

Report from the Assistant Director – Housing & Community Safety

Section 18(3) (a) Application for a premise licence for Londis, 39a York Road, Acomb, York, YO24 4LW

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-023309
3. Name of applicant: Mr Yutao Lu
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The application is to allow for the sale of alcohol, off the premises, every day between 06:00hrs and 23:00hrs.

Background

6. A copy of the application is attached at Annex 1.

Promotion of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. General

All staff will be fully trained in their responsibilities with regard to the sale of alcohol and will be retrained every six months with recorded training records kept for inspection.

9. The prevention of crime and disorder
 - a) A CCTV system is in operation to provide security and identify any culprit who is intent in causing trouble in the store.
 - b) All images are stored for a period of 31 days after which they can be erased or saved at the request of the police.
 - c) All current security measures will remain in operation.
 - d) All staff will be fully trained in the operation of the CCTV system to ensure that it is operational all the hours of trade.
 - e) Images will be made available to the police or authorised licensing officer from the council on request.

10. Public safety
 - a) Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly diffuse the situation without risk to customer or staff then they are instructed to call the police.
 - b) All relevant fire procedures are in place for a store of this size.

11. The prevention of public nuisance
 - a) Youths will be encouraged to move from the entrance to the store to prevent the potential of causing nuisance to customers either in requesting the purchase of alcohol on their behalf or general intimidating behaviour.
 - b) The entrance to the store is also visible from the till point area and so can be monitored by the staff.
 - c) CCTV will also pick up any disturbance in this area.

12. The protection of children from harm:
 - a) Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram).
 - b) Anyone under the age of 25 will be asked to produce ID. If the customer is unable to produce identification then no sale is made.

- c) Members of staff under 18 must call a senior member to take over the sale and complete the transaction.
- d) All refused sales will be recorded in a refusals book which will be made available for inspection by the police or council licensing officers on request.

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. North Yorkshire Police have met with the applicant who has agreed to a number of conditions which add to the applicant's proposals and which will be included in the licence if granted. These conditions are shown at Annex 2

Summary of Representations made by Parties other than Responsible Authorities

- 17. One relevant representation has been received and this is attached at Annex 3.
- 18. A map showing the general area around the venue from which the representations are focused is attached at Annex 4.

Planning Issues

- 19. There are no planning issues or conditions relevant to 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 licence in the terms applied for.
22. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
23. Option 3: Grant the licence 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

Author:

Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**

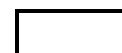


Date 28/05/2014

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Guildhall East



For further information please contact the author of the report

Background Papers:

Annex 1 - Copy of application form.

Annex 2 – Police conditions

Annex 3 - Copy of representation.

Annex 4 - Map showing location of venue.

Annex 5 - Mandatory Conditions.

Annex 6 - Legislation and Policy Considerations.