



## Licensing/Gambling Hearing

**To:** Councillors Looker, Hook and Orrell

**Date:** Monday, 18 October 2021

**Time:** 10.00 am

**Venue:** Remote Meeting

### A G E N D A

#### **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. Exclusion of Press and Public**

To consider excluding the Press and Public during the sub-committee's deliberations and decision-making at the end of the hearing, on the grounds that the public interest in excluding the public outweighs the public interest in that part of the meeting taking place in public, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

**5. The Determination of a Section 35(3)(a) Application by Co-operative Group Food Ltd for Variation of a Premises Licence in respect of Co-op, 102 - 104 Hull Road, York, YO10 3LQ (CYC-11715)**

Democratic Services Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- Email - [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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

- 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 (Polish)  
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

(Urdu) یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میاکی جا سکتی ہیں۔

 (01904) 551550

## **LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REMOTE LICENSING HEARINGS**

### **Introduction**

1. During the coronavirus pandemic emergency period it will be necessary for licensing hearings to be dealt with remotely. This procedure sets out how City of York Council will deal with such hearings. This procedure must be considered in conjunction with the Council's Delivery of Remote Meetings document which sets out how all meetings, including licensing hearings will be held in York.
2. The procedure adopted at a licensing hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below:-
3. The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.
4. The Council will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal. The Hearing will be recorded and the recording placed on the Council's website.

### **Preparation for the Remote Licensing Hearing**

5. The Sub-Committee will use the video-conferencing platform when the hearing is in public session. Clear instructions will be provided to participants on how to join the remote hearing. The Sub-Committee may exclude the public from all or part of a hearing if it considers it is in the public interest to do so. Should any part of the hearing need to be held in private session, a separate private online meeting will be convened by the Sub-Committee. This video-conferencing platform will also be used for decision making in private. All paperwork relevant to the hearing will be published online on the Council's

website, 5 working days before the remote hearing. The documents will be produced in PDF format and will be paginated to permit ease of reference during the remote hearing. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted.

6. 5 working days before the remote hearing is due to take place, the Council will contact the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
7. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council by email three working days before the hearing.
8. Any documentary evidence that is not submitted to the Council by email three working days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all parties a fair opportunity to consider it.
9. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council by email three working days before the hearing.

## **The Remote Licensing Hearing**

10. The Applicant is permitted to speak at the remote hearing (see below). Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. Any party to a hearing may be assisted or represented by any person, legally or otherwise.
11. 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 and question each other. Each party will have 15 minutes to address the Sub-Committee and call any witnesses and 5 minutes for questions.

12. However, where there are groups of individuals with a common interest, for example local residents making similar representations either for or against an application, consideration should be given to nominating a spokesperson. Otherwise the Sub-Committee may impose a time limit for such representations where there is pressure on the Sub-Committee to hear numerous applications in a short period of time or for any other valid reason.
13. If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by Members.
14. **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 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 made at length.
15. A Representor **may not** introduce any new ground or objection not referred to in their written submission. Additional representations which do not amount to an amplification of the original representation will not be considered by the Sub-Committee.
16. Any person behaving in a disruptive manner will be asked to leave the hearing. However, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

#### ORDER OF PROCEEDINGS AT THE REMOTE HEARING

##### **Chair's introduction and opening comments**

17. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant and Representors (or their

representatives), and establish the identity of all who will be taking part.

18. The Chair will outline the procedure to be followed.
19. The Chair will proceed with the order of business on the agenda.

### **Licensing Manager**

20. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application. The Chair will invite all present, one by one, to ask the Licensing Officer questions if they wish, to clarify any points raised in the report.

### **The Application**

21. The Applicant (and/or their representative) will address the Sub-Committee and present information in support of the application and may call any witnesses to support the application, one witness at a time [*maximum 15 minutes*].
22. The Chair will invite the Representors to ask questions of the Applicant in the following order [*maximum 5 minutes each party*]:
  - Police;
  - Other Responsible Authorities;
  - Ward Councillors;
  - Members of the Sub-Committee;
  - The Sub-Committee's legal adviser.

### **The Representations**

23. The Chair will invite the Representors and/or their representative in the following order to address the Members of the Sub-Committee and call any witnesses in support of their representation [*maximum 15 minutes each party*]:
  - Police
  - Other Responsible Authorities

- Ward Councillors
  - Public representation
24. The Chair will invite the Applicant to ask questions of each Representor and/or their witnesses after each presentation [maximum 5 minutes per Representor]. The Chair will invite the Committee Members to ask questions of each Representor (or their representative) and/or their witnesses after each presentation.
25. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.
- Summaries**
26. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
- Police
  - Other Responsible Authorities
  - Ward Councillors
  - Local residents
27. The Chair will invite the Applicant (or their representative) to summarise their case [*maximum 5 minutes*].
28. 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 on law and jurisdiction.

**Determination**

29. The Sub-Committee will withdraw to consider their decision with the Legal Adviser and the Democratic Services Officer in a separate private on line meeting. 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.

30. If the decision is made following the conclusion of the hearing, the Sub-Committee will return to the public online meeting to announce an outline of the decision to those present. This decision will then be communicated in full in writing, including reasons for the decision, to the Applicant and all Representors (whether in attendance or not) usually within 5 working days of the hearing. There can be no further questions or statements.
31. If the Sub-Committee does not 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 Democratic Services 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 5 working days of the decision being made.

The notification will include information about the rights of appeal against the determination made.

**Licensing Act 2003 Sub Committee****18 October 2021**

Report from the Director – Environment, Transport & Planning

**Section 35(3) (a) Application for variation of a premises licence for  
Co-op, 102 – 104 Hull Road, York, YO10 3LQ**

**Summary**

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 11715
3. Name of applicant: Co operative Group Food Limited
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises currently trades as a supermarket convenience store.  
The variation seeks the following:

- a) The extension of hours for the supply of alcohol from 07:00 to 00:00
- b) The addition of Late Night Refreshment from 23:00 to 00:00
- c) To remove conditions at Annex 2 of the current licence and replace with those stated below at paragraphs 9 to 13.

<b>Licensable Activity</b>	<b>Existing hours</b>	<b>Proposed hours</b>
Late night refreshment	Not licensed	2300 to 0000
Supply of Alcohol – off the premises	0700 to 2300	0700 to 0000
Opening hours	Not restricted	Not restricted

**Background**

6. A copy of the application can be found at **Annex 1**.

7. A copy of the current licence is attached at **Annex 2**. The licence was granted on 17 July 2006.

### **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 and proportionate.

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

#### **10.1. CCTV**

10.1.1 The premises shall maintain a CCTV system which gives coverage of all entry and exit points.

10.1.2. The system shall continually record whilst the premises are open and conducting licensable activities.

10.1.3. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded.

10.1.4. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

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

10.3. 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.

10.4. The Premises Licence Holder 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.

10.5 The premises shall be fitted with a burglar alarm system.

10.6. The premises shall 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 shall be maintained by the Premises Licence Holder, details of which shall be made available in store and upon request.

## **13. The Protection of Children from Harm**

### **13.1 Training**

13.1.2 All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol.

13.1.3 No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

13.2 An age till prompt system shall be utilised at the premises in respect of alcohol.

13.3. A refusals register (whether kept in written or electronic form) shall be maintained at the premises

## **Special Policy Consideration**

14. This premises is not located within the cumulative impact assessment area which was approved by full council on 21 March 2019.

## **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. There have been no representations made by any responsible authorities.

## **Summary of Representations made by Other Parties**

18. There has been 1 relevant representation received from other persons. The list of representors is attached at **Annex 3**.
19. The representation is predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder. They state that these objectives will be undermined if the application is granted.
20. A copy of the representation is 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**.
23. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Modify the conditions of the licence
25. Option 2: Reject the whole or part of the application.  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## Analysis

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

## Council Plan

29. 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.
30. 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

31.
  - **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**

32. 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.
33. 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**

34. That 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:**  
James Gilchrist  
Director Environment, Transport & Planning

**Report Approved**



27.09.2021

**Specialist Implications Officer(s)**  
Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected:** Hull Road



**For further information please contact the author of the report**

**Annexes:**

- Annex 1** - Application form
- Annex 2** - Copy of current licence
- Annex 3** - List of other persons - **CONFIDENTIAL**
- Annex 4** - Other persons representations
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation & Policy

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**York**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Telephone: 01904 552422

\* 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

Not Currently In Use

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

Your reference

CXSCOO251.593

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

Co-operative Group Food Limited

\* Family name

Co-operative Group Food Limited

\* E-mail

cheryl.scott@wardhadaway.com

Main telephone number

0330 137 3264

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

## Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes

No

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

Registration number

26715R

Business name

Co-operative Group Food Limited

If the applicant's business is registered, use its registered name.

VAT number

GB

403314604

Put "none" if the applicant is not registered for VAT.

Legal status

Public Limited Company

***Continued from previous page...***

Applicant's position in the business	Director	The country where the applicant's headquarters are.
Home country	United Kingdom	
<b>Registered Address</b>		Address registered with Companies House.
Building number or name	1	
Street	Angel Square	
District		
City or town	Manchester	
County or administrative area		
Postcode	M60 0AG	
Country	United Kingdom	

**Agent Details**

* First name	Cheryl	
* Family name	Scott	
* E-mail	cheryl.scott@wardhadaway.com	
Main telephone number	0330 137 3264	Include country code.
Other telephone number		

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent 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	OC430614	
Business name	Ward Hadaway LLP	If your business is registered, use its registered name.
VAT number	GB 176080853	Put "none" if you are not registered for VAT.
Legal status	Limited Liability Partnership	

*Continued from previous page...*

Your position in the business	Licensing Assistant	The country where the headquarters of your business is located.
Home country	United Kingdom	
<b>Agent Registered Address</b>		Address registered with Companies House.
Building number or name	Sandgate House	
Street	102 Quayside	
District		
City or town	Newcastle upon Tyne	
County or administrative area		
Postcode	NE1 3DX	
Country	United Kingdom	

## 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      CYC- 011715

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

Address     OS map reference     Description

### Postal Address Of Premises

Building number or name	Co-op
Street	102-104 Hull Road
District	
City or town	York
County or administrative area	
Postcode	YO10 3LQ
Country	United Kingdom

### Premises Contact Details

Telephone number	
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*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

180,000

## 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.

To vary the supply of alcohol for consumption off the premises from Monday-Sunday 07:00- 23:00 to Monday-Sunday 07:00-00:00, to apply for the provision of late night refreshment Monday to Sunday 23:00-00:00 and to remove all existing conditions at Annex 2 and replace with new updated conditions.

## 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

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.

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

*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.

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.

## 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.

NONE

## Section 15 of 18

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

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.

Start

End

##### TUESDAY

Start

End

Start

End

*Continued from previous page...*

**WEDNESDAY**

Start	00:00	End	00:00
Start	[ ]	End	[ ]

**THURSDAY**

Start	00:00	End	00:00
Start	[ ]	End	[ ]

**FRIDAY**

Start	00:00	End	00:00
Start	[ ]	End	[ ]

**SATURDAY**

Start	00:00	End	00:00
Start	[ ]	End	[ ]

**SUNDAY**

Start	00:00	End	00:00
Start	[ ]	End	[ ]

State any seasonal variations.

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

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.

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

All conditions in Annex 2

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 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 and proportionate.

- b) The prevention of crime and disorder

1. CCTV

- 1.1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points.
  - 1.2. The system shall continually record whilst the premises are open and conducting licensable activities.
  - 1.3. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded.
  - 1.4. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
2. There shall be "CCTV in Operation" signs prominently displayed at the premises.
  3. 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.
  4. The Premises Licence Holder 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.
  5. The premises shall be fitted with a burglar alarm system.
  6. The premises shall be fitted with a panic button system for staff to utilise in the case of an emergency.

- c) Public safety

The Premises Licence Holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

- d) The prevention of public nuisance

A complaints procedure shall be maintained by the Premises Licence Holder, details of which shall be made available in store and upon request.

*Continued from previous page...*

e) The protection of children from harm

1. Training

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

2. An age till prompt system shall be utilised at the premises in respect of alcohol.

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

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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](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 your 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 (£)

635.00

### 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	Ward Hadaway LLP		
* Capacity	Solicitors for Applicant		
* Date	27	/	08
	dd	mm	2021 yyyy

[Add another signatory](#)

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	CXSCOO251.593
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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## LICENSING ACT 2003

### PREMISES LICENCE

#### Schedule 12

#### Part A

Premises licence number CYC - 011715
---

#### Part 1 Premises details

Postal address of premises:

**Co-op  
102-104 Hull Road**

Post town: <b>York</b>	Post code: <b>YO10 3LQ</b>
------------------------	----------------------------

Telephone number: 01904 426342

**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:

##### SUPPLY OF ALCOHOL

Monday 07:00-23:00	Tuesday 07:00-23:00	Wednesday 07:00-23:00	Thursday 07:00-23:00
Friday 07:00-23:00	Saturday 07:00-23:00	Sunday 07:00-23:00	

**The Opening Hours of the Premises**

Monday to Sunday  
24 hours

**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 premises licence:**

Name: Co-operative Group Food Limited

Address: 1 Angel Square  
Manchester  
M60 0AG

Telephone number: None

Email address: None

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

26715

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Anna Maria Bialczak

Address: [REDACTED]  
[REDACTED]

Telephone number: None

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Hull City Council  
KUHPA2684

## **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.

## **Annex 2 – Conditions consistent with the operating schedule**

### **Licensing Objectives**

#### General

1. Staff will be appropriately qualified and trained.

#### Prevention of Crime & Disorder

2. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. The CCTV system will incorporate a recording facility and any recording will be retained and stored in a suitable manner for a reasonable period of time.
4. The precise position of the cameras may be agreed with the police from time to time.

#### Public Safety

5. A suitable fire risk assessment will be carried out implementing the necessary control measures including safe evacuation of disabled persons.
6. All exit doors are easily operable without the use of a key, card, code or similar means.
7. Exit doors will be regularly checked to ensure that they function satisfactorily. Records of such checks will be kept and produced on request.
8. Notices detailing the actions to be taken in the event of a fire or other emergency are prominently displayed and maintained in good condition.
9. All fire exits and means of escape are signed in accordance with the British Standard.

#### Protection of Children from Harm

10. All staff are trained to request evidence of age from any person seeking to buy alcohol and who appears to be under 18. Such evidence is to be of a photographic nature such as a passport or photographic driving licence or any identification card carrying the 'Pass' logo.
11. Signage advising staff and customers of ages for restricted products are displayed prominently in the store.

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

No hearing held

**Annex 4 – Approved Plan**

Plan Number                    Hull Road – 9138 P3F10MO/SN - 14/10/2020

For and on behalf of  
The Director of Economy & Place

Date: 17/07/2006  
02/03/2021 (DPS Variation)

Licensing Services  
Hazel Court Eco Depot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



## PREMISES LICENCE SUMMARY

### Part B

#### Part 1 Premises details

Premises licence number  
CYC - 011715

Postal address of premises:

**Co-op  
102-104 Hull Road**

Post town: York

Post code: **YO10 3LQ**

Telephone number: 01904 426342

#### Where the licence is time limited the 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:

##### SUPPLY OF ALCOHOL

Monday 07:00-23:00	Tuesday 07:00-23:00	Wednesday 07:00-23:00	Thursday 07:00-23:00
Friday 07:00-23:00	Saturday 07:00-23:00	Sunday 07:00-23:00	

**The Opening Hours of the Premises**

Monday to Sunday  
24 hours

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

Off the premises

**Name and (registered) address of holder of premises licence:**

Name: Co-operative Group Food Limited  
Address: 1 Angel Square  
Manchester  
M60 0AG

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

26715

**Name of designated premises supervisor where the premise licence authorises the supply of alcohol:**

Anna Maria Bialczak

**State whether access to the premises by children is restricted or prohibited**

All staff are trained to request evidence of age from any person seeking to buy alcohol and who appears to be under 18. Such evidence is to be of a photographic nature such as a passport or photographic driving licence or any identification card carrying the 'Pass' logo.

Signage advising staff and customers of ages for restricted products are displayed prominently in the store.

For and on behalf of  
The Director of Economy & Place

Date: 17/07/2006  
02/03/2021 (DPS Variation)

Licensing Services  
Hazel Court Eco Depot  
James Street  
York  
YO10 3DS

Phone: 01904 552422  
Fax: 01904 551590  
Email: [licensing@york.gov.uk](mailto:licensing@york.gov.uk)  
Website: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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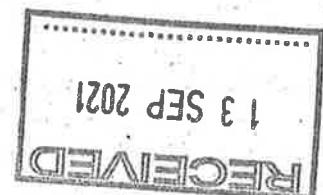
5 Crossways

York YO10 5JH



8 September 2021

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



Dear Licensing Panel,

**Application for the Variation of a premises licence - Co-Operative Foods Limited 102-104  
Hull Road, York YO10 3LQ**

On behalf of Hull Road Ward Liberal Democrats I would like to make the following comments regarding the application by the Coop to sell alcohol and hot food and drinks in the hours to midnight.

The Coop have put forward a revised set of conditions showing how they propose to meet the Council's licensing policy key objectives. There are two which are of specific concern to us where we do not believe that the Coop's proposals go far enough.

**Licensing Objective - Prevention of Crime and Disorder**

The Home Office have issued guidance about the selling of hot food and drinks after 11pm. It makes clear that there is a link between the sale of these 'late night refreshments' and 'alcohol fuelled crime and disorder'. To ensure that this doesn't become a problem on Hull Road we think the Coop need to do more.

**CCTV:** The Coop have proposed CCTV coverage of the entrance/exits to the store. We think this is not enough to ensure that they can manage any late night issues and that CCTV should also cover the areas outside the store where customers may gather.

**Proof of Age:** A 'Proof of Age' scheme to ensure that alcohol is not sold to underage drinkers is required by law. The Coop has not given details of the scheme they propose to use. This should happen before their application is considered.

### Licensing Objective - Prevention of Public Nuisance

As the area around the Coop is residential this is a very important issue. We don't think that the Co-op have given enough consideration to the impact that their proposals will have on local people.

Complaints Procedure: The Coop are proposing to have a complaints procedure. They haven't given any details of what this would be in their application. Hull Road Lib Dems strongly believe that to be effective any complaints procedure must be developed with the local community. This is the only way to make sure it addresses local concerns. It should be shared with local residents and NOT 'made available on request' as proposed by the Coop.

Signage: We also think that the Coop should be required to display signs to remind customers that they are in a residential area and they should respect local people when using the shop late at night.

Litter: The new 'late night refreshments' and extended hours for selling alcohol are also likely to lead to increased litter around the shop. We think that the Coop should provide extra bins and ensure that any litter is cleared up daily.

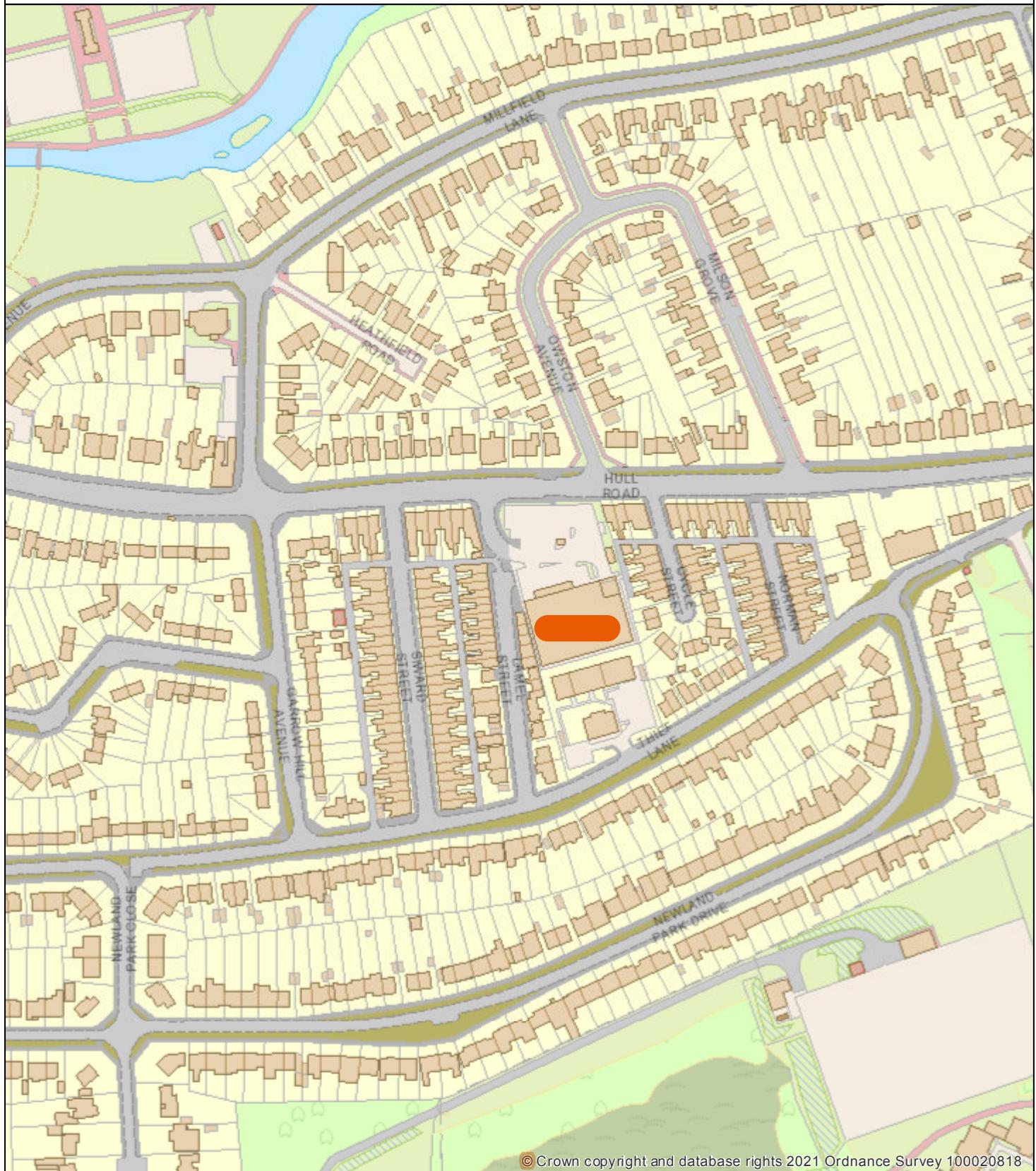
I would be grateful if you would consider the above points when making your decision. Also if the application is to go to a public meeting of the Licensing Panel please will you let me know so that I may attend and speak to these points.

Yours sincerely,

Andrew Mortimer

For Hull Road Lib Dem Focus Team

## Map of area



**Date:** 21 Sep 2021

**Author:** City of York Council

**Scale:** 1:2,500

0 0.05 0.1 0.15 0.2 0.25 Km



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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 holographic mark, or
  - an ultraviolet feature.

7. The responsible person must ensure that –

- 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 –
  - beer or cider: ½ pint;
  - gin, rum, vodka or whisky: 25ml or 35ml; and
  - still wine in a glass: 125ml;
- these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- 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**

- 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.
- For the purposes of the condition set out in paragraph 1 –
  - “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$
where –
    - P is the permitted price,
    - 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
    - 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;
  - “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
    - the holder of the premises licence,
    - the designated premises supervisor (if any) in respect of such a licence, or
    - the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - “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
  - “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
- 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.
- (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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## ANNEX 7

### **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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