
Licensing Act 2003 Sub Committee

24 May 2021

Report from the Director – Environment, Transport & Planning

Section 18(3) (a) Application for a premises licence for The Co-op, Ground Floor, Hallmark House, The Chocolate Works, Campleshon Road, York, YO23 1PX

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 68304
3. Name of applicant: Co-operative Group Food Limited
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a new convenience store within Hallmark House, The Chocolate Works, Campleshon Road.

Proposed Activity	Timings
Supply of Alcohol – Off the premises	0600 to 2300 everyday
Opening Hours	0600 to 2300 everyday

Background

6. A copy of the application can be found at **Annex 1**, including a plan(s) of the premises.

7. The premises is described in the application as a convenience store open seven days a week selling groceries, sundry items and alcohol for consumption off the premises.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

9. **General**

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate, proportionate and necessary.

10. **The Prevention of Crime and Disorder**

The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

There shall be "CCTV in Operation" signs prominently displayed at the premises.

An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

The premises will be fitted with a burglar alarm system

The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

11. Public Safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises

12. The Prevention of Public Nuisance

A complaints procedure will be maintained, details of which will be made available in store and upon request.

13. The Protection of Children from Harm

All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

An age till prompt system will be utilised at the premises in respect of age restricted products.

A refusals register (whether kept in a written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

Special Policy Consideration

14. This premises is not located within the cumulative impact area.

Consultation

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

Summary of Representations made by Responsible Authorities

17. North Yorkshire Police made representation on the prevention of crime and disorder, however they have mediated with the applicant who has agreed to amend their operating schedule and have added several conditions. The agreed conditions can be found at **Annex 2**. Therefore North Yorkshire Police have withdrawn their representation.

Summary of Representations made by Other Parties

18. There have been 26 relevant representations received from other persons. The list of representors is attached at **Annex 3**.
19. The representations are predominantly based on the grounds of the prevention of crime and disorder, prevention of public nuisance and protection of children from harm objectives. They state that these objectives will be undermined if the application is granted.
20. A copy of all the representations are attached at **Annex 4**.
21. A map showing the general area around the venue is attached at **Annex 5**.
22. The mandatory conditions that will be attached to this licence if granted can be found at **Annex 6**. The Legislation and Policy considerations can be found at **Annex 7**.

Options

23. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Grant the licence in the terms applied for.
25. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
26. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
27. Option 4: Refuse to specify a person on the licence as premises supervisor.
28. Option 5: Reject the application.

Analysis

30. The following could be the result of any decision made this Sub Committee:-
31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.
35. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

36. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
37. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

38.
 - **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

39. 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.
40. 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

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

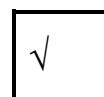
Contact Details

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**Report
Approved**



30/04/2021

Specialist Implications Officer(s)
Head of Legal & Democratic Services
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Wards Affected: Micklegate Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form & Plan(s)
- Annex 2** - Conditions agreed with North Yorkshire Police
- Annex 3** - List of representors (other persons) **CONFIDENTIAL**
- Annex 4** - Representations from other persons
- Annex 5** - Map of area
- Annex 6** - Mandatory conditions
- Annex 7** - Legislation & Policy