
MEETING	LICENSING HEARING
DATE	9 MAY 2013
PRESENT	COUNCILLORS BOYCE, GILLIES AND REID

46. CHAIR

Resolved: That Councillor Boyce be elected as Chair of the meeting.

47. INTRODUCTIONS**48. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

49. MINUTES

Resolved: That the minutes of the Licensing Hearings held on 14th February and 8th April 2013 be approved and signed by the Chair as a correct record.

50. THE DETERMINATION OF AN APPLICATION BY WM MORRISON SUPERMARKETS PLC FOR A PREMISES LICENCE SECTION 18(3)(A) IN RESPECT OF 5 SPURRIERGATE, YORK, YO1 9QR. (CYC-021821)

Members considered an application by Wm Morrison Supermarkets PLC for a premises licence in respect of 5 Spurriergate, York.

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.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for a premises licence for a unit that had been previously used for retail but was not licensed. The premises are located in the Council's special policy zone. She confirmed that consultation had been carried out correctly.
3. The applicants representations made at the hearing. Members were advised that Morrison's was a responsible operator that had not had a single prosecution in the last 3 years relating to alcohol sales. There had been no objections from local residents or other responsible authorities. The main concern of North Yorkshire Police was the location of the premises in the Cumulative Impact Zone (CIZ), but it was argued that convenience stores are not covered by the special policy. Morrison's were reluctant accept some of the more stringent police conditions as detailed in a letter dated 8th May which had been circulated to the Sub-Committee, although the majority had been agreed.
4. Representations made at the hearing by North Yorkshire Police. Their Legal Representative advised that whether the premises are covered by the CIZ or not, the Police had genuine concerns relating to the hours of the store overlapping with other licensed premises in the area and the associated impact. The Police Inspector responsible for York City Centre also spoke to outline the problems faced by the Police including the theft of alcohol from nearby supermarkets and the issue of street drinkers and beggars using convenience stores.

The Sub-Committee 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 imposed by the licensing committee.
- 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 granted the licence with the following conditions as agreed with North Yorkshire Police attached to the licence:

1. A CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access.
2. 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.
3. The CCTV system will be maintained, working and recording at all times when the premises are open.
4. The recordings shall be of good evidential quality to be produced in court or other such hearing.
5. Copies of the recordings will be kept available for any responsible authority for 31 days.
6. Copies of the recordings shall be made available to any responsible authority within 48 hours of request.
7. Copies of the recordings will display the correct time and date of the recording.
8. 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.
9. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
11. There shall be no sale of single cans of beer, lager or cider from the premises.

12. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.
13. There shall be no external advertising of alcohol products in the shop window.
14. At least one personal licence holder will be available (this does not necessarily mean present at the premises) at all times that alcohol is on sale.
15. There shall be no self service display of alcohol within 5 metres of the store entrance.
16. Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
17. An incident log will be kept at the premises and made available on request by any responsible authority which will record the following:-
 - a) All crimes reported to the venue
 - b) Any complaints received regarding crime and disorder
 - c) Any incidents of disorder
 - d) Any faults in the CCTV system
 - e) Any refusal of the sale of alcohol
 - f) Any visit by a relevant authority or emergency service.
18. There will be a minimum of two members of staff present at the premises at all times that alcohol is on sale.
19. There will be SIA security staff on duty after 1700hrs on Friday and Saturdays and Race Days during times that alcohol is sold.
20. The venue shall partake in the York Nightsafe Night-time Economy radio system.
21. 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 appear 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.

22. Signage informing customers of the age verification policy shall be displayed in prominent positions on the shop floor where:-

- a) alcohol is on public display
- b) at the point of sale
- c) at the entrance to the premises.

23. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:-

- a) Induction training which must be completed and documented prior to the sale of alcohol by the staff member;
- b) Refresher/reinforcement training at intervals of no more than 6 months.

24. Such training records shall be made available immediately upon a reasonable request from any responsible authority.

25. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:-

- a) details of the time and date the refusal was made
- b) the ID of the staff member refusing the sale

26. Such register shall be made available immediately upon a reasonable request from any responsible authority.

27. Such register shall be made available immediately upon a reasonable request from any responsible authority.

28. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible:-

- a) before entering the premises
- b) where alcohol is on display
- c) at the point of sale.

All relevant mandatory shall apply.

Reasons for the Decision:

The Sub-Committee considered carefully the application for the premises licence and gave due regard to the Licensing Act 2003, the licensing objectives, statutory guidance, the Council's statement of Licensing Policy. The Sub-Committee also had regard to the representations submitted both in writing and heard at the hearing. The Sub-Committee considered that, on the basis of the evidence presented to it, the conditions imposed would enable the licensing objectives to be met and would prevent an adverse impact on the Cumulative Impact Zone

RESOLVED: That Members determined the application as detailed above.

REASON: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.15 am and finished at 12.00 pm].