
MEETING	LICENSING/GAMBLING HEARING
DATE	27 JUNE 2013
PRESENT	COUNCILLORS BOYCE, LOOKER AND MCILVEEN
IN ATTENDANCE	COUNCILLOR CUTHBERTSON

1. CHAIR

RESOLVED: That Councillor Boyce be elected as Chair.

2. DECLARATIONS OF INTEREST

At this point in the meeting, Members were invited to declare any personal, prejudicial or disclosable pecuniary interests they had. None were declared.

3. MINUTES

RESOLVED: That the minutes of the Licensing Hearing held on 22 April 2013 be approved and signed by the Chair as a correct record.

4. THE DETERMINATION OF AN APPLICATION BY SAINSBURYS SUPERMARKET LTD TO VARY A PREMISES LICENCE SECTION 35(3)(A) IN RESPECT OF SAINSBURY'S 35-39 THE VILLAGE, HAXBY, YORK. (CYC-017365)

Members considered an application by Sainsbury's for the variation of a premises licence in respect of 35-39 The Village, Haxby.

In coming to their decision, Members 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 operating schedule conditions.
2. The Licensing Officer's report and her comments made at the Hearing. She advised the application was to grant a variation to a premises licence 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.
 - 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.

She also said that the applicants wished to remove all 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.

3. Representations made at the hearing by the applicant's solicitor in which he advised that his client had originally applied for a premises licence to sell alcohol and late night refreshments from 06.00 to 24.00, but had amended this to 07.00 to 11.00 and had withdrawn the proposal for late night refreshments. In addition, he highlighted that to extend hours for the sale of alcohol over holiday periods, and that his client needed to apply for temporary licenses. This did not give local residents a chance to make representations, as these licenses were not granted by a Licensing Committee.

He confirmed that if the variation of the licence was granted, his client would not change the opening hours of the supermarket. In his opinion, if the previous licence, which allowed for the sale of alcohol until 23.00 caused no evident problems with anti social behaviour then the likelihood of problems with an extension of one hour was slim. It was also confirmed that trading before 9 am was not busy.

4. The representations made by Councillor Ian Cuthbertson both in writing and at the hearing.

He advised that although there had been no representations submitted by the Police, that the local area had experienced problems with underage drinkers being sold alcohol, hanging around and fighting in the main shopping area (in particular Ryedale Court).

He added that although he could not give evidence of anti social behaviour in the past two years, that litter and parking problems that could be caused by the extended hours would cause a nuisance to local residents. Finally, he felt that this application would encourage other businesses located in The Village to apply for similar variation licences.

5. Written representations made during the consultation period.

The Sub Committee were presented with the following options:

- Option 1 Grant the variation to the Licence in the terms applied for.
- Option 2 Grant the variation to the Licence with modified/additional conditions imposed by the Licensing Committee.
- Option 3 Grant the variation to 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 1** to grant the licence in the terms applied for.

Reasons for the decision:

The Sub-Committee considered carefully the application for a variation of the premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy, Human Rights legislation and representations made both in writing and at the hearing.

The Sub-Committee considered the fact that the Police did not object to the application and that none of the other Responsible Authorities had made representations and that they had not received any proper evidence from the representors that granting the variation would cause any problems relating to the licensing objectives in terms of crime and disorder and public nuisance.

The Sub-Committee considered that there was insufficient evidence to support the view that the grant of the variation sought would undermine the promotion of the licensing objectives and accordingly approved the application.

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor B Boyce, Chair
[The meeting started at 10.40 am and finished at 11.35 am].