

Report from the Director – Environment, Transport & Planning

**Section 35(3) (a) Application for variation of a premises licence for Co-op, 102 – 104 Hull Road, York, YO10 3LQ**

**Summary**

1. This report seeks Members determination of an application for the variation of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC 11715
3. Name of applicant: Co operative Group Food Limited
4. Type of authorisation applied for: Variation of Premises Licence
5. Summary of application:

The premises currently trades as a supermarket convenience store. The variation seeks the following:

- a) The extension of hours for the supply of alcohol from 07:00 to 00:00
- b) The addition of Late Night Refreshment from 23:00 to 00:00
- c) To remove conditions at Annex 2 of the current licence and replace with those stated below at paragraphs 9 to 13.

<b>Licensable Activity</b>	<b>Existing hours</b>	<b>Proposed hours</b>
Late night refreshment	Not licensed	2300 to 0000
Supply of Alcohol – off the premises	0700 to 2300	0700 to 0000
Opening hours	Not restricted	Not restricted

**Background**

6. A copy of the application can be found at **Annex 1**.

7. A copy of the current licence is attached at **Annex 2**. The licence was granted on 17 July 2006.

### **Promotion of Licensing Objectives**

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

9. **General**

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate and proportionate.

10. **The Prevention of Crime and Disorder**

- 10.1. CCTV

- 10.1.1 The premises shall maintain a CCTV system which gives coverage of all entry and exit points.

- 10.1.2. The system shall continually record whilst the premises are open and conducting licensable activities.

- 10.1.3. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded.

- 10.1.4. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

- 10.2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

- 10.3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

- 10.4. The Premises Licence Holder shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time

to time approved by the secretary of the state.

10.5 The premises shall be fitted with a burglar alarm system.

10.6. The premises shall be fitted with a panic button system for staff to utilise in the case of an emergency.

## **11. Public Safety**

The Premises Licence Holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

## **12. The Prevention of Public Nuisance**

A complaints procedure shall be maintained by the Premises Licence Holder, details of which shall be made available in store and upon request.

## **13. The Protection of Children from Harm**

### **13.1 Training**

13.1.2 All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol.

13.1.3 No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

13.2 An age till prompt system shall be utilised at the premises in respect of alcohol.

13.3. A refusals register (whether kept in written or electronic form) shall be maintained at the premises

## **Special Policy Consideration**

14. This premises is not located within the cumulative impact assessment area which was approved by full council on 21 March 2019.

## 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. There have been no representations made by any responsible authorities.

## Summary of Representations made by Other Parties

18. There has been 1 relevant representation received from other persons. The list of representors is attached at **Annex 3**.
19. The representation is predominantly based on the grounds of the prevention of public nuisance and the prevention of crime and disorder. They state that this 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 can be found at **Annex 6**. The Legislation and Policy considerations can be found at **Annex 7**.
23. By virtue of s35(4) of the Act, the Committee have the following options available to them in making their decision: -
24. Option 1: Modify the conditions of the licence
25. Option 2: Reject the whole or part of the application.  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## Analysis

26. The following could be the result of any decision made this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.

## Council Plan

29. 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.
30. 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 of safe communities and culture for all, and a good quality of life for everyone.

## Implications

31.
  - **Financial** - N/A
  - **Human Resources (HR)** – N/A
  - **Equalities** – N/A
  - **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**

32. 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.
33. 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**

34. That Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

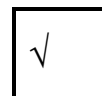
### **Contact Details**

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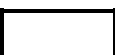
**Report  
Approved**



**27.09.2021**

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

**Wards Affected:** Hull Road



**For further information please contact the author of the report**

**Annexes:**

- Annex 1** - Application form
- Annex 2** - Copy of current licence
- Annex 3** - List of other persons - **CONFIDENTIAL**
- Annex 4** - Other persons representations
- Annex 5** - Map of area
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation & Policy