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Meeting	Licensing/Gambling Hearing
Date	26 April 2018
Present	Councillors Lisle, Pavlovic and K Taylor

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**1. Chair**

Resolved: That Councillor Pavlovic be appointed to Chair the meeting.

**2. Introductions**

**3. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

**4. The Determination of an Application by SGN Limited to Vary a Premises Licence [Section 35(3)(a)] in respect of Budgens, 16-18 Barley Rise, Strensall, York, YO32 5AA (CYC-009501)**

Members considered an application by SGN Limited to Vary Premises Licence (Section 35(3)(a) in respect of Budgens, 16-18 Barley Rise, Strensall, York, YO32 5AA.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the Hearing:

1. The prevention of public nuisance.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were

presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She outlined the application for an extension in the hours for off sale alcohol and outlined the extended hours for the variation of the premises licence. She advised that the premises were not located in the special policy Cumulative Impact Zone (CIZ). She reported that the consultation had been carried out correctly in accordance with the Licensing Act 2003. She stated that there had been no representations from North Yorkshire Police and City of York Council Public Protection (Environmental Protection). She stated that there had been representations from thirteen other interested parties and of this number, one of the representors had withdrawn their representation. She outlined the four options available to the committee.
3. The representations by Mr Gibson, Licensing Agent on behalf of the applicant (SGN Limited), at the Hearing. Mr Gibson explained that he believed that the reason for the thirteen objections was because the previous owners closed the shop at 10:00pm, and he noted that the present licence had always allowed off sales until 11:00pm. Mr Gibson outlined the extension in hours stating that the applicant was looking for a minimal change in hours. He advised that the change in hours was in line with revised guidance and he cited paragraph 10.15 of the Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) which stated that:  
*' Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.'*

Mr Gibson explained that he had been through the representations in detail and believed that eleven of the representors objected to the late night extension of the licence, which was irrelevant as the licence was already in place, apart from an additional half hour on a Sunday. He

asked the Sub-Committee to extend the licensing hours to the opening hours in the spirit of the April 2018 guidance.

4. Written representations made during the consultation period. As advised by the Licensing Officer, one written representation had been withdrawn prior to the hearing.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 35(3) (a) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the variation of the licence in the terms applied for.

Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.

Option 3: Grant the variation of the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.

Option 4: Reject the application.

The Sub-Committee decided to approve Option 1, to grant the variation of the licence in the terms applied for.

The Sub-Committee considered very carefully the application and all the representations. In particular, full consideration was given to the 13 (12 following the withdrawal of one representation) written objections received from local residents that extension in hours would cause public nuisance specifically from antisocial behaviour from young people. The Sub-Committee considered these concerns very carefully but were reassured by the evidence given by the Licensing Agent.

The Sub-Committee concluded that the application was acceptable as it met all the licensing objectives, was a minimal change in the hours of the existing premises licence and

because there had been no objections from North Yorkshire Police or City of York Council Public Protection (Environmental Protection). The Sub-Committee was mindful of the concerns raised by the objections and concluded that Budgens was not the cause of those concerns. The Sub-Committee felt that the extension of the licence would not impact or undermine the Licensing Objectives.

The Sub-Committee made their decision taking into consideration the representations, the Licensing Objectives, 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. Accordingly, in all of the circumstances of the case it was felt that the decision of the Sub-Committee was reasonable and proportionate.

Cllr M Pavlovic, Chair

[The meeting started at 10.00 am and finished at 10.25 am].