
MEETING	LICENSING HEARING
DATE	3 JUNE 2013
PRESENT	COUNCILLORS GILLIES, MCILVEEN AND RICHARDSON

1. CHAIR

Resolved: That Councillor Gillies be elected as Chair of the meeting.

2. INTRODUCTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may in the business on the agenda. None were declared.

4. THE DETERMINATION OF AN APPLICATION BY SAINSBURYS SUPERMARKETS LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF SAINSBURYS, UNITS 1,2 & 3 QUEENS HOUSE, MICKLEGATE, YORK. (CYC-021863)

Members considered an application for a Premises Licence in respect of Sainsburys, Unit 1,2 & 3 Queens House, Micklegate, York.

In coming to their decision, Members 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 Managers report and her comments made at the hearing. She advised that the premises are located in the Council's special policy zone. She confirmed that consultation had been carried out correctly and that there

were no planning restrictions associated with this premises.

3. The applicants representations made at the hearing. Members were advised that Sainsbury's is a responsible operator with dedicated Compliance and Licensing Managers. There had been no objections to the application from local residents or other responsible authorities. It was stated that the main concern of North Yorkshire Police is the location of the premises in the Cumulative Impact Zone (CIZ), but it was questioned if convenience stores are covered by the special policy. The hours applied for were not usual for a Sainsbury's Local and had been chosen to reflect the location within the special policy area.
4. Representations made at the hearing by North Yorkshire Police. Their Legal Representative advised that whether the premises are covered by the CIZ or not, the Police have genuine concerns relating to the hours of the store overlapping with other licensed premises in the area and the associated impact. The Police Sergeant responsible for York City Centre also spoke to outline the problems faced by the Police in the Micklegate area, in particular on Saturday afternoons and evenings when the area is popular with groups visiting the city.

The Sub-Committee were presented with the following options:

- Option 1 Grant the Licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions imposed by the licensing committee.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
- Option 4 Reject the application

Members chose **Option 2** and granted the licence with the following conditions as agreed with North Yorkshire Police attached to the licence:

1. A CCTV system shall be installed and fully operational whilst the premises are open to the public. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. The system will be regularly maintained and serviced on a minimum of 12 monthly basis. The system clock will be checked regularly for accuracy taking into account of GMT and BST. CCTV footage will be retained for 31 days.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
4. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
5. The system will display, on any recording, the correct time and date of the recording.
6. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
7. There shall be no sales of single cans of beer, lager or cider from the premises and no sales of single bottles of beer, lager or cider in vessels of less than 500ml.
8. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.
9. There shall be no self-scan tills.
10. There shall be no external advertising of alcohol products in the shop window.

11. There shall be no free standing stacks of alcohol on display.
13. At least one personal licence holder will be available (this does not necessarily mean present on the premises) at all times that alcohol is on sale.
14. There will be no display of alcohol within 5 metres of the store entrance.
15. Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
16. An incident log will be kept at the premises and made available on request to an authorised officer of the City Council or the police which will record the following:
 - All crimes reported at the venue
 - Any complaints received regarding crime and disorder.
 - Any incidents of disorder.
 - Any faults in the CCTV system.
 - Any refusal of the sale of alcohol.
 - Any visit by a relevant authority or emergency service.
17. There will be a minimum of two members of staff present at the premises at all times that alcohol is on sale.
18. There will be security staff on duty after 5.00p.m. on Fridays and after 2pm on Saturdays during times that alcohol is on sale.
19. The applicant will join the radio shopwatch scheme organised by the Licensing Authority or the police, details of which have been supplied to the licence holder.
20. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on display and at the point of sale.

21. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth, and the Proof of Age Standards scheme (or similarly accredited scheme) hologram.

22. Signage informing customers of the age verification policy shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and at the entrance to the premises.

23. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member
- Refreshment/reinforcement training at intervals of no more than 6 months.
- Training records will be available for inspection by a police officer on request.

24. 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
- Details of the alcohol the person attempted to purchase.
- The register will be made available for inspection by a police officer on request.

25. Spirits shall not be sold in bottles 35ml or under.

All relevant mandatory shall apply.

Reason for the Decision

The Sub-Committee considered carefully the application for the premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy. The Sub-Committee also had regard to the representations submitted both in writing and heard at the hearing. The Sub-Committee considered that, on the basis of the evidence presented to it, the conditions imposed would enable the licensing objectives to be met and would prevent an adverse impact on the Cumulative Impact Zone.

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor Gillies, Chair

[The meeting started at 10.30 am and finished at 12.10 pm].