

CITY OF GLOUCESTER
LICENSING SUB-COMMITTEE

Meeting: Wednesday, 8th June 2011 at 18:30
Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Hansdot, Porter and C. Witts

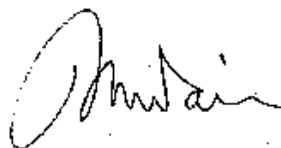
AGENDA

1. **ELECTION OF CHAIR**
2. **INTRODUCTIONS AND PROCEDURES**
3. **DECLARATIONS OF INTEREST**

To receive from Members, declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any agenda item. Please see Notes 1 and 2 overleaf.

4. **APPLICATION FOR A NEW PREMISES LICENCE FOR 254 PAINSWICK ROAD, GLOUCESTER, GL4 4BS (Pages 1 - 40)**

Report by the Group Manager, Environmental Health and Regulatory Services



.....
Julian Wain
Chief Executive

Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District:-
 - (a) the well being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
 - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;

- (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the Councillor's registrable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Please contact Adam Chalmers, Democratic and Electoral Services Manager, Tel. No. 01452 396125/e-mail: committeesection@gloucester.gov.uk if you have a general query on any agenda item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's Website - www.gloucester.gov.uk

If you would like a translation of agenda/minutes/reports or would like a large text version or an audio version please contact the Democratic and Electoral Services Manager and we will try to accommodate your needs.

Gloucester City Council

COMMITTEE	: LICENSING SUB-COMMITTEE
DATE	: 8 JUNE 2011
SUBJECT	: APPLICATION FOR A NEW PREMISES LICENCE FOR 254 PAINSWICK ROAD, GLOUCESTER, GL4 4BS
WARD	: MATSON & ROBINSWOOD
REPORT BY	: GROUP MANAGER, ENVIRONMENTAL HEALTH AND REGULATORY SERVICES
NO. OF APPENDICES	: A: APPLICATION FOR A PREMISES LICENCE FOR 254 PAINSWICK ROAD BY TESCO STORES LTD B: PLAN OF PREMISES C: LOCATION MAP OF 254 PAINSWICK ROAD D: REPRESENTATION FROM GLOUCESTERSHIRE POLICE E: LIST OF MANDATORY CONDITIONS
REFERENCE NO.	: ES21114

1. PURPOSE OF REPORT

- 1.1 To present to members an application for a new premises licence made under section 17 of the Licensing Act 2003 for 254 Painswick Road, Gloucester GL4 4BS, received from Tesco Stores Ltd.

2. RECOMMENDATIONS

- 2.1 Having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy and the Home Secretary's Guidance, Members have the following options as considered necessary to promote the Licensing Objectives:
- (a) To accept the application and attach conditions as consistent with the operating schedule.
 - (b) To accept the application and modify the conditions of the licence which includes altering, omitting or adding new conditions.
 - (c) To reject the whole, or part of the application.

3. BACKGROUND

- 3.1 Members are advised that when considering an application for a new premises licence the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 18, paragraphs 3 and 4:

(3) *'Where relevant representations are made, the authority must -*

- (a) *Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and*

(b) Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are –

(a) To grant the licence subject to: -

(i) The conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives; and

(ii) Any conditions which must under sections 19, 20 or 21 be included in the licence

(b) To exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) To refuse to specify a person in the licence as the premises supervisor;

(d) To reject the application

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.'

If none of these steps are required the application must be granted.

3.2 Members should note that this application has policy implications as detailed in section 5 of this report.

3.3 Members are reminded that all applications must be considered on their merits, and that findings on any issues of fact should be on the balance of probability.

4. APPLICATION

4.1 This is an application for a new premises licence made in accordance with Section 17 of the Licensing Act 2003. The application was received by the Licensing Authority on 12 April 2011 and has been advertised in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 The premises to which the application relates is described on page four of the application which is attached as **Appendix A**. As can be seen the application relates to a retail premises.

4.3 The application (**Appendix A**) requests the following licensable activities:

(a) The supply of alcohol (Section M) for consumption off the premises only from 06:00 hours to 23:00 hours seven days a week.

4.4 Opening hours (Section O) are also sought from 06:00 hours to 23:00 hours seven days a week.

4.5 A plan of the premises and map of the location of the premises are attached as **Appendix B** and **Appendix C** respectively.

- 4.6 The applicant has indicated at Section P the steps they intend to take to promote the licensing objectives.
- 4.7 One representation was received from Gloucestershire Constabulary, a responsible authority under the Licensing Act 2003, and is attached at **Appendix D**.
- 4.8 The applicant and interested parties have been given a Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

5. THE LICENSING POLICY STATEMENT AND GUIDANCE

- 5.1 Sections 3, 5 and 6 of Gloucester City Council's Licensing Policy Statement outline the authority's policy with regard to the licensing objectives. Section 7 refers specifically to licensing hours.
- 5.2 The relevant parts of the Amended Guidance issued under section 182 of the Licensing Act 2003 (October 2010) by the Home Secretary are Chapter 2, on the four licensing objectives, Chapter 8 on Applications for premises licences and Chapter 10 conditions attached to premises licence.
- 5.3 Paragraphs 10.1 to 10.18 deal with the attaching of conditions to licences and state that only necessary, proportionate conditions, which promote the licensing objectives, should be attached to the licence if it is granted. The Licensing Authority may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations. It also states that the pools of conditions that are supplied by the Home Secretary should not be applied universally, irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations. It is also advised that any conditions the Licensing Authority sees fit to attach to the licence should not replicate any other legislation, such as the Licensing Act 2003 itself, or the Equality Act 2010.
- 5.4 A premises licence does not relieve the holder from any requirements under planning law. In cases where a planning restriction imposing a terminal hour for a premises has been set and this differs from the hours permitted by a premises licence, the licence holder must observe the earlier time.

6. CONCLUSIONS

- 6.1 Members should consider the relevant facts, guidance and representations and make a decision in accordance with the options outlined in paragraph 2.1 of this report.
- 6.2 Members should also be aware of a case heard in the Court of Appeal. *Daniel Thwaites v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin) concerned an appeal against a decision by the Magistrates to impose restrictions on the hours of operation of a licensed premises without proper evidence and by giving their own views excessive weight. The resulting decision to limit the hours of operation without it having been established that it was necessary to do so in order to promote the licensing objectives was ruled unlawful and the decision was quashed.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications relating to this report.

8. LEGAL IMPLICATIONS

8.1 The Licensing Sub-Committee is asked to consider an application made under Section 17 for a premises licence to be determined under Section 18.

8.2 To consider the application, the Sub-Committee must be satisfied:

- a) the application is properly made.
- b) the applicant has given proper notice.
- c) the applicant has satisfied the advertising requirements.

8.3 The four licensing objectives must be considered of equal importance and are:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance, and
- d) The protection of children from harm.

8.4 The Sub-Committee must, having regard to the application and any relevant representations, decide on any of the options set out in the report at paragraph 2.1 (a)-(c).

8.5 The Sub-Committee has powers to adjourn or carry forward the hearing to additional specified dates.

8.6 For the purposes of determining an application, a "relevant representation" means a representation which:

- a) is relevant to one or more of the licensing objectives.
- b) is made by a responsible authority or an interested party within the prescribed period.
- c) has not been withdrawn.
- d) if having been made by an interested party (who is not also a responsible authority), that they are not in the opinion of the Licensing Authority frivolous or vexatious.

8.7 For these purposes an "interested party" are those who are living in the vicinity of the application premises and those involved in a business in the vicinity of the application premises. "In the vicinity" is essentially the physical/geographical proximity of the premises, in the context of local circumstances.

8.8 In deciding what action, if any, it should take, the Sub-Committee Members must direct their minds to the causes and concerns which the relevant representations identify. Any action should generally be directed to these causes and should always be no more than is a necessary and proportionate response. In particular, any detrimental financial impact of the Sub-Committees decision must be necessary and proportionate. The Sub-Committee is required to have regard to the DCMS Guidance when making its decision. However the Guidance does not cover every

possible situation, so long as the Guidance has been properly and carefully understood, the Sub-Committee may depart from it if they have reasons to do so. Full reasons must be given for any departure from the DCMS Guidance.

- 8.9 Following the case of *Daniel Thwaites v Wirral Borough Magistrates' Court* 2008, referred to in paragraph 6.2 of the report the Sub-Committee needs to avoid:
- a) speculating of what might happen in the absence of evidence that harm would or could happen.
 - b) not paying attention to Government Guidance where failing to follow it requires good reasons to be given
 - c) imposing conditions that do not promote the licensing objectives.
- 8.10 Where the Sub-Committee determines an application it must notify the following of its decision, and the reasons for it :
- a) the applicant.
 - b) the person who made the relevant representations.
 - c) the Police.
- 8.11 It should be noted by the Sub-Committee that in relation to this application, the Council has a number of roles through Council services. No response to the application has been received from the Environmental Health Pollution Control and Health and Safety Teams, or Development Control.
- 8.12 In considering the application, the Sub-Committee is solely performing the role of Licensing Authority. The Sub-Committee sits in a quasi-judicial capacity and must act impartially. It must offer a fair and unbiased hearing of the application. The Sub-Committee needs to disregard the wider Council objectives and other statutory roles and must direct themselves to making a determination solely based on the licensing law, Guidance and the Council's Statement of Licensing Policy.
- 8.13 As a quasi-judicial body, the Sub-Committee is obliged to consider the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and amending secondary legislation, and the rules of natural justice. The practical effect of this is that the Sub-Committee is required to consider the application on its merits. It must take into account only relevant factors and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant.
- 8.14 The Human Rights Act 1998 requires public bodies to ensure that everything they do is compatible with European Convention Rights, and it is unlawful for a public body to act incompatibly with these Rights. When determining an application the Sub-Committee must be aware of Human Rights considerations, specifically Article 6 (right to a fair trial) and Article 14 (prohibition of discrimination) for the applicant and Article 8 (right to respect for private and family life) for those making representations. The Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

8.15 The Sub-Committee has a duty under Section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the City.

8.16 Interested Parties, Responsible Authorities and the applicant have the right to appeal the Sub-Committee's decision to the Magistrates' Court within a period of 21 days beginning with the day on which they were notified of the decision to be appealed against.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There is a right of appeal to the Magistrates' Court for both the applicant and all interested parties. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

10. PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION

10.1 None.

11. OTHER CORPORATE IMPLICATIONS

1. Community Safety

The four licensing objectives of the Licensing Act 2003 are designed to support community safety and are dealt with in the body of the report.

2. Environmental

As above – dealt with in the body of the report.

3. Staffing

None.

4. Trade Union

No comments.

Background Papers : Gloucester City Council Licensing Hearing Procedure

Published Papers : Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005
Gloucester City Council Licensing Policy Statement
Home Secretary (Home Office) Guidance issued under section 182 of the Licensing Act 2003 (Oct 2010)

Person to Contact : Carl Knights
Tel: 01452 396311
E-mail: carl.knights@gloucester.gov.uk

1100481GLPRMG
010007312673

Page 7

F54151 ES21114 APPENDIX A

QH 12/4/11



11th April 2011

Licensing Team,
Gloucester City Council
ENVIRONMENTAL Health & regulatory Services
Herbert Warehouse,
The Docks
Gloucester
GL1 2EQ

Licensing Team
Cirrus Building C
Shire Park
Welwyn Garden City
Hertfordshire AL7 1ZR

Tel: 01707 298345
Fax: 01707 298337
Email:
licensing.team@uk.tesco.com

Dear Sir/Madam,

Application for a New Premises Licence under Licensing Act 2003

Tesco Stores Ltd 254 Painswick Road, Matson, Gloucester GL4 4BS

We wish to make an application for a new licence for the above store to a Premises Licence under the Licensing Act 2003.

We duly enclose:

1. Application for a new premises licence under the Licensing Act 2003
2. Form of consent given by the person the applicant wishes to be the premises supervisor
3. A Plan of the premises drawn in accordance with the regulations
4. Copy of Tesco Stores Ltd's policy on the Provision of Portable Fire-Fighting Equipment.
5. A cheque for £315.00 in respect of the fee payable

Application Form

We have made our application in line with the legislation set out in the Licensing Act 2003 and its supporting regulations.

Plans

The area in which we propose to sell alcohol is shown on the plan.

We regret that we are not able to denote all types of safety equipment on all our store plans. We have, however, enclosed a copy of our policy on the provision of portable fire-fighting equipment within stores. This document clearly lays down the system adopted in all stores as to the placement of fire fighting equipment and safety notices. It also addresses all the requirements laid down in article 3 of the Transitional Provisions regulations.

Responsible Authorities

We confirm that a copy of this letter and the enclosed documents have today been sent to the Chief Officer of Police and all the relevant responsible authorities. If we have missed any of the Responsible Authorities off we would appreciate if you contact us immediately to allow us to rectify our mistake.

Advertisements

We can also confirm that notices advertising the application will be displayed at the premises from 13th April 2011 to 10th May 2011 and in a local newspaper within the required time scale.

If you have any comments or queries regarding this application, please do not hesitate to contact us so that we can resolve any issues.

We appreciate that your department is under considerable pressure, but would be grateful if you would be kind enough to acknowledge safe receipt, either in writing to the address above, or via email to licensing.team@uk.tesco.com.

We thank you for your assistance in this matter.

Yours faithfully



Greg Bartley
Licensing Manager – Tesco Stores Ltd.

CC:

**Police Licensing Officer, Gloucester and Forest Division, Licensing Department,
Gloucester Police Station, Bearland, Gloucester, GL1 2JP**

Service Delivery Support, Waterwells, Quedgeley, Gloucester, GL2 2AX

**Gloucester City Council, Pollution Control Team. Environmental Health, Herbert
Warehouse, The Docks, Gloucester GL1 2EQ**

**Gloucester City Council, Health and Safety Team, Environmental Health, Herbert
Warehouse, The Docks, Gloucester GL1 2EQ**

Gloucester City Council, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ

**Children & Young People's Directorate, Safeguarding Manager, Gloucestershire
County Council, Quayside Wing, Shire Hall, Gloucester GL12RH**

**Gloucestershire County Council, Trading Standards, Hillfield House, Denmark Road,
Gloucester, GL1 3LD**

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We	Tesco Stores Ltd
-------------	------------------

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tesco Stores Ltd 254 Painswick Road Matson			
Post town	Gloucester	Post code	GL4 4BS

Telephone number at premises (if any)	-
Non-domestic rateable value of premises	Not Yet Assessed, but enclosing cheque for £315.00 to cover fee

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i. as a limited company	X	please complete section (B)
	ii. as a partnership		please complete section (B)
	iii. as an unincorporated association or		please complete section (B)
	iv. other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)

d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

		Please tick yes
• I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or		X
• I am making the application pursuant to a		
• statutory function or		
• a function discharged by virtue of Her Majesty's prerogative		

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Tesco Stores Ltd
Address Tesco House Delamare Road Cheshunt Waltham Cross Herts EN8 9SL
Registered number (where applicable) Company Number: 00519500
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01707 298345
E-mail address (optional) licensing.team@uk.tesco.com PLEASE NOTE THIS EMAIL ADDRESS HAS RECENTLY CHANGED.

Part 3 Operating Schedule

When do you want the premises licence to start?	Day As soon as possible Month Year
If you wish the licence to be valid only for a limited period, when do you want it to end?	Day Month Year

Please give a general description of the premises (please read guidance note1)

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	N/A
--	-----

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment		Please tick yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Provision of entertainment facilities:		
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	

k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Provision of late night refreshment (if ticking yes, fill in box L)		
Supply of alcohol (if ticking yes, fill in box M)		X

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed				State any seasonal variations for performing plays (please read guidance note 4)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thurs			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors
			Outdoors		
			Both		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thurs			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	
				Outdoors	
				Both	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thurs			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thurs					
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)		
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	
				Off the premises	X
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Mon	0600	2300			
Tue	0600	2300			
Wed	0600	2300			
Thur	0600	2300			
Fri	0600	2300			
Sat	0600	2300			
Sun	0600	2300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Greg Bartley
Address
[Redacted Address]
Postcode [Redacted]
Personal Licence number (if any) [Redacted]
Home or working address (if any) [Redacted]

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4)</p> <p>N/A</p>
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>N/A</p>
Mon	0600	2300	
Tue	0600	2300	
Wed	0600	2300	
Thur	0600	2300	
Fri	0600	2300	
Sat	0600	2300	
Sun	0600	2300	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application. Images will be retained for a minimum of 21 days and made available on enforcement request. Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.
We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm


All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.
A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

		Please tick yes
<input type="checkbox"/>	I have made or enclosed payment of the fee	X
<input type="checkbox"/>	I have enclosed the plan of the premises	X
<input type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable	X
<input type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable	X
<input type="checkbox"/>	I understand that I must now advertise my application	X
<input type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected	X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	11 th April 2011
Capacity	Greg Bartley - Licensing Manager

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Greg Bartley
Licensing Team, Tesco Stores Ltd, Cirrus Building C, Shire Park

Post town	Welwyn Garden City	Post code	AL7 1ZR
Telephone number (if any)	01707 298348		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing.team@uk.tesco.com			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Provision of Portable Fire-Fighting Equipment at Tesco Stores

General

Portable fire extinguishers are provided as a means of first aid fire fighting equipment but should not be considered for use on a large fire or as an aid to escape. Their portability and immediate availability allows for prompt intervention by an individual at the start of a fire.

Therefore the suitability and location will dictate the types and quantity of fire fighting equipment that is required

Suitability

Imprex Foam Extinguisher

The general purpose extinguisher deployed at Tesco stores is a 6 Litre foam (Imprex) extinguisher. It can be used on solid carbonaceous fires (Class A) involving fuels such as timber, paper, plastic etc or on flammable liquid fires, such as petrol or cooking oil (Class B).

A simple formula is used to calculate the minimum number of general purpose (class A) and (class B) extinguishes that should be provided:

$$\frac{\text{The gross floor area (metres)}}{27^*} \times 0.065 = \text{Number Class A extinguishers required (rounded up)}$$

(27 being the 'A' rating of the extinguisher)

$$\frac{\text{Largest volume of spill of flammable liquid (litres)}}{183^*} \times 10 = \text{Number of Class B extinguishers required}$$

(183 being the 'B' rating of the extinguisher)

Carbon Dioxide Extinguisher

These are provided by Tesco stores on fires involving live electric equipment. There is no guidance on the numbers required, however, due to widespread use of electrical equipment in Tesco stores, they are readily available in most areas

Additionally fire blankets are available in cooking areas.

Location

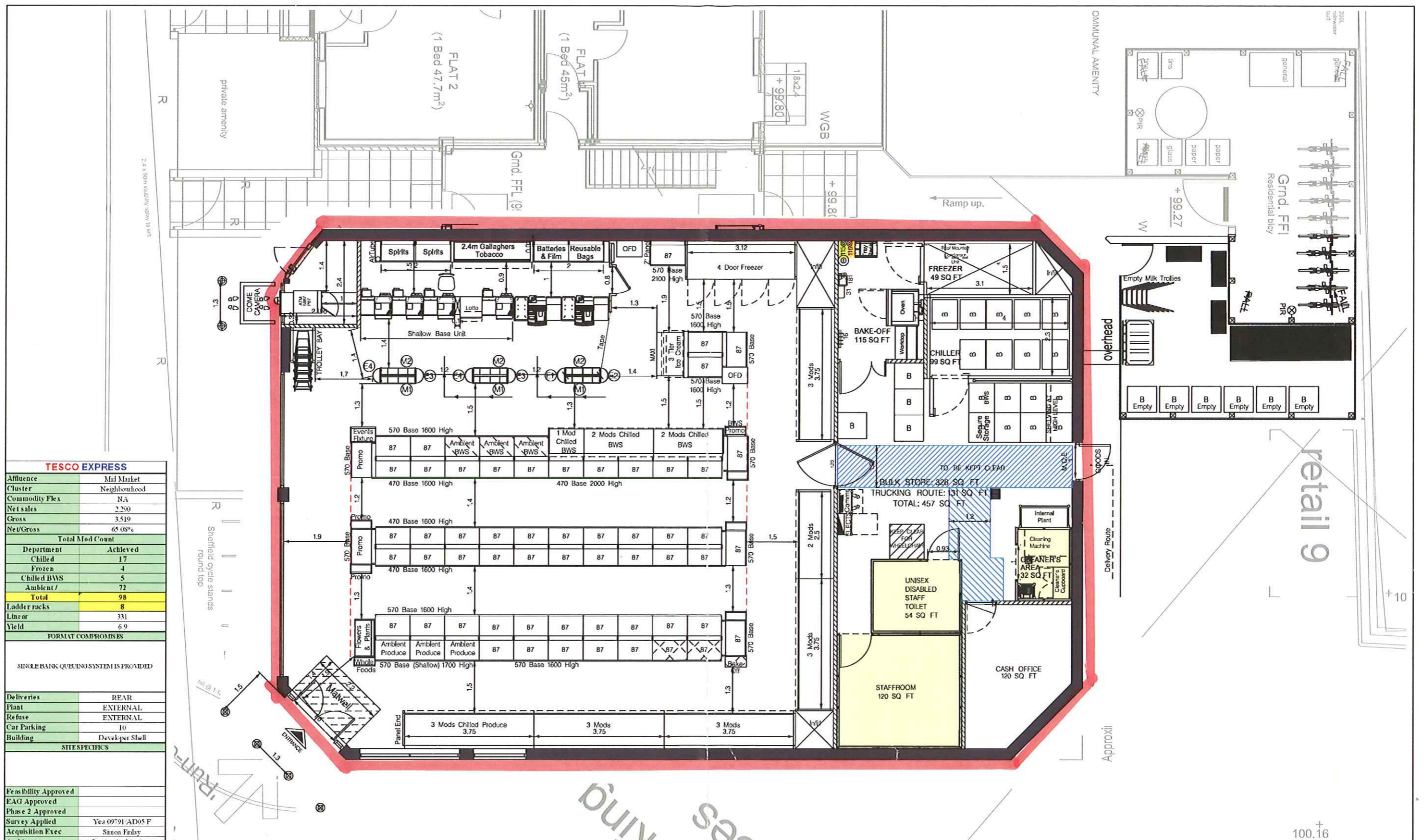
A person should not travel more than 30 metres to reach a suitable fire extinguisher from any point within the store. Additional extinguishers (above those needed to achieve an 'A' rating) may need to be provided to meet this requirement, but this is unlikely due to the layout of most Tesco stores.

Where possible, extinguishers are located adjacent to fire alarm call points (which in turn are adjacent to fire exits) forming a fire point, where the alarm can be raised and a decision made whether to attempt to tackle the fire or flee through the exit.

Allocation of Safety Signs and Notices

AREA	SIGN / NOTICE
Bakery and Bake-off Area	FIRE INSTRUCTIONS notice adjacent to break glass call point (b.g.c.p.)
Boiler Rooms & Boiler Containers	KEEP LOCKED SHUT
Clock Towers	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Coffee Shop	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Corridors	FIRE INSTRUCTIONS notice adjacent to b.g.c.p KEEP CLEAR FIRE DOOR-KEEP CLEAR on both sides of all doors other than held-open
Customer Service Centre	FIRE INSTRUCTIONS notice adjacent telephone
Electrical Intake	KEEP LOCKED SHUT notice on external side of door
Electrically Held Open Fire Doors Linked into Fire Alarm System Exterior	AUTOMATIC DOOR KEEP CLEAR on opening face of doors EMERGENCY EXIT – PUCH HARD TO OPEN on rear of each gate FIRE EXIT sign on outside of all fire doors
Female Cloaks	NO SMOKING
Generator Room/ Container	KEEP LOCKED SHUT on external side of door
Kids Club	FIRE INSTRUCTIONS notice adjacent to b.g.c.p FIRE EXIT – KEEP CLEAR notice on external side of door
Lift Monitor Room	KEEP LOCKED SHUT
Male Cloaks	NO SMOKING
Manager's Office	FIRE INSTRUCTIONS notice adjacent telephone
Plant Room/ Containers	KEEP LOCKED SHUT on external side of door
Restaurant (kitchen)	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Restaurant (Staff)	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Sales Area	FIRE EXIT sign above every fire exit TO FIRE EXIT sign above doors to protected corridors PUSH BAR TO OPEN above each set of push bars
Staff Reception	FIRE INSTRUCTIONS notice adjacent to b.g.c.p FIRE INSTRUCTIONS notice adjacent telephone
Sprinkler Valve/ Pump Room on External Side if Door	SPRINKLER STOP VALVE INSIDE EXTERNAL VENTILATION CONTROL SWITCH INSIDE (if appropriate)
Warehouse/ Bilk Store	FIRE INSTRUCTIONS notice adjacent to b.g.c.p Load level notices on lines on walls FIRE EXIT sign above every fire exit
Petrol/ Express Petrol Filling Stations	
Ancillairy Area	FIRE INSTRUCTIONS notice adjacent to b.g.c.p KEEP LOCKED SHUT on electrical intake FIRE EXIT above rear means of escape door PUSH BAR TO OPEN
Forecourt at tank fill points* at pumps#	Individual tank fill notices with grades PETROLIUM SPIRIT – HIGHLY FLAMABLE- NO SMOKING */# NO MOBLIE PHONES *

This page is intentionally left blank



TESCO EXPRESS	
Affluence	Mid Market
Cluster	Neighbourhood
Commodity Flex	NA
Net sales	2,250
Gross	3,519
Net/Gross	65.08%
Total Mod Count	
Department	Achieved
Chilled	17
Frozen	4
Chilled BWS	5
Ambient /	72
Total	98
Ladder racks	8
Linear	331
Yield	6.9

FORMAT COMPROMISES	
SINGLE BANK QUEUING SYSTEM IS PROVIDED	
Deliveries	REAR
Plant	EXTERNAL
Refuse	EXTERNAL
Car Parking	10
Building	Developer Shell

SITESPECIFICS	
Feasibility Approved	
EAG Approved	
Phase 2 Approved	
Survey Applied	Yes 09/91 AD05 F
Acquisition Exec	Sauca Faday
Architects	Inspire Architecture

REV.	AMENDMENTS	DATE	REV.	AMENDMENTS	DATE
#	PRELIMINARY RETAIL LAYOUT CREATED	03.06.10			
A	BUILDING UPDATED AS PER LATEST ARCHITECT'S DRAWING	09.07.10			
B	SHOPFRONT REVISED	13.07.10			
C	BIN, TROLLEY BIN & EMPTY BASKETS RELOCATED	14.07.10			

DRAWING NO.	PROJECT
GLOUFeasgag#C.dgn	GLOUCESTER PAINSWICK ROAD GL4 4BS
PHASE 1 ISSUE C	
SYSTEM ID. No. GLOUFeasbg#C.dgn, GLOUFeasrg#C.dgn, GLOUFeaspg#C.dgn	
SCALE: 1:100 @A3	DATE: 14.07.2010
PLANNER: Pete Spencer	DRAWN @HSC: Rinki

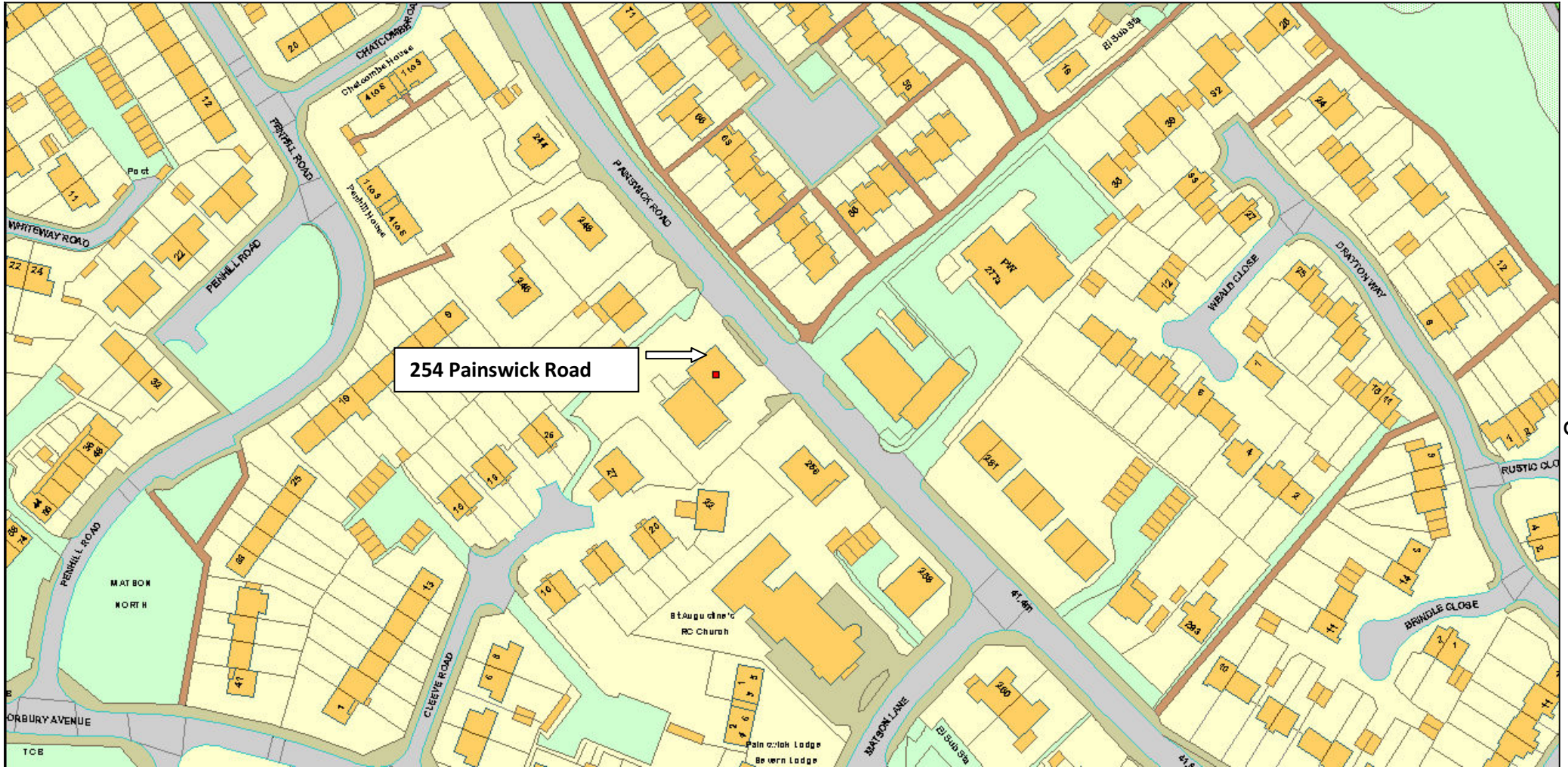
DESCRIPTION
PROPOSED RETAIL LAYOUT MIDMARKET NEIGHBOURHOOD

TESCO express	
TESCO STORES LIMITED EXPRESS GROUP	
P.O. BOX 400, CIRCUS BUILDING, SHIRE PARK WELWYN GARDEN CITY, HERTS. AL7 1AB	
TELEPHONE : 01707 395150	
<small>THE COPYRIGHT AND ALL OTHER RIGHTS IN AND RELATING TO THIS PUBLICATION BELONG TO AND ARE THE SOLE PROPERTY OF TESCO STORES LIMITED. ALL RIGHTS ARE RESERVED NEITHER THE WHOLE NOR ANY PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING AND RECORDING OR FROM ANY RETRIEVAL SYSTEM WITHOUT THE PRIOR WRITTEN LICENCE FROM THE OWNER © 1997 TESCO STORES LIMITED</small>	

⊖ 115 Fire Extinguisher (Foam)

⊖ 116 Fire Extinguisher (CO₂)

This page is intentionally left blank



This page is intentionally left blank

From: Cook, Andy [Andy.Cook@gloucestershire.pnn.police.uk]
Sent: 05 May 2011 18:01
To: Carl Knights
Cc: 'licensing.team@UK.tesco.com'
Subject: Application for New Premises Licence at 254 Painswick Road, Matson, Gloucester.

Dear Carl,

Please accept this e-mail as an objection to the grant of the above licence on the grounds of:

- ? **The Prevention of Crime & Disorder**
- ? **The Prevention of Public Nuisance**
- ? **The Protection of Children from Harm**

We are in the process of trying to agree some conditions with Tesco regarding this new store, however we are almost at the end of the consultation period and we are not yet agreed.

The store is situated in a very 'challenging' area, and we know from experience of stores that are virtually identical to this that a high level of incidents is very likely to occur, involving all 3 of the above objectives.

In relation to protecting children from harm specifically, Tesco has just failed another Test Purchase in Gloucestershire, accompanied by a less-than-desirable response from the staff member concerned. (This will need to be followed up by the Constabulary)

It is imperative that demand on the Constabulary is not increased. Various crime-reduction measures (such as Security Officers) will be essential if this store is to operate in a responsible manner and with low levels of crime & disorder.

Please note that this objection should be considered as withdrawn if the previously requested conditions (which you were copied) are accepted in full by Tesco.


Please confirm receipt of this representation. The Constabulary is happy to attend a Hearing if necessary and will bring evidence of problems at similar Tesco stores along with Test Purchase history and other relevant evidence to support the objection.


Regards,


Andy


Andy Cook

Force Licensing Manager
Licensing Unit
Gloucestershire Constabulary

 **Direct:** 01452 75(2816) **Group:** 01452 75(4482)

 andy.cook@gloucestershire.police.uk

 <http://www.gloucestershire.police.uk/>

 Licensing Unit, Community Engagement Dept, Police HQ,
No. 1 Waterwells, Quedgeley, Gloucester, GL2 2AN.

This page is intentionally left blank

PREMISES LICENCE MANDATORY CONDITIONS

Where licence authorises supply of alcohol

1. No supply of alcohol may be made under this licence
 - (a) at a time when there is no designated premises supervisor in respect of this licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Where licence authorises the exhibition of films

1. Admission of children (persons aged under 18) to the exhibition of films must be restricted in accordance with any recommendation made by the British Board of Film Classification.

Where door supervisor(s) are employed by way of a licence condition

1. Unless specifically exempted by Section 21(2) of the Licensing Act 2003 any individual who, by virtue of a condition of this licence, must be at these premises to carry out a security activity must be licensed by the Security Industry Authority. "Security activity" means an activity to which paragraph 2(1)(a) of Schedule 2 to the Private Security Industry Act 2001 applies.

Mandatory Licensing Conditions (With effect 6th April and 1st October 2010)

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.