

Report from the Assistant Director – Housing & Community Safety

Section 35(3)(a) Application for the variation of a premise licence for Sainsbury's, 35-39 The Village, Haxby, York YO32 2LU.

1. This report seeks Members determination of an application for the variation 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 Ltd.
4. Type of authorisation applied for: Variation of Premise Licence
5. Summary of application: The nature of the application is as follows:
 - a) To extend the sale of alcohol to between the hours of 06:00 and 24:00 daily from and including the 14 days before Christmas Day, Christmas Day and up to and including the 7 days after Christmas Day.
 - b) To extend the sale of alcohol to between the hours of 06:00 and 24:00 daily from and including the Monday prior to Good Friday up to and including the Sunday following Easter Monday
 - c) To remove all the conditions set out in Annex 2 of the premises licence and to replace them with a set of new conditions listed below under the heading Promotion of Licensing Objectives.

Background

6. A copy of the existing premise licence is attached at Annex 1.
7. A copy of the application to vary the licence is attached at Annex 2.

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) The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
 - b) The system will incorporate a camera covering each of the entrance doors and the main alcohol display area 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 will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 - d) The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
 - e) A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
 - f) The system will display, on any recording, the correct time and date of the recording.
10. Public safety
 - a) The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and the 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 premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth, and the Proof of Age Standards scheme (or similarly accredited scheme) hologram.

Special Policy Consideration

13. This premise is not located within the special policy 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 from the Responsible Authorities.

Summary of Representations made by Parties other than Responsible Authorities

17. Representations were received from 6 other parties who are listed in Annex 3. Their representations are shown in Annex 4
18. A map showing the general area around the venue from which the representations are focused is attached at Annex 5.

Planning Issues

19. There are no planning issues regarding this application.

Options

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

Analysis

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

30. 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.

31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

32.

- **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

33. 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.
34. 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

35. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

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Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

Report
Approved

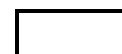


Date 06/06/2013

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Haxby and Wigginton



For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of existing licence
- Annex 2** - Copy of application form
- Annex 3** - List of representors
- Annex 4** - Copies of representations
- Annex 5** - Map of general area around the premises
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations