
Licensing Act 2003 Sub Committee**03 June 2013**

Report from the Assistant Director – Housing & Community Safety

**Section 18(3)(a) Application for a premise licence for Sainsbury's,
Units 1-3 Queens House, Micklegate, York****Summary**

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-021863
3. Name of applicant: Sainsbury's Supermarket Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the sale of alcohol, off the premises, every day between 09:00 hours and 21:00 hours.

Background

6. A copy of the application is attached at Annex 1.

Promotion of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General
 - a) The applicant is aware that the premises fall within the City of York cumulative impact area.
 - b) The applicant believes that due to the steps that it will take to promote the licensing objectives, the grant of this licence will not add to the cumulative impact referred to in the City of York Licensing Policy.

- c) The applicant proposes the steps outlined in the following four licensing objectives set out below

9. The prevention of crime and disorder

- a) A CCTV system shall be installed and fully operational whilst the premises are open to the public. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. The system will be regularly maintained and serviced on a minimum of 12 monthly basis. The system clock will be checked regularly for accuracy taking into account of GMT and BST. CCTV footage will be retained for 31 days.
- b) The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
- c) The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
- d) A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
- e) The system will display, on any recording, the correct time and date of the recording.
- f) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
- g) 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.
- h) No more than 15% of the sales are to be used at any one time for the sale, exposure for sale or display of alcohol.
- i) There shall be no self-scan tills.
- j) There shall be no external advertising of alcohol products in the shop window.
- k) There shall be no free standing stacks of alcohol on display.
- l) 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.

- m) There will be no display of alcohol within 5 metres of the store entrance.
- n) Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
- o) 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-
 - (i) all crimes reported at the venue
 - (ii) any complaints received regarding crime and disorder.
 - (iii) any incidents of disorder.
 - (iv) any faults in the CCTV system.
 - (v) any refusal of the sale of alcohol.
 - (vi) any visit by a relevant authority or emergency service.

10. Public safety

- a) There will be a minimum of two members of staff present at the premises at all times that alcohol is on sale.
- b) There will be security staff on duty after 5.00p.m. on Fridays and Saturdays during times that alcohol is on sale.
- c) The applicant will join the radio shopwatch scheme organised by the Licensing Authority or the police, details of which have been supplied to the licence holder.

11. The prevention of public nuisance

- a) Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on display and at the point of sale.

12. The protection of children from harm:

- a) The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth, and the Proof of Age Standards scheme (or similarly accredited scheme) hologram.
- b) 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.

- c) All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales
 - i) induction training which must be completed and documented prior to the sale of alcohol by the staff member
 - ii) refreshment/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request.

- d) All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain
 - i) details of the time and date the refusal was made;
 - ii) the name of the staff member refusing the sale
 - iii) details of the alcohol the person attempted to purchase.

The register will be made available for inspection by a police officer on request.

Special Policy Consideration

- 13. This premise falls within an area that has been identified as one where the concentration of a significant number of licensed premises has a considerable impact on the licensing objectives. As part of a series of measures to address the problems of a city centre increasingly blighted by alcohol misuse, this area has been made the subject of a special policy that addresses the impact of the concentration of licensed premises in this particular part of the city centre. The Special Policy was approved by full council on 7th January 2011. A copy of the Special Policy Statement is attached at Annex 2. A map showing the location of the premises is attached at Annex 3.

Consultation

- 14. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory

requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.

15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. North Yorkshire Police made representation to the application on the grounds that it is believed that the licensing objective, the prevention of crime and disorder, would be undermined on the granting of this application. A copy of the representation is attached at Annex 4.
17. The nature of the representation is as follows. The proposed location of the premises is situated in the City of York Council's Cumulative Impact Zone (CIZ) which creates a rebuttable presumption that applications for new premises licences will normally be refused if relevant representations to that effect are received. The Police believe their representation is relevant due to the following facts –
- City centre stores of this type do generate crime;
 - Street drinkers in the city do attempt to obtain their alcohol from stores of this type (both legally and illegally) which contributes to anti-social behaviour in the city;
 - Late night revellers are often seen purchasing alcohol from stores of this type and attempting to 'smuggle' this alcohol into neighbouring city centre venues where consumption goes unchecked.

Summary of Representations made by Parties other than Responsible Authorities

18. There were no representations received from other parties.

Planning Issues

19. There are no planning issues regarding this application.

Options

20. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
21. Option 1: Grant the licence in the terms applied for.

22. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
23. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
24. Option 4: Reject the application.

Analysis

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

30. 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.
31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

32.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A

- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **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

33. 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 made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
34. 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

35. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

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Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**

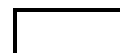


Date 13/05/2013

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2** - Copy of special policy document
- Annex 3** - Plan showing premise location
- Annex 4** - Copy of police representation
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations