

Meeting Licensing Hearing

Date 15 January 2015

Present Councillors Aspden, Watt and Wiseman

25. Chair

Resolved: That Councillor Aspden be elected as Chair of the meeting.

26. Introductions

27. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

28. Minutes

Resolved: That the minutes of the Licensing Hearings held on 11th August and 15th September 2014 be approved and signed by the Chair as a correct record.

29. The Determination of an Application by Sainsbury's Supermarkets Ltd for a Premises Licence Section 18(3)(a) in respect of Sainsbury's (Former Groves Chapel), Clarence Street/Union Terrace, York, YO31 7EW. (CYC-052345)

Members considered an application by Sainsbury's Supermarkets Ltd for a premises licence in respect of the former Groves Chapel, Clarence Street/Union Terrace York.

In coming to their decision, Members took into consideration all of the evidence and the submissions that were presented to them and determined their relevance to the issues raised and the Licensing objectives. The following were taken into account:

1. The application form.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for a premises licence for Sainsbury's at the former Groves Chapel. In respect of comments made by representors at the outset of the hearing in relation to the site notice she advised that she was satisfied that consultation had been carried out correctly in accordance with all statutory requirements. North Yorkshire Police had agreed a number of conditions with the applicant as set out in the agenda papers.
3. The applicants solicitors comments made at the hearing. He advised that the application was for a premises licence at the former Groves Chapel and the applicant was aware of the sensitivity of the application. He reminded those present that at this stage Sainsbury's were not seeking planning permission to open a store, just a licence to sell alcohol should all other aspects such as planning permission for the site be granted in the future. He referred to Sainsbury's rigorous staff training policies, in particular the Challenge 25 policy to ask people who appear to be younger than 25 for identification when purchasing alcohol. He was aware of street drinking problems in the area and felt that the conditions requested by North Yorkshire Police addressed the issue sufficiently. Street drinkers are attracted to the cheapest and highest strength ciders and beers and these will not be sold at the store. In addition the building is currently disused so occupation of the site would discourage street drinkers to congregate on the frontage.
4. The representations made in writing and at the hearing by a number of local residents. They advised that the site is located within a 'no alcohol zone' and there already 5 other off licences in the area. They were concerned that it would be irresponsible to allow another retail outlet for alcohol within a short distance from an alcohol rehabilitation centre. Photographs showing alcohol containers and street drinkers in the area were tabled with agreement of the applicant to highlight the problems of

anti-social behaviour in the area involving alcohol. Concerns were also raised that security arrangements at the store would not be adequate to protect staff and customers should it be allowed go ahead and reference was made to planning issues.

The Sub Committee were presented with the following options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions.
- Option 3 Grant the Licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application.

Members chose Option 2 and granted the licence with the modified/additional conditions as agreed by North Yorkshire Police with the applicant as follows:

1. The system clock will be checked regularly for accuracy taking into account of GMT and BST [This condition follows on from the CCTV conditions in the operating schedule].
2. There shall be no sales of single cans of beer, lager or cider from the premises and no sales of single bottles of beer, lager or cider in vessels of less than 500ml.
3. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.
4. At least one personal licence holder will be available (this does not necessarily mean present on the premises) at all times that alcohol is on sale.
5. There will be no display of alcohol within 5 metres of the store entrance.
6. Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
7. An incident log will be kept at the premises and made available on request to an authorised officer of the City Council or the Police which will record the following:

- All alcohol related crimes reported at the venue.
 - Any alcohol related complaints received regarding crime and disorder
 - Any alcohol related incidents of disorder
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service.
8. There will be a minimum of two members of staff present at the premises at all times that alcohol is on sale.
9. The premises DPS is responsible for risk assessing the need for door staff at the venue. Special consideration should be given to the need for door staff on Race days, Fridays and Saturdays or Bank Holidays or other locally or nationally significant events.
10. Signage informing customers of the age verification policy shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and at the entrance to the premises.
11. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
- Induction training which must be completed and documented, prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.
12. Training records will be available for inspection by a responsible authority on request.
13. Spirits shall not be sold in bottles 35ml or under

Reason for the decision:

The Sub-Committee carefully considered the application and the representations submitted in writing and orally at the hearing by those making representations and the Applicant. In reaching their decision, the Sub-Committee took into consideration the provisions of the Licensing Act 2003, in particular the statutory Licensing Objectives, together with the City of York Council's

Statement of Licensing Policy and the Secretary of State's
Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee noted the local residents' concerns that there has been a problem with street drinkers in the area. They also noted that there had been no objection to the application from the Responsible Authorities and that the Police had agreed a number of proposed conditions with the applicant to address potential issues. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to have a high level of confidence that the premises would be operated responsibly without and that it could, with the imposition of suitable conditions, operate without adding to or causing alcohol related problems in the area. The Sub-Committee considered that the grant of the application with the above mandatory and additional conditions would not undermine the promotion of the licensing objectives.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate to promote the licensing objectives. They reminded the applicant of the necessity of complying with all of the conditions and highlighted the possibility of the licence being reviewed if it was found that the licensing objectives were being undermined.

Resolved: That in line with Option 2 the licence be granted.

Reason: To address the issues raised.

Councillor Aspden, Chair

[The meeting started at 10:00am and finished at 12:45pm.]