City of York Council   Committee Minutes

MEETING	LICENSING HEARING
DATE	1 OCTOBER 2009
PRESENT	COUNCILLORS MERRETT, MOORE AND WISEMAN

1.   CHAIR

RESOLVED: That Councillor Moore be elected as Chair of the meeting.

2.   DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests in any of the business on the agenda. None were declared.

3.   MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 20 August be signed and approved as a correct record by the Chair.

4.   THE DETERMINATION OF AN APPLICATION BY SAINSBURY'S SUPERMARKETS LTD FOR THE VARIATION OF A PREMISES LICENSE SECTION 35(3)(A) IN RESPECT OF SAINSBURY'S, 8-10 FARNDALE AVENUE, OSBALDWICK, YORK. (CYC-009498)

Members considered an application by Sainsbury's Supermarkets Limited for a variation of a premises licence in respect of Sainsbury's, 8-10 Farndale Avenue, Osbaldwick, York.

In coming to their decision the Sub-Committee took into consideration all of the evidence and submissions that were presented and determined their relevance to the issues raised and the licensing objectives; the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.

1.   The Licensing Officers report and his comments made at the hearing, including the fact that in his view the notice was displayed correctly. He advised that the application is to remove existing Jackson's conditions and to bring in Sainsbury's company wide conditions.

2.   The applicants representations at the hearing including the fact that the premises already has a licence to sell alcohol until 11pm and is only asking for 2 extra hours, one in the morning and another at night to take the licence to sell alcohol to 6am to midnight. It was stated that these two extra hours were unlikely to impact on the licensing objectives. It was reiterated that the store would not be opening 24 hours a day. The applicant accepted that the premises is in a quiet area, however the store manager who was also present, advised that apart from the problem of deliveries at unsociable times which had been addressed, there had, in his opinion, been no other problems with noise or anti social behaviour.

3.   Representations made by local residents and the Parish Council both in writing and at the hearing. They felt that the application was out of keeping with a store in such a quiet area and that considerable nuisance is caused by cars driving to the store and people eating and drinking on the forecourt. They raised the issue of light emanating from the premises and advised that at present the nearest neighbours of the store only have 8 hours respite from the noise and light nuisances when the store is closed.

4.   Written representations made by City of York Council's Environmental Protection Unit in writing and at the hearing. They advised that whilst no complaints had been received regarding patrons of the store causing noise nuisance, they were concerned at the potential for people to gather outside late at night and recommended a condition addressing the problem.

Members 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 conditions to which the application relates and modify/add conditions accordingly.

Option 4   Reject the application.

The Sub-Committee chose **Option 2** and imposed the following conditions:

1. The sale of alcohol shall take place between 06:00 and Midnight on each and every day.

2. Late night refreshment shall take place between 23:00 and midnight on each and every day.

3. Hours of opening: 24 hours daily

4. No provision of tables and chairs shall be made outdoors of the premises for the consumption of refreshments or beverages.

The following conditions from the previous licence shall remain:

5. All staff receive induction and update training on a retailers responsibilities in respect of the sale of alcohol.

6. Tills are installed at the premises which identify age restricted products which prompt the operator.

7. The store maintains a refusals log, refusals of sales on age restricted products and those suspected of being underage to be logged.

8. The premise operates an 'under 21 rule' whereby there is a standing instruction to staff members that a customer who appears to be below the age of 21 is required to be challenged to produce proof of age, in the form of a photo card driving licence, passport or identification carrying the PASS logo.

9. Signage explaining the law relating to the sale of age restricted products is prominently displayed on the premises.

10. An external litter bin is provided at the premise, the external vicinity of the is inspected daily and swept as required.

11. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. It will incorporate a camera covering each of the entrance doors 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. The system will display on any recording the correct time and date of the recording. A system will be in place to maintain the quality of the recorded image.

12. The applicant will at all times maintain adequate levels of staff. Such staff levels will be discloses on request, to the licensing authority and the police.

13. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

14. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

15. Mandatory condition 19 shall apply.

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

REASON: To address the representations made.

Councillor Moore, Chair
[The meeting started at 11.00 am and finished at 12.30 pm].