

## Licensing Act 2003 Sub Committee

15 October 2010

Report of the Director of Communities and Neighbourhoods

### Section 18(3)(a) Application for a premise licence for Sainsbury's Supermarket, 1A Haxby Shopping Centre, The Village, Haxby, York, YO32 2LU

#### Summary

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-017365
3. Name of applicant: Sainsbury's Supermarket Limited
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow:

Licensable Activity	Indoors / outdoors / both	Days	Hours	Non standard timings
Late Night Refreshment	Both	Monday – Sunday	23:00 – 00:00	None
Supply of Alcohol	Off the premises	Monday – Sunday	06:00 – 00:00	None
Open to the Public		Monday – Sunday	24 hours	The applicant may elect not to open the store, or part(s) of the store, 24 hours every day but requires the flexibility to do so subject to statutory or operational restrictions.

#### Background

6. A copy of the application is attached at Annex 1.
7. There is currently a premises licence in force for the premise, licence number CYC-009488. A copy of this licence is attached at Annex 2. This licence authorises the following licensable activities:

Licensable Activity	Indoors / outdoors / both	Days & Hours	Non Standard Timings:
Supply of Alcohol	Off the premises	Monday – Saturday 07:00 – 23:00  Sunday 10:00 – 22:30	1 <sup>st</sup> January, 24 <sup>th</sup> December, 26 <sup>th</sup> December and 31 <sup>st</sup> December all commencing at 06:00 hours.
Open to the Public		Monday – Sunday 24 hours	

### Promotion Of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. The prevention of crime and disorder:
  - (a) A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
  - (b) The system 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.
  - (c) The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police from inspection on request.
  - (d) The system will display on any recording the correct time and date of the recording.
  - (e) A system will be in place to maintain the quality of the recorded image.
10. Public safety:
  - (a) The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
11. The prevention of public nuisance:
  - (a) 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.
12. The protection of children from harm:
  - (a) 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 so elects) for evidence of age. This evidence shall be photographic, such as 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 this evidence is produced.

### **Special Policy Consideration**

13. This premise is not located within the area.

### **Consultation**

14. 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.
15. All procedural aspects of this application have been complied with.

### **Summary of Representations made by Responsible Authorities**

16. There were no representations received from Responsible Authorities.

### **Summary of Representations made by Interested Parties**

17. Representations have been received from 37 interested parties listed at Annex 3. Their representations are attached at Annex 4.
18. A map showing the general area around the venue from which the representations are focused is attached at Annex 5.
19. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

### **Planning Issues**

20. There are no planning issues or conditions relevant to this application.

### **Options**

21. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
22. Option 1: Grant the licence in the terms applied for.
23. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
24. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.

25. Option 4: Reject the application.

## 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.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

## Corporate Priorities

31. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
32. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

## Implications

- 33.
- **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

34. 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.
35. 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

36. 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

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Date 17/09/2010

**Specialist Implications Officer(s)**

Head of Legal & Democratic Services  
Ext: 1004

**Wards Affected:** Haxby & Wigginton

All  /

For further information please contact the author of the report

**Background Papers:**

- Annex 1** - Application form
- Annex 2** - Premise licence currently in force
- Annex 3** - List of Interested Parties
- Annex 4** - Representations from Interested Parties
- Annex 5** - Map showing general area from which representations received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations