

Meeting	Licensing Hearing
Date	13 June 2014
Present	Councillors Boyce, McIlveen and Taylor

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**1. Chair**

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

**2. Introductions**

**3. Declarations of Interest**

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

**4. Minutes**

Resolved: That the minutes of the Licensing Hearing held on 12<sup>th</sup> May be approved and signed by the Chair as a correct record.

**5. The Determination of an Application by Mr. Yutao Lu for a Premises Licence Section 18(3)(a) in respect of Londis, 39a York Road, Acomb, York, YO24 4LW. (CYC-023309)**

Members considered an application for a premises licence in respect of 39a York Road, Acomb, 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, in particular the operating schedule and the additional steps agreed to be taken by the applicant to promote the licensing objectives.
2. The Licensing Manager's report and her comments made at the Hearing. She advised that the application was for a premises licence at 39a York Road, Acomb, York. Plans showing the location were tabled. The premise is not located within the special policy area. A number of conditions had been agreed with North Yorkshire Police. Consultation had been carried out successfully.
3. The applicants Solicitors comments made at the hearing. He advised that the premise would be replacing the old Blockbuster store and would operate as a Londis with a Post Office incorporated within the shop. The hours of operation would be 6am to 11pm but it was not anticipated that much alcohol would be sold during the early morning, but having the licence for all hours the shop would be open prevented the expense of having to install shutters to cover the alcohol at certain times of day. The concept would be that of a convenience store with alcohol being a small part of the overall sales, rather than the main focus. A comprehensive operating schedule was in place for the premises and conditions had been agreed with North Yorkshire Police who had no objection to the application. The premises would have no effect, cumulative or otherwise, on the promotion of the licensing objectives.
4. The representations made in writing and at the hearing by a local resident who raised concerns about the potential for an increase in public nuisance and disturbances caused by customers from the premises being in the area late, particularly people using the alleyways in the area. They raised concerns about the number of licensed premises already operating in the area and the potential for the addition of this licence to add to the existing problems of public nuisance and crime and disorder.

In coming to their decision, Members considered the following options:

- Option 1 Grant the Licence in the terms applied for.
- Option 2 Grant the Licence with modified/additional conditions.
- Option 3 Grant the Licence to exclude any licensable activities to which the application relates.
- Option 4 Reject the application.

The Sub Committee chose option 2 and granted the licence with the following additional conditions as imposed by North Yorkshire Police:

1. CCTV will be installed to cover the premiss and will include areas to where public have access.
2. It will be maintained, working and recording at all times when the premises are open.
3. The recordings shall be of sufficient quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for the police or authorised licensing officer for 31 days.
5. Copies of the recordings will be made available to the police or authorised licensing officers within 48 hours of request.
6. Copies of the recordings will display the correct time and date of the recording.
7. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
8. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
9. The documented records (referred to in condition 8) shall be kept for at least six months and they will be made available to upon request to the police or authorised licensing officer.

10. A Refusals Register will be kept. Such document will record incidents of staff refusals to underage or drunk people as well as any attempted proxy purchases (i.e should a customer attempt to purchase alcohol on behalf of an underage person).

11. The above document (referred to in condition 10) will be made available upon request to the police or authorised licensing officer and will be kept for at least one year.

12. All off sales shall be made in sealed containers.

All relevant mandatory conditions shall apply.

### REASON FOR THE DECISION:

The Sub-Committee concluded that the application was acceptable with the above amended and additional conditions as it addressed representations made both in writing and at the hearing, and it met all the licensing objectives. The Sub-Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee noted the local residents' concerns that there has been anti-social behavior in the area. The Sub-Committee considered that it had received sufficient assurances from the applicant in order to be satisfied that the premises would be operated responsibly.

The Sub-Committee considered that the applicant did demonstrate that the premises would not add to the problems in the area and that there would be no negative impact on the licensing objectives.

The Sub-Committee therefore agreed to grant the licence with the additional conditions referred to above but reminded the applicant of the necessity of upholding all of the licensing objectives and highlighted the possibility of the licence being reviewed if it was found that the licensing objectives were not being upheld.

Resolved: That in line with Option 2, the licence be granted.

Reason: To address the issues raised.

Councillor Boyce, Chair

[The meeting started at 10.00 am and finished at 11.00 am].