
Licensing Act 2003 Sub Committee

14 August 2025

Report from the Director – Environment and Regulatory Services

Section 18(3) (a) Application for a premises licence for 3 Intake Avenue, Clifton, York, YO30 6HB**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 081512
3. Name of applicant: J & P Monkton Road Limited
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 grocery/convenience store.

Proposed Activity	Timings
Supply of Alcohol (off the premises)	06:00 to 23:00
Opening hours	06:00 to 23:00

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 grocery/convenience store offering a wide range of products and services including; soft drinks, crisps, snacks, confectionary, sandwiches, coffee, hot food (pasties and slices), alcohol for consumption off the premises, lottery tickets and utility bill payment services.

Promotion of Licensing Objectives

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

9. General

- a. Staff Training: Ongoing training on licensing rules, underage sales, disorder, and child safety. Training records maintained.
- b. Challenge 25: Strict ID checks for anyone under 25. Clear signage and trained staff to enforce policy.
- c. DPS & Operations: Updated Operating Schedule. DPS actively manages alcohol sales and receives regular training.
- d. Security: CCTV covering key areas with secure footage storage. Roller shutters for added protection.
- e. Compliance & Policies: Follow laws and procedures on underage sales, disorder, and safeguarding. Liaise with authorities.
- f. Ongoing Review: Regularly update policies, training, and conduct internal checks for compliance.

10. The Prevention of Crime and Disorder

- a. CCTV: Install a CCTV system covering entrances, exits, and key areas. Footage will be securely stored and retained per legal requirements.
- b. Door Policy: Enforce a strict door-close policy, especially at night, using a Night Service Window to control access. Clearly communicate this to staff and customers via signage and reminders.
- c. Licensing Hours Display: Clearly display up-to-date licensed hours where visible to customers.
- d. Crime Prevention Notices: Post visible warnings about potential crimes such as theft.

- e. Alcohol Refusal Policy: Do not serve alcohol to intoxicated customers. Train staff to recognise and act on signs of intoxication. Illegal Substances: Maintain vigilance to deter illegal drug use and cooperate with authorities on any incidents.
- f. Staff Training: Provide ongoing training in customer behaviour management to ensure a safe and respectful environment.

11. Public Safety

- a. Lighting: Ensure sufficient internal and external lighting to enhance visibility and deter crime. Regularly inspect and maintain all fixtures.
- b. Staff Training & Compliance: Provide comprehensive and refresher training on public safety, hygiene, and environmental health regulations. Ensure staff follow all safety procedures.
- c. Underage ID Checks: Enforce a strict ID policy for anyone appearing under 25. Train staff to verify acceptable IDs and identify fakes.
- d. Logbook/Recording System: Maintain a detailed log (physical or digital) to record inspections and safety checks. Keep it up to date and available for authorised inspection under the Licensing Act 2003.
- e. Premises Maintenance: Regularly inspect all areas and installations (e.g. doors, lighting, electricals, HVAC) for safety and function. Document all maintenance and repairs.
- f. Emergency Preparedness: Maintain an up-to-date emergency plan. Train staff in emergency response and conduct regular drills.
- g. Health & Safety Audits: Conduct regular audits to identify hazards and ensure compliance with health, hygiene, and occupational safety standards. Record and act on findings.

12. The Prevention of Public Nuisance

- a. To minimise noise and disturbance to nearby residents, the following measures will be implemented:
- b. Notices: Clear, visible displayed to remind customers to respect neighbours and keep noise to a minimum.
- c. Deliveries: All deliveries will be scheduled during appropriate hours, avoiding night-time operations. Delivery staff will be instructed to work quietly and efficiently.
- d. Customer Behaviour: Staff will politely discourage customers from gathering or speaking loudly outside, especially at night. Signage will also support this message.

- e. Lighting: Lighting will be positioned and screened to avoid glare and light spillage, using directional fixtures to reduce disturbance to neighbours.
- f. Waste Management: Sufficient waste bins will be provided and regularly emptied to prevent overflow and noise from disposal activities.

13. The Protection of Children from Harm

- a. To protect children from harm, the following measures will be in place:
- b. Challenge 25 Policy: Clear signage will be displayed at the entrance and near alcohol displays. Staff will request valid ID (e.g., PASS card, driving licence, or passport) from anyone who appears under 25. All staff will be trained on the policy and ID-checking procedures.
- c. Staff Training: All staff will receive training on the legal requirements for selling age-restricted products, how to check ID, and how to respond when ID is missing or invalid. A Training Record Book will be maintained for reference and compliance.
- d. Logbook: A log book or digital system will record age-check incidents and actions taken, available for inspection under the Licensing Act 2003.
- e. Compliance Checks: Regular checks will be carried out to ensure policy adherence. Log entries will be reviewed to identify training needs and address issues promptly to prevent underage sales.

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 objective of the prevention of crime and disorder; however, they have mediated with the applicant who has agreed to amend their operating schedule with the addition of 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 have been 2 relevant representations 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, public safety, prevention of public nuisance and the protection of children from harm objectives. They state that these objectives will be undermined if the application is granted.
20. A copy of all the representations are 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. 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



18 July 2025

Specialist Implications Officer(s)

Head of Legal & Democratic Services
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Wards Affected: Clifton Ward



For further information please contact the author of the report

Background Papers:

Annex 1 - Application form and plan

Annex 2 - Conditions agreed with North Yorkshire Police

Annex 3 - List of representors (**Confidential**)

Annex 4 - Representations

Annex 5 - Map of area

Annex 6 - Mandatory conditions

Annex 7 - Legislation & Policy