



Notice of a public meeting of

Licensing/Gambling Hearing

- To:** Councillors Baxter, Melly, and Nicholls
- Date:** Thursday, 16 January 2025
- Time:** 10.00 am
- Venue:** West Offices - Station Rise, York YO1 6GA

AGENDA

1. **Chair**
To elect a Member to act as Chair of the meeting.
2. **Apologies for Absence**
To receive and note apologies for absence.
3. **Introductions**
4. **Declarations of Interest** (Pages 13 - 14)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

5. 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.

6. Minutes

(Pages 15 - 26)

To approve and sign the minutes of the Licensing Hearing held on 24 October 2024.

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

(Pages 27 - 76)

Democratic Services Officer:

Name: Reece Williams

Contact Details:

- Telephone – (01904) 55 4447
- Email - reece.wiliams@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.

Alternative formats

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We can also translate into the following languages:

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 (ہولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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**ANNEX 1 – GENERAL LICENSING SUB – COMMITTEE AND
TAXI LICENSING SUB COMMITTEE
PROCEDURE FOR LICENSING HEARINGS**

1. The procedure adopted at licensing hearings is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.
2. The Council's licensing hearings procedure is based on regulations made under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Sub-Committee Members have a duty to view all evidence presented before them impartially. No matter how strong local opinion may be, Sub-Committee Members can only make decisions in the context of the licensing objectives as set out in legislation as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
3. The licensing hearing will be in public session and this involves the publication of all paperwork relevant to the hearing on the Council's website. This includes letters of representation either in support or objection. Name and address details of those making representations will be made public. Telephone numbers, email addresses and signatures will be omitted. 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.
4. In view of the requirement to hold hearings within specified timescales (usually 20 working days from the last date for representations), the Council is unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Council will consider applications to hold hearings at a later date.
5. 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 live stream of the Hearing will be recorded and the recording placed on the Council's website.

Representations at Licensing Hearings

6. The Applicant is permitted to speak at the hearing. Ward Councillors, responsible Authorities and Representors are only permitted to speak if they have made written submissions during the consultation period. 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.
7. 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.
8. 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.
9. The Sub-Committee may take into account any documentary evidence or other information in support of the application or representations either before the hearing or, with the consent of all other parties, at the hearing. For remote meetings the procedure set out in paragraphs 14 to 18 below will be followed.
10. 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 the Applicant and Members.
11. 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. The Applicant and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

12. 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.
13. 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.

Procedure prior to the Hearing - remote and hybrid meetings

14. Where the meeting is held remotely or in hybrid form the Sub-Committee will use a 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 using a secure video-conferencing platform. This video-conferencing platform will also be used for decision making in private.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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.

Procedure prior to the Hearing – Physical Meetings

20. The Members sitting on the Sub-Committee will have a briefing prior to the hearing, usually in the meeting room where the hearing is to take place. They will only be accompanied by the Democratic Services Officer and the Council's Legal Advisor. During the briefing, attention will only be drawn to the nature of the application and the premises or person to which it relates and any procedural matters.
21. 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 called into the meeting room. Please arrive 15 minutes before the advertised start time.

Procedure at the Hearing

22. The Chair introduces the Sub-Committee Members and Officers and welcomes the Applicant and Representors (or their representatives), and establishes the identity of all who will be taking part.

23. The Chair will outline the procedure to be followed.

24. The Chair will proceed with the order of business on the agenda.

Licensing Officer

25. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.

26. The Chair will invite all parties (who have registered to speak) and/or their representative to ask questions of the Licensing Officer [maximum 5 minutes each party] in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

The Application

27. The Chair will invite the Applicant and/or their representative to address the Sub-Committee, present information in support of the application and call any witnesses to support their application, one witness at a time [*maximum 15 minutes*].

28. The Chair will invite the Representors (who have registered to speak) and/or their representative to ask questions of the Applicant and/or their representative in the following order [*maximum 5 minutes each party*]

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Sub-Committee Members [each in turn]

29. The Applicant and each of their witnesses may be questioned by:

- Members of the Sub-Committee;
- The Sub-Committee's legal adviser.

The Representations

30. The Chair will invite the Representors (who have registered to speak) and/or their representatives to address the Sub-Committee, present information and call any witnesses in support of their representation *[maximum 15 minutes each party]* in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]

31. After each presentation the Chair will invite questions from the Applicant and Representors (who have registered to speak) *[maximum 5 minutes per party]* in the following order:

- Applicant
- Police
- Other Responsible Authority [each in turn]
- Ward Councillors [each in turn]
- Interested Parties [each in turn]
- Sub-Committee Members [each in turn]

32. Where there are groups of individuals with a common interest, for example local residents, presentation through an appointed spokesperson is preferred but not mandated.

Cross-examination

33. Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

Summaries

34. The Chair will invite the Applicant and Representors (who have registered to speak) or their representative to summarise their case [*maximum 5 minutes each party*] in the following order:

- (i) Police
- (ii) Other Responsible Authorities [each in turn]
- (iii) Ward Councillors [each in turn]
- (iv) Interested Parties [each in turn]
- (v) Applicant

35. The Chair will provide the Sub-Committee members 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.

36. The Sub-Committee's legal adviser may seek points of clarification from the Applicant, Representors or their representative.

Determination

37. 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 the Sub-Committee will consider the evidence. Where the meeting is being held remotely or in hybrid form the Sub-Committee will withdraw to consider their decision in a separate private on line meeting.

38. The Legal Adviser and Democratic Services Officer will remain present during the decision making process. 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.

39. Unless expressly stated by the Sub-Committee in the hearing, the Sub-Committee will not invite the parties back into the committee room or return to the public online meeting to announce their decision. The Sub-Committee will provide an outline of their decision in writing to the Applicant and Representors on the day of the hearing concluding,

unless further time is required to deliberate. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

40. In the event that the Sub-Committee do return to the public online meeting to announce their decision, the Sub-Committee will only announce an outline of their decision. There can be no further questions or statements from any party. The decision will then be communicated in full, in writing, including the reasons for the Sub-Committee's decision, to the Applicant and Representors, usually within 5 working days of the hearing concluding. The full decision letter will include information about the rights of appeal against the determination made.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Licensing/Gambling Hearing
Date	24 October 2024
Present	Councillors Hook, Knight, and Nicholls
Officers in attendance	Helen Sefton – Senior Licensing Officer Jodi Ingram – Legal Advisor

30. Chair (3:17pm)

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

31. Introductions (3:17pm)

Introductions were made.

32. Declarations of Interest (3:17pm)

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.

33. Exclusion of Press and Public (3:18pm)

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.

34. Minutes (3:18pm)

Resolved: That the minutes from the Licensing Hearings held on 8 August, 5 September, and 30 September 2024 be signed and approved as an accurate record.

35. The Determination of an Application by Snazzy Brew Ltd for Determination of application for Premises Licence [Section 18(3) (a)] in respect of Snazzy Brew, 1A High Petergate, York, YO1 7EN. (CYC-078416) (3:19pm)

Members considered an application by Snazzy Brew Ltd for determination of application for Premises Licence [Section 18(3) (a)] in respect of Snazzy Brew, 1A High Petergate, York, YO1 7EN. 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. Public Safety.
3. Prevention of Public Nuisance.
4. The protection of children from harm.

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 and additional information submitted by North Yorkshire Police.
3. The Senior Licensing Officer's report and her comments at the Hearing.

The Senior Licencing Officer outlined the report and the annexes, noting that the opening hours of the premises were from 0830 and 2300 hours each day, and the application requested alcohol sales from 1100 to 2300 hours. She explained that the plan of the premises was detailed in annex 1, and provided a larger printout of this to those in attendance at the hearing.

The Senior Licencing Officer outlined that the application was for a licence covering both the ground floor, and basement of the premises, and it was noted that the premises was not located within the Cumulative Impact Area (CIA).

The Senior Licencing Officer noted that there was one representation from a Responsible Authority, North Yorkshire Police, as set out in Annex 3 and the additional information submitted by them within the agenda supplement, and noted that there were no other representations. She then advised the sub-committee of the options open to them in determining the application.

4. The Applicant's representation at the hearing.

Gevish Kheddo (the Applicant) stated that they wanted to be able to sell drinks following inspiration of takeaway alcohol drinks from other local premises, it was expected that a high proportion of customers would be tourists, and that hard liquor would not be sold. The premises would operate as a café, not a pub or nightclub. The applicant stated that there were not many incidents which would involve the use of alcohol and that selling alcohol for takeaway would not put the public in danger.

In response to questions from the representor, Mr. Kheddo stated that:

- The notice as seen on page 3 of the agenda supplement had been taken down and that the business was remaining at the premises as stated in the application.
- In the application on page 52 of the agenda, the paragraph which reads "I am carrying on or proposing to carry on as a business which involves the use of the premises for licensable activities, or" should have been ticked.

In response to questions from members, Mr. Kheddo confirmed that:

- The plan was for alcoholic drinks in disposable containers to be taken away from the premises.
- The premises was mainly used as a café of which the majority of sales were hot drinks and cakes.
- The basement of the premises would be licenced, but there were no plans to use this floor or open it up to customers.

- There was an error in the wording of their application, and that the premises did not yet sell alcohol.
 - The administrative workload of managing frequent training sessions and record-keeping was understandable and achievable for the premises.
 - There was no plan for the premises to sell alcoholic spirits.
5. The representation of PS Booth from the Responsible Authority, North Yorkshire Police, at the hearing.

PS Booth stated that North Yorkshire Police had attempted mediation with the Applicant prior to the hearing and were unable to reach an agreement on conditions. North Yorkshire Police had accounted for crime and disorder in the premises' area in relation to street drinking and anti-social behaviour, and it was claimed that allowing customers to leave the premises with potential glass containers would have increased the risk of disorder. PS Booth noted that the Police were viewed as the Sub-Committee's main source on matters relating to crime and disorder.

PC Hollis spoke as a witness to PS Booth's representation and commented that North Yorkshire Police's proposed conditions on the premises were relatively light compared to those of other city centre premises as seasonal drinks would have been permitted, and they had not asked for alcohol to be sold only when ancillary to food. These proposed conditions would have been stronger if the premises was located within the CIA. It was also noted that there was also no demonstration within the application for how the Applicant would manage the sale of off sales, and that restrictions were necessary.

In response to questions from the Applicant, PS Booth and PC Hollis confirmed that:

- City of York Council's Statement of Licensing Policy demonstrated the CIA, and that although the premises was not inside this area, off sales could lead to increased drinking within it and therefore conditions were required to mitigate the risks of increased crime and disorder. Within the agenda supplement, evidence had been provided showing incident reports highlighting the need to mitigate these increased risks.
- Two of the four licensing objectives had already been experienced within the premises' area, and the proposed conditions were to protect the Applicant's premises as well as the public.

In response to questions from the Sub-Committee, PS Booth and PC Hollis confirmed that:

- Conditions could be added to condition which drinks could be sold at the premises.
- Conditions could be added to allow the sale of some drinks seasonally.
- It was easier to stipulate within the licence what drinks were not permitted, rather than which drinks were, and what containers could be used.
- Conditions were proposed to mitigate the issue of open containers being drunk on the street.
- North Yorkshire Police held a reservation about the proposed time allowance of 2300 hours for the sale of drinks in open containers.
- A Sainsbury's shop was located nearby to the premises.

PS Booth from the Responsible Authority, North Yorkshire Police was then given the opportunity to sum-up and stated that North Yorkshire Police did not object to licensable activities at the premises, but wanted to mitigate the risk of crime and disorder increasing, and wanted enforceable conditions so that the local community were not affected by the licence. It was stated that information heard during the hearing had helped

their concerns, but that they still held concerns regarding the sale of drinks in open containers up to 2300 hours.

The Applicant was then given the opportunity to sum-up and refused.

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 modified/additional conditions imposed by the Sub-Committee (Option 2) as set out below:

Activity	Timings
Supply of Alcohol – on & off the premises	11:00 to 22:30 everyday
Opening Hours	08:30 to 23:00 everyday

1. A digital colour CCTV will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol.

It will be maintained, working and recording at all times when the premises are open.

The recordings should be of good evidential quality to be produced in Court or other such hearing.

Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.

Copies of the recordings shall be made available to any Responsible Authority with 48 hrs upon request. Subject to Data Protection requirements.

Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the police or responsible authority. Subject to Data Protection requirements.

2. Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the: -
 - Retail sale of alcohol
 - Age verification policy
 - Conditions attached to the Premises Licence
 - Permitted Licensable Activities

- The Licensing Objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority.

This training shall be refreshed every 12 months as a minimum.

3. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. (For the avoidance of doubt, the one – year period relates to each respective entry in the logbook and runs from the date of the particular entry): They will be made available immediately upon a reasonable request from any responsible authority.

4. The venue shall operate wholly as a café style operation. For the purpose of clarity, a 'café style' would be defined as a small restaurant serving light refreshments and meals. Foods and light refreshment shall be available at all times the premises is open and operating for licensable activities.
5. It is the responsibility of the Designated Premises Supervisor/Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday and any days where race meetings are held at York Racecourse.

When employed, a register of those door supervisors employed shall be maintained at the premises and shall include:

- a) The number of door staff on duty;
- b) The SIA badge number and name of each member of door staff;

- c) The times the door staff are on duty;
 - d) Any incidents.
-
6. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' times.
 7. Clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
 8. The licence holder will operate a Challenge 25 Age Verification Policy at the premises.
 9. The only acceptable proof of age identification shall be a current Passport, photo card Driving Licence, Military ID card, or identification carrying the PASS logo (until other effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).
 10. Save for condition 14 alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
 11. Save for condition 14 no drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.
 12. The outside area will be regularly cleared and kept tidy.
 13. Save for condition 14 all off sales of alcohol shall be in sealed containers.
 14. From the 1 November to 6 January (inclusive) mulled wine can be purchased and taken out of the premises in an open non-glass and non-ceramic container between the hours of 11:00 to 19:00. 'Mulled Wine' for the purposes of this condition means warm red wine with spices added.

Reasons

The Sub-Committee carefully reviewed all the information presented by the applicant and North Yorkshire Police in light of the licensing objectives and decided to approve Option 2, to grant the licence with modified/additional conditions imposed by the sub-committee, for the following reasons:

15. The Sub-Committee must promote the licensing objectives and must have regard to the Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
16. The Sub-committee noted the applicant's representation that they are not a pub or a night club and that they do not intend to serve hard liquor. It was noted that the reason they wish to serve off-sale alcohol in open containers is that they wish to serve drinks and mulled wine for 'takeaway' and that the Christmas Markets and other premises such as those in The Shambles do this. The Sub-Committee noted the applicant's representation that of the recorded incidents there are not many incidents which involve the use of alcohol and that alcohol for takeaway won't put the public in danger. It was also noted that the applicants stated that they would not be serving drinks in glasses.
17. The Sub-Committee had regard to the representation by North Yorkshire Police (the Police). They considered the representations regarding the issues with street drinking and crime and disorder in the area of the premises and noted the location of the premises in the city centre and its close proximity to the Cumulative Impact Area. The Sub-Committee acknowledged that the Police stated that they are not opposed to the granting of the licence or provision of 'takeaway' seasonal alcoholic drinks providing suitable conditions are imposed to uphold the licensing objectives. The Sub-Committee had regard to the Guidance issued under s182 of the Licensing Act 2003 and acknowledged that the police are their main source of advice on crime and disorder, they also had regard to paragraph 7.7 of the Statement of Licensing Policy and therefore gave the representation by the police considerable weight.

18. The Sub-Committee were persuaded that off sales in a glass open container late into the evening would be likely to have a detrimental impact on the area and that this would undermine the licensing objective of Crime and Disorder on the basis that the premises is in a city centre location and having regard to the issues with street drinking and antisocial behaviour in the area. The Sub-Committee were satisfied that the imposition of a condition regarding the sale of mulled wine for 'takeaway' would not undermine the licensing objectives. The Sub-Committee considered the conditions proposed by the Police to be appropriate, proportionate, to accord with the Statement of Licensing Policy and to promote the licensing objectives.
19. The Sub-Committee were satisfied that the imposition of the conditions is appropriate and proportionate to promote the licensing objectives particularly the prevention of Crime and Disorder.

Cllr Nicholls, Chair

[The meeting started at 3.17 pm and finished at 4.53 pm].

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Licensing Act 2003 Sub Committee

16 January 2025

Report from the Director – Environment, Transport and Planning

Section 18(3) (a) Application for a premises licence for 14 Main Street, Heslington, York, YO10 5EA

Summary

1. This report seeks Members determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC - 078890
3. Name of applicant: Mr Klodian Dervishi
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities at a local convenience store.

Proposed Activity	Timings
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

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises.
7. The premises is described in the application as a convenience store with off licence alcohol sales.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

9. General

9.1 Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises

10. The Prevention of Crime and Disorder

10.1 Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.

10.2 All staff engaged in licensable activity will receive training in relation to the following:

- The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- The hours and activities permitted by the premises licence and those conditions attached to the licence.
- How to complete and maintain the refusals register
- Recognising the signs of drunkenness
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to making a proxy purchase
- Action to be taken in the event of an emergency, including the reporting of the event to the emergency services.

Training will be recorded and documented and regularly refreshed at no greater than every 12 months. Training records shall be made available for inspection and copying at any reasonable time to an authorised officer of a responsible authority. Records will be retained for at least 12 months.

10.3 An incident log shall be kept and maintained at the premises and will include the following:

- Any incidents of disorder or of a violent or antisocial nature
- All crimes reported to the venue, or by the venue to the police
- All ejections of patrons
- Any complaints received
- Seizures of drugs or offensive weapons
- Any faults in the CCTV
- Any visits by a responsible authority or emergency services

Records must be completed within 24 hours of any incident and contain the time and date, nature of incident, people involved action taken and details of person responsible for the management of the premises at the time. The log shall be kept for at least 12 months and made available for inspection and copying upon request by an authorised officer.

11. Public Safety

11.1 The maximum number of persons (including staff) allowed at the premises shall not exceed 10.

12. The Prevention of Public Nuisance

12.1 A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for residents to contact in case of noise nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date, and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

12.2 No deliveries (in relation to licensable activities) to the premises shall take place between 23:00 and 07:00.

12.3 During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area immediately outside the premises.

12.4 No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00.

13. The Protection of Children from Harm

13.1 All staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol and then at least every 12 months. Training must be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request.

The documentation should extend back at least 12 months and will specify time, date, and details of the persons both providing and receiving the training.

13.2 There will be in place a written age verification policy in relation to the sale of supply of alcohol, which will specify a challenge 25 proof of age requirement. The only acceptable identification will be:

- Photo driving licence
- Passport
- Identification card carrying the PASS logo/hologram

Unless such identification is produced the sale must be refused.

13.3 The premises shall display prominent signage at all points of sale stating challenge 25 is in operation.

13.4 An alcohol sales refusals register shall be kept and be maintained; it will include details of all refusals and the following:

- Date and time
- Reason for refusal
- Details of person refusing sale
- Description of customer
- Any other relevant observational

13.5 The refusals register will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises. All entries must be made within 24 hours of the refusal.

Special Policy Consideration

14. This premises is not located within the cumulative impact area.

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. North Yorkshire Police made representation on the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule with an amendment and addition to the proposed conditions to be added to the licence if granted. The agreed conditions can be found at Annex 2. Therefore, North Yorkshire Police have withdrawn their representation.

Summary of Representations made by Other Parties

18. There has been one relevant representation received from other persons. The list of representors is attached at Annex 3.
19. The representations are predominantly based on the grounds of the prevention of crime and disorder and the prevention of public nuisance objectives. 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 (if they apply) can be found at Annex 6. The Legislation and Policy considerations can be found at Annex 7.

Options

23. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Grant the licence in the terms applied for.
25. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
26. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
27. Option 4: Refuse to specify a person on the licence as premises supervisor.
28. Option 5: Reject the application.

Analysis

29. The following could be the result of any decision made this Sub Committee:-
30. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
31. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
32. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 4: This decision could be appealed at Magistrates Court by the applicant.
34. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

35. 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.

36. 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 commitments to make York a healthier, fairer, more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations. It supports the particular priority for a fair, thriving, green economy for all.

Implications

37.

- **Financial** - N/A
- **Human Resources (HR)** – N/A

Equalities – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions) when setting its Statement of Licensing Policy.

- **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

38. 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.
39. 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

40. 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

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

Tel No. 01904 551515

**Report
Approved**



Date 6 January 2025

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

Wards Affected: Fulford & Heslington



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application Form and Plan
- Annex 2** - Agreements made with North Yorkshire Police
- Annex 3** - List of Representors (CONFIDENTIAL)
- Annex 4** - Representation
- Annex 5** - Map
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy

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CYC 018890

Application for a premises licence to be granted under the Licensing Act 2003**Please read the following instructions first**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mr Klodian Dervishi

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 14 Main Street			
Post town	York	Postcode	YO10 5EA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 12500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative



(A) individual applicants (fill in as applicable)

Title	Mr		
Surname	Dervishi		
First names	Klodian		
Date of birth	I am 18 year old or over		<input checked="" type="checkbox"/>
Nationality	British		
Current residential address if different from premises address	74 Haxby Road		
Post town	York	Postcode	YO31 8JU
Daytime contact telephone number			
E-mail address (optional)			

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

The premises is a convenience store with intended off-premises alcohol sales.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provision of late night refreshment (if ticking yes, fill in box I)	
Supply of alcohol (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details here</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Mon				
Tue			<u>Please give further details here</u> (please read guidance note 4)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption</u> – please tick (please read guidance note 8)	Off-Premises
Day	Start	Finish		
Mon	08:00-20:00		<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) No seasonal variations.	
Tue	08:00-20:00			
Wed	08:00-20:00			
Thur	08:00-20:00			
Fri	08:00-20:00		<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) No non-standard timings.	
Sat	08:00-20:00			
Sun	10:00-16:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Mr Klodian Dervishi
Date of birth	
Address	
Postcode	
Personal licence number (if known)	CYC-058799
Issuing licensing authority (if known)	City of York Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

No adult entertainment or services will be offered, ensuring the premises are appropriate for children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) No seasonal variations.
Day	Start	Finish	
Mon	08:00-20:00		<u>Non standard timings. Where you intend to use the Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</u> No non-standard or odd timings.
Tue	08:00-20:00		
Wed	08:00-20:00		
Thur	08:00-20:00		
Fri	08:00-20:00		
Sat	08:00-20:00		
Sun	10:00-16:00		

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

G01: Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

b) The prevention of crime and disorder

CD1: All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.

CD2: An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or antisocial nature;
- ii. All crimes reported to the venue, or by the venue to the police;
- iii. All ejections of patrons;
- iv. Any complaints received;
- v. Seizures of drugs or offensive weapons;
- vi. Any faults in the CCTV system;
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

CD3: The premises shall install, operate, and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police. All public areas of the licensed premises including entry and exit points will be covered. The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All equipment must have a constant and accurate time and date generation. All recordings will be stored for a minimum period of 31 days with date and time stamping. Recordings will be made available immediately upon the request of an authorised officer of a responsible authority throughout the entire 31 day period. The CCTV system will be capable of downloading images to a recognisable viewable format. The CCTV system will capture a minimum of 4 frames per second. The CCTV system will be fitted with security functions to prevent recordings being tampered with, i.e., be password protected.

CD4: In the event that an incident occurs for which the police have been called, the crime scene shall be preserved to enable police to carry out a full forensic investigation.

c) Public safety

PS1: The maximum number of persons (including staff) allowed at the premises shall not exceed 10.

d) The prevention of public nuisance

PN1: A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

PN2: No deliveries (in relation to licensable activities) to the premises shall take place between 23:00 hours and 07:00 hours.

PN3 During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area immediately outside the premises.

PN4: No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 07:00 hours on the following day.

e) The protection of children from harm

CH1: All staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol and then at least every 12 months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of at least 12 months and should specify the time, date and details of the persons both providing the training and receiving the training.

CH2: There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport

- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

CH3: The premises shall display prominent signage indicating at any point of sale that a Challenge 25 scheme is in operation.

CH4: An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	21/11/2024
Capacity	Applicant

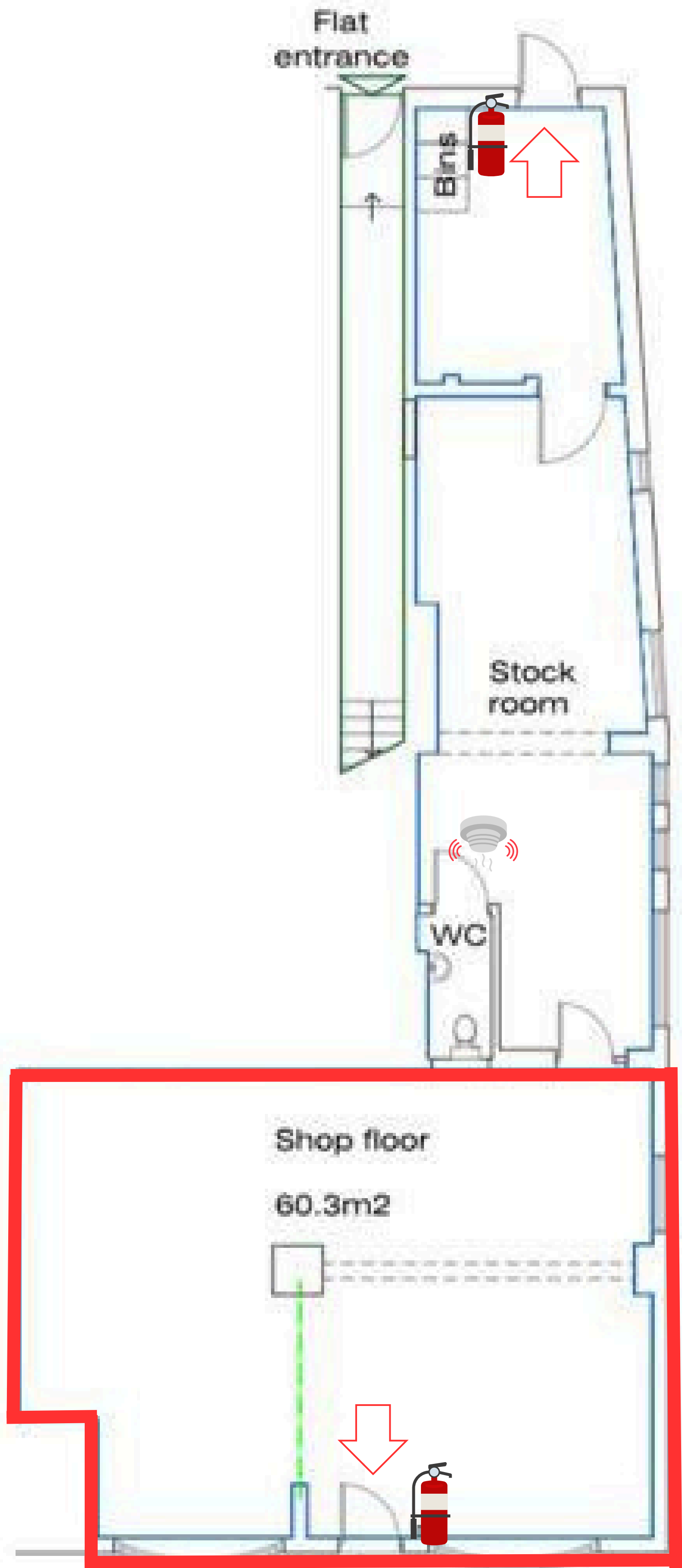
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**





Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. 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.
2. 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:



-  Fire alarm
-  Supply of alcohol
-  Fire extinguisher
-  Fire escape

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Agreements made with North Yorkshire Police

1. Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers.
2. There shall be no external advertising of alcohol products in the shop window.

PC 1520 Sam Bolland
Police Licensing Officer Selby & Outer York
Police Licensing Unit

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Sent: Sunday, December 22, 2024 12:45 PM

To: licensing@york.gov.uk

Cc:

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ANNEX 4

Subject: 14 Main Street, Heslington, York

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

I write on behalf of The Heslington Village Trust to object to the application by the owner of 14 Main Street for a license to sell alcohol in his new convenience store. Residents in this part of Main Street already suffer from antisocial behaviour resulting from the pub, The Charles XII, nearby. Customers often hang around in the street making a lot of noise particularly as they leave the pub, either after closing time, or earlier before going out for an evening 'on the town' often leaving bottles, tins and other litter. This convenience store selling [probably cheaper] tins and bottles of alcohol just a few meters from the pub will only exacerbate the problem.

The Outgang, Heslington
York YO10 5EW

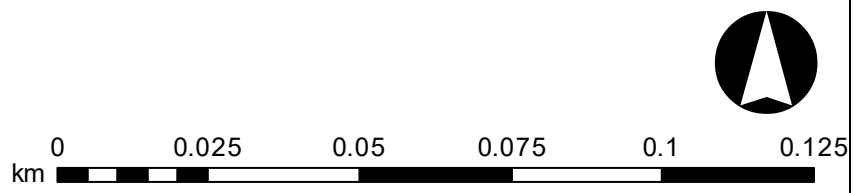
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Annex 5 - Map of area



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Date: 02 Jan 2025
Author: City of York Council
Scale: 1:1,250



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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).

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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