
Licensing Act 2003 Sub Committee

24 September 2026

Report from the Director – Environment and Regulatory Services

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

Summary

1. This report seeks Members determination of an application for a review of a premises licence which has been made under the Licensing Act 2003 in respect of Sky Blue, 16 Barbican Road, York YO10 5AA, Premises Licence Number CYC-068154.
2. Name of applicant: Home Office Immigration Enforcement
3. Summary of Review: The application to review the premises licence relates to the following licensing objective:
 - The prevention of crime and disorder
4. A copy of the application for review is attached at Annex 1 and is briefly summarised as follows:

Between 2014 and 2025 Immigration Compliance and Enforcement Officers have conducted multiple visits to 16 Barbican Road which has traded as The Regency Restaurant and Sky Blue, during each of the visits they have encountered and arrested illegal workers at the premises. The dates, numbers and details of these enforcement visits are listed within the evidence pack which accompanies the review application. Details of civil penalty notices issued are also included, the penalties remain unpaid.

The 2025 visits undertaken and arrests made form the basis of this latest review.

The application also contains an evidence pack.

5. A copy of the current premises licence and plan is attached at Annex 2. The premises licence currently authorises the following:

Licensable Activity	Current Days & Hours
Live Music – indoors	10:00 to 03:30 everyday
Recorded Music – indoors	10:00 to 03:30 everyday
Performance of Dance – indoors	10:00 to 03:30 everyday
Other entertainment – indoors	10:00 to 03:30 everyday
Late Night Refreshment – indoors	23:00 to 03:30 everyday
Supply of alcohol (on & off the premises)	10:00 to 03:30 everyday
Opening Hours	10:00 to 04:00 everyday
For all licensable activities/opening hours the following non-standard timings apply	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day An additional hour on the day that British summertime starts.

6. The premises licence was granted on 29 April 2021.

Consultation

7. Consultation was carried out by the Applicant and the Licensing Authority in accordance with S51(3) of the Act and Regulation 42, Part 4, Paragraphs 29 and 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concerns the notification of a review and the advertisement of a review by licensing authority. Copies of the application were served on all responsible authorities and the premises licence holder. Notice of the application was displayed in the vicinity of the premises, on the exterior noticeboard at West Offices and on the Council's website.
8. A representation was received from North Yorkshire Police; it appears at Annex 3.
9. A map showing the location of the premises is attached at Annex 4.

Other Relevant Information

10. The current premises licence was granted by the Licensing Authority in April 2021. In November 2022 the licence was the subject of a review application made by North Yorkshire Police and was subsequently revoked at a Licensing Sub-committee hearing. The premises licence was then reinstated upon appeal. The address has held a premises licence since September 2005 (when the Licensing Act 2003 came into force), that licence was also the subject of a review application in February 2020 and that licence was revoked at a Licensing Sub-committee hearing held in June 2020.

Options

11. By virtue of S52(4) of the Act, the Sub-Committee may in making their decision take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
12. Option 1: To modify the conditions of the licence (i.e. to alter, omit or add any new condition).
13. Option 2: To exclude a licensable activity from the scope of the licence.

14. Option 3: To remove the Designated Premises Supervisor.
15. Option 4: To suspend the licence for a period not exceeding three months.
16. Option 5: To revoke the licence.
17. Option 6: Take no action

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

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

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

Analysis

18. The following could be the result of any decision made by this Sub-Committee:
19. Option 1: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
20. Option 2: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.
21. Option 3: This decision could be appealed at Magistrates Court by the premises licence holder, the review applicant or any of the representors.

22. Option 4: This decision could be appealed by the premises licence holder, the review applicant or any of the representors.
23. Option 5: This decision could be appealed by the premises licence holder.
24. Option 6: This decision could be appealed by the review applicant or any of the representors.

The decision of the Sub-Committee will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

25. Members are reminded that they may only use their discretion to take remedial action in relation to matters that are raised by this review and are relevant to the promotion of the licensing objectives.

Council Priorities

26. The Licensing Act 2003 has 4 objectives; the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
27. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications for review the Council are supporting the licence trade, as well as local residents and businesses. The functions support the Council's Plan commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

28.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.
- **Legal** – The decision made by this Sub Committee is subject to appeal rights to the Magistrates Court.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

29. All Members of the Licensing Act 2003 Committee have received full training on the Act and the Regulations governing hearings. They are aware that any decision which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
30. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

31. Members determine the application.

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

Contact Details

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Chief Officer Responsible for the report:

Dave Atkinson,
Director of Environment and Regulatory Services

**Report
Approved**

✓ **Date** 28 August 2026

Wards Affected: Fishergate Ward

Annexes

Annex 1 - Copy of Application for Review of Premises Licence and Evidence Pack: (Redacted and Unredacted (Confidential))

Annex 2 - Copy of Premises Licence, including Layout Plan

Annex 3 - Representation from North Yorkshire Police (including Appendices)

Annex 4 - Map showing location of Premises

Annex 5 - Legislation and Policy Considerations