
MEETING	LICENSING HEARING
DATE	1 NOVEMBER 2010
PRESENT	COUNCILLORS MERRETT, MOORE AND WISEMAN

50. CHAIR

RESOLVED: That Councillor Merrett be elected as Chair of the meeting.

51. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests in the business on the agenda.

Councillor Merrett declared a personal interest as he uses Sainsbury's stores and knows the representor Mr. Wools through Planning and Transport matters.

52. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 1st September 2010 be signed by the Chair as a correct record.

53. THE DETERMINATION OF AN APPLICATION BY SAINSBURY'S SUPERMARKET LTD TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF SAINSBURY'S, 31 BOOTHAM, YORK, YO30 7BT. (CYC-016601)

Members considered an application by Sainsbury's Supermarkets Ltd for the variation of a premises licence in respect of Sainsbury's, 31 Bootham, York.

In coming to their decision the sub-committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the issues raised and the licensing objectives. The following were taken into account:

1. The application form.

2. The Licensing Officer's report and her comments made at the hearing including that Sainsbury's had operated a store on Bootham for many years and had recently relocated to number 31. The variation application had been made for late night refreshment between 23:00 and 00:00 and the supply of alcohol. There had been no representations from any of the responsible authorities. The Officer advised that the store is located in an area with a high concentration of licensed premises, many of which are open until midnight or 01:00. The application had been advertised correctly.
3. The applicants representations at the hearing including the fact that the application was in order to bring the licensable activities in line with the store trading hours as currently staff had to shut the alcohol section at 23:00, an hour before the store closes. You advised that staff are trained in alcohol retailing and no problems had been reported in relation to this store. Management had already looked into joining an early warning scheme for retailers and staff would be happy to talk to any residents that had concerns.
4. The representations made by local residents in writing. The representations were considered relevant, as they had raised concerns relating to the potential for an increase in public nuisance in the area, should the application be approved.

Members were presented with the following options:

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| Option 1 | Grant the variations of the licence in the terms applied for. |
| Option 2 | Grant the variations of the licence with modified/additional conditions. |
| Option 3 | Grant the variations of the licence to which the application relates and modify/add conditions. |
| Option 4 | Reject the application. |

Members chose Option 2 and in coming to their decision the Sub-Committee added the following conditions:

1. All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 21. The only acceptable proof of age shall bear a photograph, date of birth and a holographic mark.
2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain; details of the time and date the refusal was made, the name of the staff member refusing the sale; description of the person who attempted purchase; details of the alcohol the person attempted to purchase. The register will be available for inspection by responsible authorities on request.

3. The store will participate in any city centre retailer's early warning scheme.
4. Staff shall undertake a litter sweep of the immediate vicinity of the premises at the end of the licensing period on each and every day.

Mandatory condition 19 shall continue to apply.

Informative – The Sub-Committee encourages the applicant to ensure all security staff are SIA registered.

RESOLVED: That in line with Option 2 the variation to the licence be granted.

REASON: To address the representations received.

Councillor Merrett, Chair

[The meeting started at 10.00 am and finished at 11.00 am].