

Licensing/Gambling Hearing

To: Councillors Lisle, Pavlovic, and K Taylor

Date: Thursday, 26 April 2018

Time: 10.00 am

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Chair

To elect a Member to act as Chair of the meeting.

2. Introductions

3. Declarations of Interest

At this point in the meeting, Members are 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 this agenda.

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) (Pages 7 – 56)**

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- Email - a.bielby@york.gov.uk

For more information about any of the following, please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

Distribution:

Members of Licensing Act 2003 Sub-Committee

Licensing Officer

Legal Services

Applicant

Representors

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LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS

Introduction

The procedure outlined below will be followed at all Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant, Ward Councillors, and Representors who have made written submissions will be allowed to speak at the Sub-Committee. At

any hearing of an application, the Applicant and any Representors shall attend in person wherever possible. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing and each party will have the same amount of time in which to address the Sub-Committee. A time limit has been set because of the pressures on the Sub-Committees to hear so many applications in a short period of time. **Each party will have 15 minutes to address the Sub-Committee, give any further information, and call any witnesses.** If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 2 working days before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor (*if present*). Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the democracy officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee (if present) and the Licensing Officer*], welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

7. The Chair will invite Committee Members, the Applicant and Representors (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Representors (or their representative) in the following order to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
11. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
12. The Chair will invite the Representors (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes each party*]
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
13. The Chair will invite the Applicant to ask questions of each Representor (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
14. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.

15. The Chair will invite the Representors (or their representative) in the following order to summarise their case *[maximum 5 minutes each party]*
 - (i) Police
 - (ii) Other Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties
16. The Chair will invite the Applicant (or their representative) to summarise their case *[maximum 5 minutes]*.
17. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor *(if present)* on law and jurisdiction.
18. When all the evidence has been heard, the Chair will declare the hearing closed and ask the Licensing Officer, the Applicant and Representors (or their representatives) plus any witnesses present to leave the committee room and wait in reception while the Sub-Committee considers the evidence.

Procedure after the Hearing

19. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
20. If possible, and for all hearings under:-
 - section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37)
 - section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85)
 - section 105(2)(a) (counter notice following police objection to temporary event notice)
 - section 167(5)(a) (review of premises licence following closure order)

- paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)
- paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)

the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the Legal Advisor to the Sub-Committee (*if present*) will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

21. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision including reasons together with, if appropriate, details of any conditions to be attached to the grant of the licence. This decision will then be communicated in writing to the Applicant and Representors within 3 working days of the hearing. There can be no further questions or statements.
22. For all other hearings not listed above, if the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant and Representors within 3 working days of the decision being made.
23. The notification will include information about the rights of appeal against the determination made.



Agenda Item

Licensing Act 2003 Sub Committee

26 April 2018

Report of the Director of Economy and Place

Section 35(3) (a) Application for the variation of a premise licence for Budgens, 16-18 Barley Rise, Strensall, York, YO32 5AA

1. This report seeks Members determination of an application for the variation of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-009501
3. Name of applicant: SGN Limited
4. Type of authorisation applied for: Variation of premises licence.
5. Summary of application: The nature of the application is to extend the hours for the sale of alcohol as follows:

Licensable Activities	Existing Hours	Proposed Hours
Sale of Alcohol (Off the premises)	Monday - Saturday 08:00 – 23:00 Sunday 10:00 – 22:30 Christmas Day 12:00 – 15:00 & 19:00 – 22:30 Good Friday 08:00 – 22:30	Monday to Sunday 07:00 – 23:00
Opening Hours	No restrictions	Monday to Sunday 07:00 – 23:00

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

Promotion of Licensing Objectives

8. The applicant states that they seek to promote the licensing objectives as follows –

General

1. The store operates to a high standard, and will continue to do so should this variation be granted in terms of the sale of alcohol. All staff are fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

Prevention of Crime and Disorder

1. CCTV is in operation. The cameras will –
 - provide a linked record of the date, time and place of any image;
 - provide good quality images;
 - operate within existing light levels within and outside the premises;
 - have the recording device located in a secure area or locked cabinet;
 - have a monitor to review images and record picture quality;
 - be regularly maintained to ensure continuous quality of image capture and retention.
2. Have signage displayed in the customer area to advise that CCTV is in operation.
3. Digital images must be kept for 31 days.
4. Police or local authority employees will have access to images at any reasonable time.
5. Copies of recordings must be made available to Police of authorised local authority employees on request.

Public Safety

1. Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the

situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a store of this size.

Prevention of Public Nuisance

1. Youths will be encouraged to move from the entrance to the store to prevent the potential of causing nuisance to customers, either in requesting they purchase alcohol on their behalf, or general intimidating behaviour.
2. The entrance to the store is visible from the till point area, and so can be monitored by staff. CCTV cameras will pick up any disturbance in this area.
3. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. The notices shall be positioned at eye level and in a location where those leaving the premises can read them.

[Reference is made in this section of the application to the premises being a forecourt site. This is not the case, there is no petrol station located at this site.]

Protection of Children from Harm

1. Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram). Anyone who appears to be under the age of 25 is challenged to provide ID. If the customer is unable to provide identification then no sale is made.
2. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction.
3. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused.
4. A written record of refused sales shall be made available to Police and / or the Local Authority upon request and shall be kept for a least one year from the date of the last entry.

Special Policy Consideration

9. The premises is not located within the special policy area.

Consultation

10. 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.
11. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

12. There were no representations to the application from responsible authorities.

Summary of Representations made by other persons

13. There were 13 representations received from other persons mainly on the grounds the prevention of public nuisance licensing objective will be undermined if the variation is granted. A list of the representors is attached at Annex 3. Copies of their representations are attached at Annex 4.
14. A map showing the general area around the venue is attached at Annex 5.
15. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

16. There are no planning issues in relation to this application.

Options

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

19. Option 2: Grant the variation of the licence with modified/additional conditions imposed by the licensing committee.
20. 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.
21. Option 4: Reject the application.
22. Members are reminded that they may only use their discretion to add, remove or amend conditions or activities in relation to matters that are raised by representors and are relevant to the promotion of the licensing objectives.

Analysis

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

Council Plan

28. 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.
29. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

30.

- **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

31. 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.
32. 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

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

Contact Details**Author:**

Lesley Cooke
Licensing Manager

Tel no: 01904 551515

Chief Officer Responsible for the report:

Michael Slater
Assistant Director Planning & Public Protection.

**Report
Approved**



Date 13/04/2018

Specialist Implications Officer(s):

Head of Legal & Democratic Legal Services
Ext: 1004

Wards Affected: Strensall

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing premises licence
- Annex 2** - Copy of application form
- Annex 3** - List of representors
- Annex 4** - Copy of representations
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Premises licence number
CYC - 009501

Part 1 Premises details

Postal address of premises:

Budgens
16-18 Barley Rise
Strensall

Post town: **York**

Post code: **YO32 5AA**

Telephone number: None

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

See Annex 1 – Embedded Restrictions

The Opening Hours of the Premises

No Restrictions

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:

Name: SGN LTD

Address: 3c Twyford Court
Dunmow
Essex
CM6 1AE

Telephone number: None

Email address:

Registered number of holder, for example company number, charity number (where applicable):

10422514

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO 'OFF LICENCES'

Permitted Hours

1. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

a) On weekdays, other than Christmas Day, 08:00 to 23:00;

b) On Sundays, other than Christmas Day, 10:00 to 22:30;

c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;

d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the taking of alcohol from the premises, unless the alcohol is supplied or taken away in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Open Container

2. Alcohol shall not be sold in an open container and shall not be consumed on the licensed premises.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

None

Annex 3 – Conditions attached after a hearing by the licensing authority

No hearing held

Annex 4 – Approved Plan

Plan Number 009501-05/09/05

For and on behalf of
The Director of Economy and Place

Date: 05/09/2005
29/11/2017 (Transfer)

Licensing Services
Hazel Court Eco Depot
James Street, York
Y010 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

SXM0400000894



York
Application to vary a premises licence
Licensing Act 2003



For help contact
licensing.unit@york.gov.uk
Telephone: 01904 552512

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

19,250

Section 3 of 18**VARIATION**

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The variation is to extend the trading hours of the store to 07:00 to 23:00 Monday to Sunday inclusive.

Section 4 of 18**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18**PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18**PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The current trading hours.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The store operates to a high standard, and will continue to do so should this variation be granted in terms of the sale of alcohol. All staff are fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.

b) The prevention of crime and disorder

cctv is in operation.
The cameras will:

- Provide a linked record of the date, time, and place of any image.
- Provide good quality images.
- Operate under existing light levels within and outside the premises.
- Have the recording device located in a secure area or locked cabinet.
- Have a monitor to review images and recorded picture quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Have signage displayed in the customer area to advise that CCTV is in operation.
- Digital images must be kept for 31 days.
- Police or authorised local authority employees will have access to images at any reasonable time.
- Copies of recordings must be made available to Police or authorised local authority employees on request.

c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a store of this size.

d) The prevention of public nuisance

Youths will be encouraged to move from the entrance to the store to prevent the potential of causing nuisance to customers, either in requesting they purchase alcohol on their behalf, or general intimidating behaviour. The entrance to the store is also visible from the till point area, and so can be monitored by the staff. CCTV cameras will also pick up any disturbance in this area. Due to this being a forecourt site, no one will be permitted to loiter around the store at all due to the fire risk posed by the petrol. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Continued from previous page...

e) The protection of children from harm

Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram). Anyone who appears to be under the age of 25 is challenged to provide ID. If the customer is unable to provide identification then no sale is made. No ID no sale. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

I/We understand that it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/york/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="sgn vary"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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①
Dear Sir / Madam

STRENSALL
YO32 5AZ

I would like to object very much to the application for Budgens at 16-18 Barley Rise, Strensall, YO32 5AA to open until 23.00 Monday to Sunday. Alcohol is drunk walking down our cul-de-sac regularly. This extra hours opening will mean more drinking, causing crime, worry for the older people. We have seen young males urinating in the road but dare not knock on the window.

It really is worrying as we never see any police.

I am very grateful for your attention.

②

23.3.18

CITY OF YORK LICENSING Sect.

Dear Sirs

I'm writing to say I strongly object to "BUDGENS" wishing to extend their alcohol licence.

This is a quiet area with lots of elderly residents and it will encourage young people to the area with car horns blaring & flashing lights and no consideration for their surroundings.

Yours Sincerely

BUDGENS INCREASED OPENING HOURS.

at 16-18 Barley Rise, Strensall, YO32 5AA.

Strensall,
York
YO32 5AZ.
25.03.2018

Dear Sir/Madam,

I would like to object to the application by Budgens, to the proposed increased opening hours from, 7.00am to 11.00pm, Monday to Sunday for the sale of alcohol.

We often see young youths (under 18 years old) drinking alcohol from bottles and cans, then putting the empty cans/bottles into the hedges surrounding the houses gardens.

I have also seen youths waiting down the snicket waiting for an older youth to buy the alcohol, then give it to the younger youths to drink.

My worry is, this extra time that Budgens is open, will increase crime and social disorder.

It was only last week that we had graffiti on bushes and telephone boxes.

It is really a worry because we never see any police round our cul-de-sac and it must be very worrying for the older people.

Thank you for your attention.

Dear Sir, Madam.

I am writing in response to the Extension of Licensing Hours Notification for the Budgens Store situated at 16-18 BARLEY RISE, STRENSALL.

I object most strongly to this application on the grounds of Public Nuisance.

I dread the thought of how much trouble we will encounter this year with youths collecting outside the premises each year.

Historically the Police have had to be summoned on so many occasions. I feel that extending the hours will add to the disturbances.

Whilst there is no suggestion that they are selling alcohol etc to underage customers the premises appear to act as a magnet for late night noise and disturbances.

Yours Sincerely.

APPLICANTS SGN LTD.

5

YO32 5AB

23rd March 2018

Dear Sir/Madam,

I am writing to object to the application of an extension to sell alcohol till 23.00 for Budgens, 18 Barley Rise.

The reasons for this are as follows:-

The increased volume and noise of traffic in a residential area till 23.00 at night even on a Sunday causing nuisance to the residents.

The congregation of teenagers who sit outside the shop till closing time especially in the summer months causing problems for the residents.

One instance of this last year was when one of them ran over my wife's parked car which has in retrospect made me install CCTV to my house.

It is hard to prove facts in a letter but on Police.co.uk in 2017 I have just looked at the anti-social behaviour stats and there was 70 reported cases within a 500m radius of the shops out of a total of 133 for the whole of the village.

My parked car was also hit by a drink driver in August last year which ended up with the other car on its roof. I know this was after the shops were closed but it still shows what can happen down a residential street when alcohol is involved.

Kind regards

YORK

YO32 5AZ

City of York

Licensing Services

Hazel Court EcoDepot,

James Street

YORK

Dear Sir / Madam

Subject : CYC009501 - Application SGN Ltd

With reference to the above application to the variation of Premises licence at 16-18 Barley Rise, Strensall I should like to object to the application on the following grounds.

1. There is adequate provision for the sale of alcohol from these premises currently until 10 p.m. Additionally alcohol can be purchased up to 11 p.m. in three licensed premises, The Ship, Half Moon and Six Bells public houses. Alcohol is also readily available for off sales consumption along with applicants premises at Tesco and Londis stores in the village until 10 .m. This should more than suffice a small rural village. For those desperate for more drink after 10 p.m. there are late night supermarkets and the City Centre within easy reach.
2. There is already a problem with anti social behaviour in the immediate area surrounding these premises with graffiti on private walls, hedges and telephone exchange boxes appearing in recent weeks. The local Parish Council is working hard with the local schools and residents to identify the offenders. The snicket which leads from Barley Rise into Portisham Place is frequently littered with empty cans, crisp packets and food cartons as well as vomit in the aftermath of street drinking..
3. There is an increasing street drinking culture among young people emerging in Strensall. Evidence of this is easy to find, for example, in excess of 50 discarded empty lager cans have been dropped from the footbridge (a popular site for street drinkers) onto the railway line within 150 metres of the Barley Rise Store.

4. The takeaway food from these premises has already resulted in increased litter and general deterioration of the area with increased traffic from early morning to late at night. Dispensing drink for longer hours would simply compound the problem.

5. There is no local Policing presence with the Police Station having been closed for many years, Neighbourhood Officers and PCSO's drawn into the City , interestingly enough, to address growing problem of alcohol fuelled misbehaviour and alcohol related violence.

6. Within a 100 metre radius of these premises there is a high density of bungalows the majority occupied by elderly and many living alone who already feel threatened and intimidated by deteriorating standards in general behaviour and suffer the fear of crime.

7. Finally I would have thought that strategically the Local authority and most communities today would wish to discourage and reduce rather than increase the availability of alcohol in society. It is proven to have a damaging effect on the individual if consumed in excess and more often than not leads to violence , disruption , anti social behaviour and domestic violence when abused. The example of popular entertainer Ant Mc Partlan this week should prove as a warning to all of how a life can spiral into decline because of alcohol abuse.

Yours faithfully

(7)

Y032 SAA

Ref: CTC 009501
SGN LTD. 16/18 BARKLEY RD.

Dear Sir/Madam

I have just become aware of an application - Budgets to increase hours for sale of alcohol.

I am outraged by this suggestion and would like to formally register my opposition to this request.

This increases a Public nuisance!

I already have to endure drunken + noisy behaviour of their customers!

and cleaning up empty bottles + cans deposited in my garden. All it does is encourage teenagers to buy drink!

This is a residential area and the shop is open long enough hours!

York
YO32 5AU

4

City of York
Licensing Services,
Hazel Court EcoDepot
James Street,
York,
YO10 3DS

26 March 2018

Application to increase the sale of alcohol and premises hours by SGN Ltd at
16-18 Barley Rise, Strensall, York. Reference CYC 009501 dated 07.03.18

Dear Sir/Madam

I am writing to object to the application to extend the opening hours of Budgens convenience store from 10pm to 11pm. The rear of our bungalow backs on to the car park of the above mentioned premises and is in a residential area. Extending the hours to 11pm particularly in respect of the sale of alcohol would result in a significant increase in traffic and use of the car park with resultant public nuisance of noise late at night. As far as I can establish it will be the only retail outlet that will be open until 11pm not only in Strensall but also Haxby/Wiggington and Huntingdon and therefore most customers will arrive by car.

There would also be a high risk that it would become an attractive place for teenagers to congregate and generally cause trouble in an area where a lot of the residence are elderly and many live alone. The Licensing Committee should be aware that there was such trouble in this area about 10 years ago which was at least in part caused by youths from Huntingdon travelling into Strensall and catching the last bus home at 11.45pm. If this did happen it would lead to an increase in low level crime and anti-social behaviour.

Yours faithfully

9

24th March 2018

Dear Sir/Madam,

Re: Application by SGN Ltd, Ref. CYC 009501, for increase in licenced premises opening hours, Budgens, 16-19 Barley Rise, Strensall, YO32 5AA.

I wish to formally object to the application above to increase licenced opening times from the current 07.00 – 22.00 to 0.700 – 23.00, for the following reasons:

1) Due to the position of our property, situated behind the row of shops at Barley Rise and on a cut through to and from the shops to various residential areas of Strensall, I will be subject to an increase in litter, noise and possible vandalism problems, even later in the evening.

I already have to cope with beer cans, bottles, and other rubbish thrown away from customers at Budgens. I have in the past reported the littered state of the path from our house to the shops to York pride, and I am also subject to litter being thrown over our back garden wall from the car park to the rear of our property.

2) Past incidents involving pockets of youths who collect there on an evening and who have been reported to the police due to their behaviour, including damage to the greenhouse, verbal abuse and entering the property over the wall, will increase in numbers. Being attracted to the outlet from other areas late in the evening, I am certain, will cause more problems of this nature to myself and other nearby residents.

3) Late night traffic will increase and cause disturbance to, for the most part retired residents, which will worsen due to the impending increase to the parking restrictions in the area outside the shops on Barley Rise. Increased use of the car park behind the shops late at night has led to problems (as stated in item 1.) in the past which led to reports to the community police and local parish council. We do not want a recurrence of these problems which take months to be resolved.

Yours faithfully

(10)

27-3-2018.

Strensall,

YORK. YO32 5AH.

Re Application to increase the sale of
alcohol and promise hours to the below.

Monday - Sunday 0900 - 2300

at BUDGENS SHOP, BARLEY RISE.

CYC009501

Dear Sir,

We would like to register our disapproval
of the above application, on the following grounds.

- ① Noise from groups gathering outside the shop
late at night.
- ② Increase of traffic in a very congestive area,
late at night. We live within 150 yards of
the shop, and have had damage done to our property.

late at night, by youths, fueled by ~~the~~ alcohol.

On these grounds, we hope the application is not granted.

Yours faithfully.

Strensall

York

YO32 5AA

27th March 2016

It has come to our attention that the recently acquired Budgen's supermarket (16-18 Barley Rise) has made an application to City of York Licensing Section as SGN Ltd. to increase the sale of alcohol and premises hours to 07:00-23:00 seven days a week.

As residents of Barley Rise we would like to strongly oppose this on the grounds that:

Increased traffic, (the allotted parking for the row of shops is limited/inadequate) will create disruption for local residents, on occasion our driveway entrance is blocked by a person(s) doing their shopping. Noise from car doors opening/closing & increased traffic would create a public nuisance as well as threatening public safety as the surrounding roads/streets are constructed for residential not commercial purposes.

There have been previous issues (when the premises was a Costcutter outlet) with young people hanging around the shop, sitting on our garden wall to consume their purchases & then discarding packaging & cans in ours, neighbouring gardens & the street.

There were also incidents of damage to our plants through wanton vandalism by these young people; we appreciate that as individuals they are probably decent & respectful but the open shop encourages groups to loiter & this type of behaviour ensues. We do not think (both being in our 80s) that we are able to deal with this type of situation & we assume, being in a very similar position as us, nor do our neighbours.

The Tesco Express store in the village is open until 22:00 & the petrol/service station until 21:00. Both of these outlets sell a wide range of goods including alcohol. If villagers cannot purchase what they require during these outlets' opening times then Asda at Monks Cross opens 24 hours as does Tesco Clifton Moor, both of these superstores are within a 10 minute drive of Strensall at "off-peak" traffic times.

We trust you will consider our points with the utmost seriousness & we look forward to hearing from you.

Y072 SAA
28th March 2018

Dear Sir or Madam,

Ref: letter of complaint

We understand that Budgens (sen wtd),
16-18 Barley Rise, Strensall have applied
to increase the sale of alcohol and premise
hours to Mon - sun 7.00 - 23.00 hrs.

We would like to object to this
application based on this being
a public nuisance to residents in
the area.

Yours faithfully

York

YO32 5AA

Dear Sir/Madam,

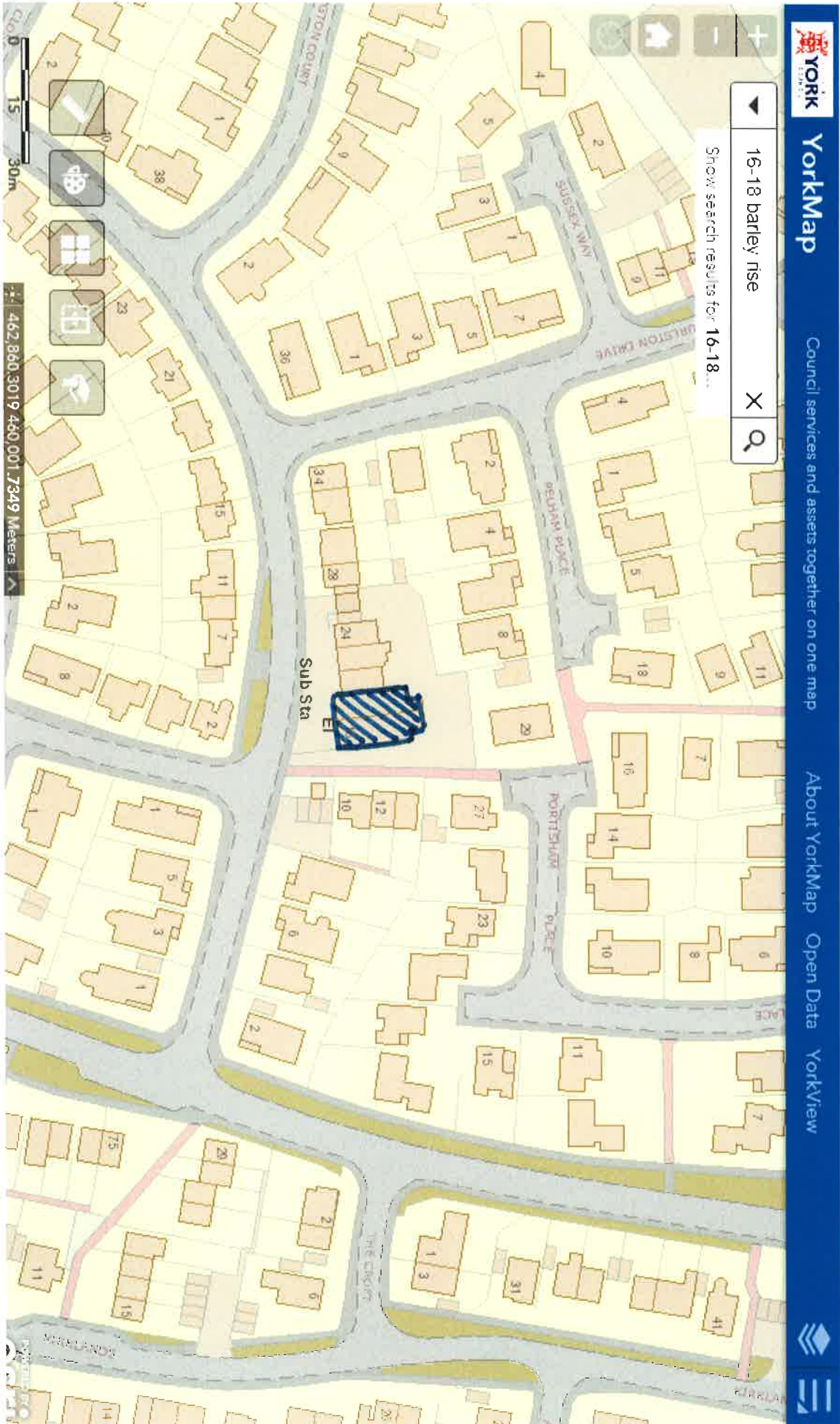
I am writing to inform you of my strong objection, along with many other residents who live down Barley Rise, of the increased opening hours of Budgens Convenience Store (address: 16-18 Barley Rise, Strensall).

There are many reasons why I feel so strongly about the increased opening times. One being the fact that there has been a lot of vandalism and disruption over the years because of the shop, therefore increasing its hours is only bound to cause an increase in this behaviour. Some of the following incidents have occurred throughout the years: youths congregating outside of the shops causing customers to be intimidated, disturbance including loud noises and playing music in the street, youths knocking on residents' doors causing distress late at night, youths walking on my property and damaging my hedge, people urinating on my property and down the side of the shops, car doors slamming regularly, car radios playing loudly at night. There was also an incident during the Halloween season whereby a group of youths took pumpkins that were being sold outside the shops and threw them down the street leaving a mess down the road. This behaviour is beyond unacceptable in any neighbourhood, never mind an area that has so many elderly residents living here.

In the past I have had to call the police on several occasions due to youths in the area, and in one incident I was victim of my car being set on fire during the night, and I fear that increasing the opening hours of this shop until 11pm will increase the likelihood of vandalism happening once again. Therefore, I please urge you think of the residents in this area and to take action; it would be more beneficial to the wellbeing of those living in this area to have the hours reduced rather than increased.

Thank you for reading this letter and I hope you take this on board.

With thanks,



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**MANDATORY & PROHIBITED CONDITIONS – PREMISES LICENCE
LICENSING ACT 2003**

MANDATORY CONDITIONS WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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Legislation and Policy Considerations

1. The following provisions of The Licensing Act 2003 apply to this application: S4 general duties of licensing authorities; s17 application for premises licence; s18 determination of application for premises licence; s23 grant or rejection of application; ss19, 20 and 21 mandatory conditions; The Licensing Act (Mandatory Licensing Conditions) Order 2010; and The Licensing Act 2003 (Mandatory Conditions) Order 2014.
2. The following provisions of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 apply to this application: Regulation 42, Part 2 (Premises licences) and Part 4 (General) relating to applications, notices and representations and advertisement of applications
3. The following provisions of the Secretary of State's guidance apply to this application: Section 2 The Licensing Objectives; Section 9 Determining applications; Section 10 Conditions attached to premises licences and club certificates; and Section 14 Statements of licensing policy.
4. The following paragraphs of the licensing authority's statement of licensing policy apply to this application: 5.0 Applications for Premises Licences, Club Premises Certificates and Variations; 6.0 Guidelines for Applicants; 7.0 Saturation and Cumulative Impact and 8.0 Licensing Hours.
5. 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.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

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