
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.

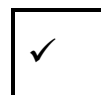
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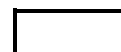
**Report
Approved**



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