

---

Meeting	Licensing/Gambling Hearing
Date	16 January 2025
Present	Councillors Baxter, Melly, and Nicholls
Officers in attendance	Helen Sefton – Senior Licensing Officer Jodi Ingram – Legal Advisor

---

**36. Chair (10:04am)**

Resolved: That Councillor Melly be elected to act as Chair of the hearing.

**37. Apologies for Absence (10:04am)**

There were no apologies for absence.

**38. Introductions (10:05am)**

Introductions were made.

**39. Declarations of Interest (10:06am)**

Members were invited to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda if they had not already done so in advance on the Register of Interests. None were declared.

**40. Exclusion of Press and Public (10:06am)**

Resolved: That the press and public be excluded from the meeting 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.

**41. Minutes (10:06am)**

Resolved: That the minutes from the Licensing Hearing held on 24 October 2024 be signed and approved as an accurate record.

**42. The Determination of an Application by Mr Klodian Dervishi for Determination of Application for Premises Licence [Section 18(3) (a) Licensing Act 2003] in respect of 14 Main Street, Heslington, York, YO10 5EA. (CYC-078890) (10:07am)**

Members considered an application by Klodian Dervishi for a determination of application for Premises Licence [Section 18(3) (a) Licensing Act 2003] in respect of 14 Main Street, Heslington, York, YO10 5EA. 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. 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 papers before it including the written representation received from a local resident on behalf of the Heslington Village Trust, and agreements made with North Yorkshire Police.
3. The Senior Licensing Officer's report and her comments at the Hearing.

The Senior Licensing Officer outlined the report and the annexes, noting that the opening hours of the premises and sale of alcohol hours applied for were from 08:00 – 20:00 hours from Monday to Saturday, and 10:00 – 16:00 hours on Sunday. The Senior Licensing Officer indicated that the report set out how the operating schedule submitted by the applicant would meet the licensing

objectives and that the premises was no located within the Cumulative Impact Area (CIA). Consultation had been carried out correctly, and the Senior Licensing Officer directed members to the conditions agreed with North Yorkshire Police within Annex 2, and the representation made by a local resident at Annex 4. She then advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representation at the hearing.

Klodian Dervishi (the Applicant) stated that the premises would primarily sell groceries as an individual business that could support the local community. He confirmed that he lived above the premises and that he therefore had a personal interest in not increasing the level of crime and disorder in the local area.

In response to questions from the Sub-Committee, Mr. Dervishi confirmed that:

- The size of the premises was 60 square metres and plans were ongoing to determine the layout of the shop.
- In regard to expected sales, alcohol was expected to make up 20-30%, tobacco products would make up around 20%, groceries would make up around 30-40%, and other non-food items would make up around 10%. Groceries would be the main driver of sales.
- Efforts would be made to avoid waste accumulating around the local area: A bin could be provided outside the shop to discourage littering.
- As he lived above the premises, he had a personal interest in not increasing the level of crime and disorder in the local area.

5. The representation of Nicholas Allen, a local resident on behalf of the Heslinton Village Trust, at the hearing.

Mr. Allen, on behalf of Heslington Village Trust, stated that Heslington was an attractive village within a conservation area. He noted how the character of Heslington changed between daytime when local residents, visitors, and university students frequent Main Street, and nighttime

when the banks close and university students leave the area. He noted that local pubs had applied to extend their opening hours multiple times in previous years and had not been successful following concerns raised by local residents and the village trust. He stated that if the premises stayed open until 20:00 then the university students would visit it later on and the calm that was experienced in the area after 17:00 hours would be affected.

In response to questions from the Sub-Committee, Mr. Allen confirmed that:

- The granting of the premises to open until 20:00 would encourage local pubs to apply again for an extension to their opening and sale of alcohol hours.
- The character of the area changed significantly in the evenings from the daytime and that was more prevalent since the banks had closed on Main Street which had improved the calm seen in the evenings.

Mr. Allen was then given the opportunity to sum-up and stated that if the licence was granted with opening hours of up to 20:00 hours the Applicant would experience issues in keeping customers quiet.

In response to concerns raised by Mr. Allen, the Senior Licensing Officer confirmed that if issues were experienced and raised following a licence being granted, then a Review could be considered to investigate breaches of the licence.

The Applicant was then given the opportunity to sum-up and he stated that 20:00 hours was very early and he would try his best in managing individuals. He noted that people drink alcohol inside pubs and therefore create anti-social behaviour that would not happen in his premises due to the nature of the premises. He highlighted that the premises would be part of the local community and that an increase in anti-social behaviour was not expected.

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(3) (a) 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. This option was rejected.

Option 2: Grant the licence with modified/additional conditions imposed by the Sub-Committee. This option was approved.

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

Option 4: Refuse to specify a person in the licence as a premises supervisor. This option was rejected.

Option 5: Reject the application. This option was rejected.

In approving Option 2, The Sub-Committee granted the licence with the additional conditions agreed with North Yorkshire Police set out at Annex 2 of the Senior Licensing Officer's report.

<b>Proposed Activity</b>	<b>Timings</b>
Supply of Alcohol – off the premises	08:00 – 20:00 Monday to Saturday 10:00 – 16:00 Sunday
Opening Hours	08:00 – 20:00 Monday to Saturday 10:00 – 16:00 Sunday

### Reasons

The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 (s182 Guidance) and the Council's own Statement of Licensing Policy.

The Sub-Committee noted the concerns that the representor put forward on behalf of the Heslington Village Trust in respect of the likely impact that the granting of the licence would have on the Crime and Disorder and Public Nuisance licensing objectives, particularly in the early evenings in a quiet village setting.

The Sub-Committee noted that the applicant had agreed additional conditions with the Police and on this basis the Police had withdrawn their representation. They had regard to the s182 Guidance which states that the Police will be the main source of advice on matters relating to crime and disorder and therefore they gave great weight to the fact that the police had withdrawn their representation.

The Sub-Committee were reassured by the applicant's presentation that the applicant had sufficient knowledge, understanding and experience to uphold and promote the licence objectives. The Sub-Committee were satisfied that the operating schedule proposed by the applicant is sufficient to promote the licensing objectives.

The Sub-Committee noted the closing times of 8pm Monday – Saturday and 4pm on Sundays and they were satisfied that the likely impact of the granting the licence would not undermine the Crime and Disorder and Public Nuisance licensing objectives in the evenings in the quiet village setting.

The Sub-committee were satisfied that the grant of the licence with the additional conditions agreed with the Police would not undermine the licensing objectives.

Cllr Melly, Chair

[The meeting started at 10.04 am and finished at 10.50 am].