Number:		Work Telephone Number:				
Preferred means of contact (<i>specify details for vulnerable/intimidated victims and witnesses only</i>):						
Gender:		Date and place of birth:				
Former name:		Ethnicity Code (16 + 1):				
DATES OF WITNESS NON-AVAILABILITY:						
Witness care						
a)	Is the witness willing to attend court?		If 'No', include reason(s) on form MG6 .			
b)	What can be done to ensure attendance?					
c) Victims Only – does the victim fall into one of the 3 priority categories who are eligible for enhanced care under the Code of Practice for Victims of Crime? 1) Victims of most serious crimes <input type="checkbox"/> 2) Persistently targeted victims <input type="checkbox"/> 3) Vulnerable and intimidated <input type="checkbox"/> . If any of the boxes are checked then Inform CPS at pre-charge stage on MG3, and on MG11 at all other stages and/or where necessary MG2						
d) Witness Only - Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? <input type="checkbox"/> (<i>youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case</i>) If they do submit MG2 with file in anticipated not guilty, contested or indictable only cases.						
e) Does the witness have any particular needs? If 'Yes' what are they? (<i>Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?</i>).						
Witness Consent (for witness completion)						
a)	The Victim Personal Statement scheme (victims only) has been explained to me			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
b)	I have been given the Victim Personal Statement leaflet			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
c)	I have been given the leaflet "Giving a witness statement to the police..."			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
d)	I consent to police having access to my medical record(s) in relation to this matter (<i>obtained in accordance with local practice</i>)			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
e)	I consent to my medical record in relation to this matter being disclosed to the defence			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
f)	I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
g)	Child witness cases only. I have had the provision regarding reporting restrictions explained to me.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	I would like CPS to apply for reporting restrictions on my behalf.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<i>'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.</i>						
Signature of witness:			PRINT NAME:			
Signature of parent/guardian/appropriate adult:			PRINT NAME:			
Address and telephone number (of parent etc.), if different from above:						
Statement taken by:			Time and place statement taken:			

