

Licensing Act 2003 Sub Committee

24th June 2015

Report from the Assistant Director – Housing & Community Safety

Section 18(3)(a) Application for Poppleton SF Connect, A59/A1237, Boroughbridge Road, York, YO26 6QD

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-053164
3. Name of applicant: BP Oil UK Limited.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the provision of late night refreshment from 23:00 hours to 05:00 hours and for the sale of alcohol, off the premises, 24 hours a day.

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. The prevention of crime and disorder
 - a) A CCTV system will be installed and be fit for purpose.
 - b) The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
 - c) Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made

available, subject to compliance with Data Protection legislation, to the police for inspection on request.

- d) The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas 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.
- e) The system will display, on any recording, the correct time and date of the recording.
- f) A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- g) The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

9. Public safety

- a) The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

10. The prevention of public nuisance

- a) Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

11. 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 that complies with any mandatory condition that may apply to this licence.

Special Policy Consideration

12. This premise is not located within the extended special policy area.

Consultation

13. 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.
14. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

15. There were no representations from any of the Responsible Authorities.

Summary of Representations made by Parties other than Responsible Authorities

16. Relevant representations have been received from 2 local residents. Their details are shown at Annex 2 and their representations at Annex 3.
17. A map showing the general area around the venue is attached at Annex 4.

Planning Issues

18. There are no planning issues regarding this application.

Options

19. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
20. Option 1: Grant the licence in the terms applied for.
21. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.

22. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
23. Option 4: Reject the application.

Analysis

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

Council Plan

29. 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.
30. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

31.
 - **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

32. 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.
33. 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

34. 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:

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Housing & Community Safety.

**Report
Approved**



Date 26/05/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Rural York West



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form
- Annex 2** - List of representors
- Annex 3** - Representations
- Annex 4** - Plan of area
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations