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Meeting	Licensing/Gambling Hearing
Date	10 January 2019
Present	Councillors Funnell, Mercer and Reid

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**1. Chair**

Resolved: That Councillor Reid be appointed to Chair the hearing.

**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 Penny Petroleum Partnership to Vary Premises Licence [Section 35(3)(a)] in respect of Penny Petroleum, 605 Strensall Road York (CYC-009569)**

Members considered an application by Penny Petroleum Partnership to Vary a Premises Licence [Section 35(3)(a)] in respect of Penny Petroleum, 605 Strensall Road, York.

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 crime and disorder
2. 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 Manager's report and the comments of the Senior Licensing Officer given at the Hearing. The Senior Licensing Officer outlined the report noting the variations applied for and the information contained within the annexes to the report. She advised that the premises were not in the special policy area and that consultation had been carried out correctly. She explained that representation had been received from North Yorkshire Police on the grounds that the prevention of crime and disorder licensing objective would be undermined if the licence was granted under the terms applied for. However the representation had been withdrawn as you had mediated additional conditions with North Yorkshire Police. There had been one representation received from 'other persons' mainly on the grounds that the 'prevention of public nuisance' licensing objective would be undermined if the variation was granted. She added that there were no planning issues in relation to the application. She ended by outlining the 4 options available to the Sub-Committee.

The Senior Licensing Officer was asked and explained what the special policy area was.

3. The Applicant's representation in person at the hearing and Ms Sherratt (Agent on their behalf) in writing and at the hearing.

The Senior Licensing Officer confirmed that the premises had continually held a licence from 2005 to the present day and that there had been no complaints received about anti social behaviour or crime.

In summing up, the Agent for the Applicant explained that the application was a modernisation exercise and that it upheld the licensing objectives.

4. The representations made a Representor (local resident) in writing and represented by her father in person at the hearing.

In his summing up, the father of the Representor explained that the petrol station was a critical area for security and he noted

that there were no police in Strensall. He accepted that the petrol station needed to be on a main road and suggested that with the increase in the amount of money passing through the premises, this could lead to an increase in crime.

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 18(4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

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

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

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

Option 4: Reject the application.

In coming to their decision to choose Option 2 above to Grant the licence with the additional conditions agreed with North Yorkshire Police set out at Annex 3 of the Agenda and imposed by the licensing committee. The Sub-Committee then imposed the following additional condition:

a) A direct telephone number for the duty manager at the premises shall be predominantly displayed to the public at the premises for residents to contact in respect of complaints about the operation of the premises licence.

All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions attached, which addressed the representation made in writing, as it met all the licensing objectives. The Sub-Committee made

this decision taking into consideration the representation, 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.

The Sub-Committee only took into account matters relevant to the licensing regime and to the promotion of the licensing objectives. The Sub-Committee noted that the history of these premises shows that it has held a licence for the sale of alcohol from 2005 to the present day and that the Licensing Authority have not received any complaints about noise disturbance, anti social behaviour or crime. They also noted that the Police objection had been withdrawn as the applicant had agreed to the imposition of an additional condition should the variation be granted and that Environmental Protection had not made any representation.

Whilst the Sub-Committee took careful account of the local resident's objection, it considered that it had received sufficient assurances from the applicant in order to be satisfied that the premises would be operated responsibly to avoid noise nuisance to local residents, particularly late at night and that there was insufficient evidence to support the view that the grant of the relatively modest variation sought would undermine the promotion of the licensing objectives relating to crime and disorder or public nuisance. Accordingly it approved the application subject to the imposition of the above-mentioned additional conditions which were appropriate, proportionate and necessary in the circumstances to promote the licensing objectives.

Cllr A Reid, Chair

[The meeting started at 10.00 am and finished at 10.51 am].