

MEETING

LICENSING HEARING

DATE

15 OCTOBER 2010

PRESENT

COUNCILLORS HORTON, MERRETT AND
WISEMAN

111. CHAIR

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

112. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillors Merrett and Horton both declared a personal interest as they both know the representor Mr. Blitz.

Councillor Wiseman declared a personal interest as Conservative MP Julian Sturdy had made representations against the application and she is a member of the Conservative party.

113. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on the 19th August 2010 be approved and signed as a correct record.

114. THE DETERMINATION OF AN APPLICATION BY SAINSBURY'S SUPERMARKET LTD FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 1A HAXBY SHOPPING CENTRE, THE VILLAGE, HAXBY, YORK YO32 2LU. (CYC-017365)

Members considered an application by Sainsbury's Supermarket for a premises licence in respect of 1A Haxby Shopping Centre, The Village, Haxby, York.

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 –Crime and Disorder and the Prevention of Public Nuisance. The following were taken into account:

1. The application form.
2. The Licensing Officer's report and his comments made at the Hearing. He advised that the premises is a retail outlet which already had a licence for the hours being applied for and that the applicant had applied for a new licence in line with company policy. The applicant had withdrawn late night refreshment from the application and had reduced the sale of alcohol hours from 06:00 to 00:00 to 07:00 to 23:00 in response to the concerns raised by local residents.
3. The applicants representation at the hearing including the fact that the application was a standard application by Sainsbury's and it is the intention that the stores normal hours would be 08:00 to 22:00. The later hour requested for the sale of alcohol would only be utilised at busy periods such as Christmas. You advised that the store would operate a challenge 25 policy and staff would be trained in alcohol laws. Sainsbury's had agreed not to accept deliveries at the store prior to 07:00. The applicant reminded those present that the premises already had a licence and could operate 24 hours a day if it wished to, the application before Members was purely for the sale of alcohol.
4. The representations made by local residents in writing and at the hearing. The Sub-Committee considered the representations to be relevant to the licensing objectives as concerns were raised regarding the potential for public nuisance and crime and disorder in an area which is generally quiet at night.
5. The representations made by the York Outer Member of Parliament in writing and at the hearing who advised residents had approached him with their concerns. He was pleased that Sainsbury's representatives had addressed the concerns of residents via a community meeting.
6. Written representations made during the consultation period.

Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available for them to take under Section 35 (4) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives.

Members were presented with the following options:

- Option 1: Grant the licence in the terms applied for and including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.
- Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee including any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.

Option 3: Grant the licence to which the application relates and modify/add conditions accordingly to include any applicable mandatory conditions as set out in ss19, 20 and 21 of the Licensing Act 2003.

Option 4: Reject the application.

RESOLVED: That in line with Option1 the licence be granted. This was on the basis of late night refreshment being withdrawn from the application and the reduced sale of alcohol hours.

REASON: To address the representations made.

Councillor Merrett, Chair

[The meeting started at 2.30 pm and finished at 3.30 pm].