

MEETING

LICENSING HEARING

DATE

12 NOVEMBER 2009

PRESENT

COUNCILLORS MOORE, PIERCE 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 they may have in the business on the agenda. None were declared.

3. MINUTES

RESOLVED: That the minutes of the Licensing Hearings held on 14 September and 1st October 2009 be signed by the Chair as a correct record.

4. THE DETERMINATION OF AN APPLICATION BY SAINSBURY'S SUPERMARKETS TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF SAINSBURY'S, 17 BECKFIELD LANE, YORK, YO26 5PN. (CYC-009512)

Members considered an application by Sainsbury's Supermarkets Ltd for the variation of a premises licence for the Beckfield Lane store.

In coming to their decision the Sub Committee 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, in particular the existing licence conditions and the additional steps agreed to be taken by the applicant to promote the 4 licensing objectives.
- 2) The Licensing Officer's report and his comments. He advised that the Environmental Protection Unit had mediated with Sainsbury's on the basis that late night refreshments are taken away from the site. He advised that consultation had been carried out correctly.

- 3) The Applicants representations at the hearing, including the fact that the premises already has a licence to sell alcohol between 7am and 11pm and that the application was to increase this by two hours, to enable alcohol sales between 6am and 12 midnight and for late night refreshment between 11pm and 12 midnight. It was stated that the store management had no intentions of opening any later than at present, which is 11pm, but the two extra hours were being applied for in case the store does wish to open earlier or later at certain times of the year such as Christmas. The application was also for Sainsbury's to remove some existing Jackson's conditions and bring in their own company wide conditions. This was necessary as Sainsbury's had recently taken over the Jackson's group of supermarkets, and had inherited their conditions, many of which were confusing and in need of updating.
- 4) The representations made by a local resident at the hearing. He expressed concern that any increase in the Store's opening hours would increase the occurrence of anti social behaviour and noise in the area.
- 5) Written representations from local residents made during the consultation period

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 activities to which the application relates and modify/add conditions accordingly. |
| Option 4 | Reject the application. |

Members chose Option 2 and added the following conditions:

1. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol who appears to be under the age of 21 years (or older if the licence holder elects) for evidence of age. This evidence shall be photographic, such as a passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers will be instructed through training, that a sale shall not be made unless the evidence is produced.
2. The store maintains a refusals log, refusals of sales on age restricted products and those suspected of being underage are to be logged.
3. An external litter bin is provided at the premise, the external vicinity of the store is inspected daily and swept as required.
4. 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 10.00 am and finished at 11.30 am].