

Meeting	Licensing Hearing
Date	3 August 2015
Present	Councillors Douglas, Hayes and Mercer

9. Chair

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

10. Introductions

11. Declarations of Interest

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

12. Minutes

Resolved: That the minutes of the licensing hearing held on 24th June 2015 be approved and signed by the Chair as a correct record.

13. The Determination of an Application by BP Oil UK Ltd for a Premises Licence Section 18(3)(a) in respect of Jorvik SF Connect, 128 Lawrence Street, York, YO10 3EB (CYC-053433)

Members considered an application by BP Oil UK Limited in respect of 128 Lawrence Street, 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 application was to allow for the provision of late night refreshment from 23:00 hours to 05:00 hours and for the sale of alcohol off the premises 24 hours a day. There was a licence for the original store on this site for the same hour but following a change of operator a new licence was being sought. No responsible authorities had objected to the application. A number of representations had been made by local residents. Consultation had been carried out correctly.
3. The representations made on behalf of the applicant by their Solicitor. The application was for similar licensable activities and timings as permitted under the licence granted to the previous operator. He advised that the premises would be a BP petrol station and Marks and Spencer convenience store and the level of staffing, CCTV and company policies would be greatly improved in comparison to what was at the site previously.
4. The representations made by local residents in writing. They raised concerns about the granting of the licence potentially adding to problems in the area as they were already suffering from noise nuisance, littering and anti-social behaviour in the Lawrence Street area.

In coming to their decision, 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.
- Option 3 Grant the licence to exclude any of the licensable activities to which the application relates.
- Option 4 Reject the application.

Members chose Option 2 and granted the application with the following conditions:

1. A CCTV system will be installed and be fit for purpose.
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas 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.
5. The system will display, on any recording, the correct time and date of the recording.
6. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
8. The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
9. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
10. 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 that complies with any mandatory condition that may apply to this licence.

Resolved: That in line with Option 2, the licence be granted.

Reason: To address the issues raised in the representations.

REASONS FOR THE DECISION:

The Sub-Committee carefully considered the application, the representations made orally by the Applicant at the hearing and the written representations. In reaching their decision, the Sub-Committee took into consideration the provisions of the Licensing Act 2003, in particular the statutory Licensing Objectives, together with the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee had regard to the concerns of the residents but considered that it had received sufficient assurances and evidence from the applicant in order to have a high level of confidence that the premises would be operated responsibly and that it could with the imposition of suitable conditions operate without undermining the licensing objectives of prevention of public nuisance and crime and disorder. Whilst the Representors had mentioned the impact of noise, litter and anti social behavior in the area, no representations had been received from any of the Responsible Authorities and it was considered that there was no evidence that the proposal would be likely to fail to promote the licensing objectives. They considered that the new M&S food store, without a night pay window, would be a large improvement on the previous situation. They concluded that all four licensing objectives would be met in granting the application with mandatory and the above additional conditions.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above which were appropriate and proportionate to promote the licensing objectives. They reminded the applicant of the necessity of complying with all of the conditions.

Councillor Douglas, Chair

[The meeting started at 10.00 am and finished at 10.40 am].