

CITY OF GLOUCESTER
LICENSING SUB-COMMITTEE

Meeting: Thursday, 8th March 2012 at 18:30
Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Noakes, Field and Dallimore

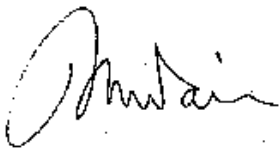
AGENDA

- 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 UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF WISLA SUPERMARKET, 209 BARTON STREET, GLOUCESTER, GL1 4HY**

Report by the Group Manager, Environmental Health and Regulatory Services



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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.

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Gloucester City Council

Committee	: LICENSING SUB-COMMITTEE
Date	: 08 MARCH 2012
Subject	: APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF WISLA SUPERMARKET, 209 BARTON STREET, GLOUCESTER GL1 4HY
Ward	: BARTON & TREDWORTH
Report By	: GROUP MANAGER ENVIRONMENTAL HEALTH AND REGULATORY SERVICES
No. Of Appendices	: A: COPY OF APPLICATION FOR A PREMISES LICENCE BY SORAN MOHAMMED SALIH B: PLAN OF PREMISES C: MAP SHOWING LOCATION OF 209 BARTON STREET D: COPY OF REPRESENTATION MADE BY ENVIRONMENTAL PROTECTION E: COPY OF AGREEMENT REACHED BETWEEN THE APPLICANT AND THE POLICE F: COPY OF REPRESENTATION MADE BY INTERESTED PARTY G: PROCEDURE FOR LICENSING SUB-COMMITTEES
Reference No.	: ES21130

1.0 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 from Soran Mohammed Salih in respect of premises situated at 209 Barton Street, Gloucester, GL1 4HY trading as Wisla Supermarket.

2.0 RECOMMENDATIONS

- 2.1 Having considered the application, all relevant representations received, the legislative provisions, the Council's Statement of Licensing Policy and the Guidance issued by the Home Office, 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.

3.0 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.

4.0 THE 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 10 January 2012 and has been advertised in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

- 4.2 The application, which is attached as **Appendix A**, requests the following licensable activities:
- a) the Supply of Alcohol for consumption **off** the premises only (Section M) from 08:00 to 23:00 Monday to Sunday (inc)
- 4.3 Opening hours (Section O) are requested from 08:00 to 23:00 Mon to Sun (inc).
- 4.4 The applicant has indicated in the Operating Schedule (Section P) attached as **Appendix A** of this report the steps he intends to take to promote the four licensing objectives.
- 4.5 The proposed Designated Premises Supervisor for the premises is Monika Baranowska, who holds a personal licence issued on 16 September 2011 by Hull City Council.
- 4.5 A plan of the premises and map of the location of the premises are attached as **Appendix B** and **C** respectively.
- 4.6 The plan of the premises shows where the alcohol will be situated should a licence be granted.
- 4.7 One representation was received from the Environmental Protection team concerning the potential negative impact on the licensing objective for Public Nuisance. The representation can be seen as **Appendix D** of this report.
- 4.8 Lloyd Griffiths the Service Manager for the Environmental Protection team and the applicant have since reached agreement and the representation has been withdrawn subject to the following conditions being imposed on the premises licence if granted:-
- 1) During the period the premises is open for business the DPS will monitor and keep clear the exterior of the premises to ensure litter is kept to a minimum.
 - 2) All rubbish produced by the premises will be stored securely on the premises and be placed out for collection no earlier than 23:00hrs before the day of collection and is to be collected by and disposed of through a Trade Waste Agreement by a Registered Waste Carrier.
- 4.9 Members should note that the applicant did not offer up these conditions in the Operating Schedule (Section P) at the time he made application for a premises licence.
- 4.10 No other representations have been received by Responsible Authorities.
- 4.11 During the consultation period the Police liaised directly with the applicant with regard to the following conditions being imposed on the licence if granted:-
- 1) The CCTV system shall be fitted and maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a

minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.

- 2) The Challenge 25 (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 25 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a Pass approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age. All details of persons challenged to be entered in a 'challenge log'
 - 3) All staff to be fully trained in their responsibilities, under Licensing Act 2003, with re-training every three months. All training will be fully documented, and those records to be produced to Police or Council officers on reasonable request.
 - 4) No alcohol will be displayed within 5 meters of the entrance/exit to the premises.
- 4.12 The applicant agreed to accept these conditions being added to the premises licence should a licence be granted. This agreement is attached as **Appendix E** of this report.
- 4.13 Members should note that the applicant did not offer up these conditions in the Operating Schedule (Section P) at the time he made application for a premises licence.
- 4.14 One representation was received from Cllr Patel as an Interested Party, concerning the potential negative impact on all four of the licensing objectives, and is attached as **Appendix F** of this report.
- 4.15 The applicant and the interested party have been given a Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

5.0 THE LICENSING POLICY STATEMENT AND GUIDANCE

- 5.1 Sections 3, 4, 5 and 6 of Gloucester City Council's Licensing Policy Statement outlines the authority's policy with regard to the licensing objectives. Section 7 refers specifically to licensing hours. Members attention is drawn to all sections 3,4, 5 and 6 being the licensing the objectives which the interested party believes may be adversely affected.
- 5.2 The relevant parts the Amended Guidance issued under section 182 of the Licensing Act 2003 (Oct 2010) by the Secretary of State are Chapter 2, paragraphs 2.1-2.18 on Crime and Disorder, paragraphs 2.19–2.31 on Public Safety, paragraphs 2.32-2.40 on Public Nuisance and paragraphs 2.41-2.51 on Protection of Children From Harm, Chapter 8 on Applications for premises licences, Chapter 9, Determining applications and Chapter 10, Conditions attached to premises licences.
- 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 Secretary of State 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.

6.0 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 recently decided 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.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications relating to this report.

8.0 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. Elected councillors are not required to live in the vicinity or in the same ward as the licensed premises they are making a representation about, and are not required to have been requested to act by any other person or body.
- 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-Committee's 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 determination and reasons for making it to:
- 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 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 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 Under the Human Rights Act 1998, 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.
- 8.17 **Name of Officer – Steve Isaac**

9.0 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.

10.0 People Impact Assessment (PIA):

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: Screening assessment conducted as part of the Council's Licensing Act Policy Statement
		✓	
Has an initial PIA screening been completed?	Yes	No	Explanation: As Above
		✓	
Has a full PIA been completed?	Yes	No	Explanation: As Above
		✓	
Is the PIA available?	Yes	No	Explanation: As Above
		✓	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	As Above *Please ensure PIA is available
		✓	

Any Further Relevant Information:

None

11.0 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** : Rebecca Tuck
Tel: 01452 396678
E-mail: Rebecca.Tuck@gloucester.gov.uk

Gloucester City Council

APPENDIX A
ES21130

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

£10.00

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 Soran Mohammed Sahil Salih
(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 <u>209 Barton Street Gloucester</u> <u>GL1 4H2</u>	
Post town	<u>Gloucester</u>
Post code	<u>GL1 4H1</u>
Telephone number at premises (if any)	<u>—</u>
Non-domestic rateable value of premises	£ £128 <u>£5,300</u>

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 ☐ 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)

ENVIRONMENTAL HEALTH & REGULATORY SERVICES

New Premises Licence Application (Jan2011)/22/12/2011

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email heretohelp@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

- 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 in Wales ☒ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☒ 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 ☐
- I am making the application pursuant to a
 - o statutory function or ☐
 - o a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <u>Mohammed Salih</u>			First names <u>Soran Mohammed</u>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town	<u>Gloucester</u>			Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
I am 18 years old or over				<input type="checkbox"/> 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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
2	3	1	2	2	0

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)

European Supermarket in Barton Street

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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)

☒

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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (please read guidance note 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6).			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4).		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
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			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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6).			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<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)	
Fri				
Sat			<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)	
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	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon.			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<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)	
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 <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri			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 (please read guidance note 5)	
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	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			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)		
Fri					
Sat			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)		
Sun					

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
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)		
Thur					
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 <input checked="" type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	8 AM	11 PM		
Tue	8 AM	11 PM		
Wed	8 AM	11 PM		
Thur	8 AM	11 PM		
Fri	8 AM	11 PM		
Sat	8 AM	11 PM		
Sun	8 AM	11 PM	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	Monika Baranowska		
Address			
Postcode			
Personal Licence number (if known)	169PA2052 - 16.9.2011		
Issuing licensing authority (if known)	Hull City Council		

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)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	23.00	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 (please read guidance note 5)
Tue	08.00	23.00	
Wed	08.00	23.00	
Thur	08.00	23.00	
Fri	08.00	23.00	
Sat	08.00	23.00	
Sun	08.00	23.00	

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)

b, EQUIPMENT ON SHOW
c, FORMS TO SIGN BY STAFF
d, EQUIPMENT ON SHOW
e, SIGNS OF AGE (21YRS) "NO ALCOHOL"

b) The prevention of crime and disorder

C.C.T.V. OPERATE IN STORE (24HRS)

c) Public safety

VERBAL INSTRUCTION TO ALL STAFF

d) The prevention of public nuisance

CAMERA TO COVER SHOP FRONTAGE

e) The protection of children from harm

SIGNAGE -- CHILDREN TO BE ACCOMPANIED
BY PARENTS/ADULTS.

IDENTIFICATION OF AGE: 21YRS

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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	28 / 12 / 11
Capacity	Proprietor

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)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Gloucester City Council

CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR

I Baronowska Monika
[full name of prospective premises supervisor]

of

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for

L
[type of application]

by Soran Mohammed Salih
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for Wisia Supermarket
207 Barton Street
.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Soran Mohammed Salih
[name of applicant]

concerning the supply of alcohol at

Wisia Supermarket
207 Barton St
Gloucester
GL1 4HY
[name and address of premises to which application relates]

Consent of Individual to being specified as premises supervisor

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below:

Personal licence number KULH.PA.2052
[insert personal licence number, if any]

Personal licence issuing authority

Hull City Council
Kingston upon Hull
33 Witham
Hull: Hull IDB

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print) BARANOWSKA MOWIKA

Date 23/12/11

PUBLIC NOTICE LICENSING ACT 2003

LICENCE APPLICATION

An application has been made by Soran Mohammed Salih (Name of Applicant)
to the Licensing Authority for Gloucester City for the grant/variation of a Premises
Licence/Club Certificate or Provisional Statement for the

WISLA Supermarket (name of premises or club)
at 209 Barton Street Gloucester
GL1 1HF (full postal address)

The application includes proposals to
Sell alcohol Mon - Sun (inc) 08:00 - 23:00

(give details of the proposed licensable activities or, where appropriate, briefly describe the proposed variations).

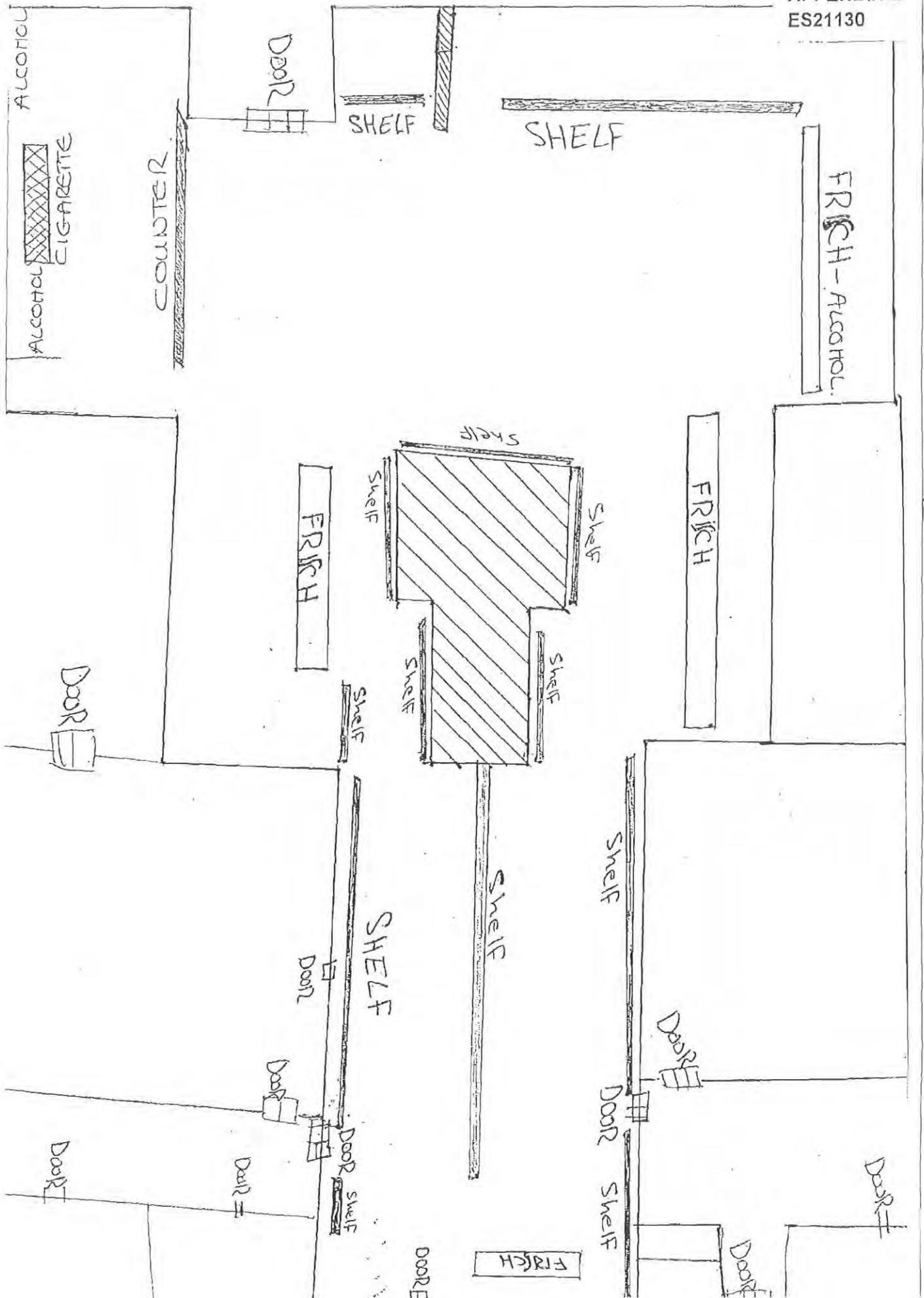
The application can be viewed, by appointment, at the offices of the Licensing Authority at:-

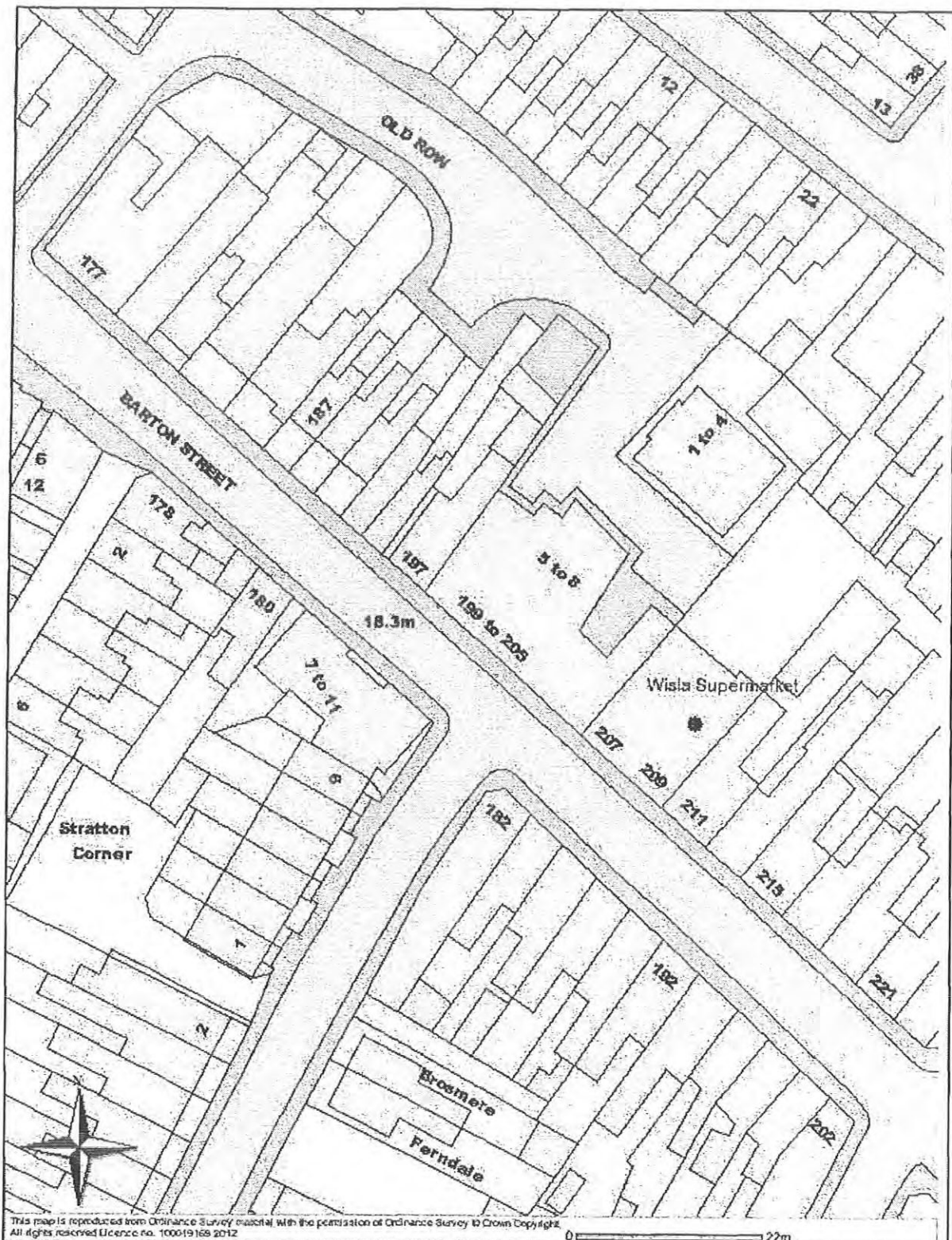
ENVIRONMENTAL HEALTH
GLOUCESTER CITY COUNCIL
HERBERT WAREHOUSE
THE DOCKS
GLOUCESTER
GL1 2EQ

Telephone: 01452 396303
Email: licence.team@gloucester.gov.uk
Fax: 01452 396340

Any person wishing to make representations concerning this application must give notice in writing (including email or fax number) to the above named by 9 February 2012
(insert date which is 28 days from the day following the date the application was given to the Licensing Authority).

It is an offence liable on conviction to a fine up to £5,000 under Section 158 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with this application.





ArcIMS HTML Viewer Map



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

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The scale depicted on the map above is intended as a guide.

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Gloucester City Council

LICENSING ACT 2003

REPRESENTATION FORM – Responsible Authorities

Responsible Authorities are requested, where possible, to forward to the Licensing Authority all relevant evidence in support of their representation at the time of submitting this form.

Your Details

Your Name:	Lloyd Griffiths
Name of the organisation you represent:	Gloucester City Council
Position held:	Environmental Protection Service Manager
Postal Address of the organisation or body you represent:	Herbert Warehouse, The Docks, Gloucester
Post Code:	GL1 2EQ
Daytime contact telephone number:	01452 396315
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address.</i> lloyd.griffiths@gloucester.gov.uk
Full correspondence address if different to above:	

Premises Details

Name of premises you are making representation about:	Wisla Supermarket		
Full Postal Address of premises you are making representation about:	209 Barton Street, Gloucester		
Post Code:	GL1 4HZ	Application Ref. Number. (If known)	1200158 CONLIP

Repr

authorities

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

Representation details

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to).

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	x	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Barton Street already suffers from littering with the majority of litter being food & drink packaging and cigarette butts. The source of much of this litter is food and drink bought from shops in the locality. It is our view that where a premises wish to serve products of this nature that might result in litter being generated by their customers they should take responsibility for maintaining the cleanliness of the immediate area outside their premises.

In addition we have issues along Barton Street with commercial businesses placing their waste out for collection illegally and not through a trade waste agreement. This is resulting in side waste appearing on street corners and attracting vermin, causing odour problems, being unsightly and causing an obstruction to persons walking along the street. It is our view that commercial waste generated by the premises should only be placed out for collection the night before it is due to be collected and should be disposed of via a Trade Waste Agreement.

Please suggest suitable conditions that the committee could add to the licence (if granted) to remedy your concerns or if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or enter details of any other matters, not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary).

- During the period the premises is open for business the DPS will monitor and keep clear the exterior of the premises to ensure litter is kept to a minimum
- All rubbish produced by the premises will be stored securely on the premises and be placed out for collection no earlier than 23:00hrs before the day of collection and is to be collected by and disposed of through a Trade Waste Agreement by a Registered Waste Carrier.

I agree to the above conditions being attached to the licence if you are minded to grant approval

30.1.2012

Signed:	Lloyd Griffiths	Dated:	25.01.12
Position:	Environmental Protection Service Manager		

Wisla Supermarket, 209 Barton Street, Gloucester

APPENDIX E

ES21130

I hereby accept the following conditions to be added to the Premises Licence to be issued by Gloucester City Council in respect of the above premises.

- The CCTV system shall be fitted and maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.
- The Challenge 25 (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 25 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a Pass approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age. All details of persons challenged to be entered in a 'challenge log'
- All staff to be fully trained in their responsibilities, under Licensing Act 2003, with re-training every three months. All training will be fully documented, and those records to be produced to Police or Council Officers on reasonable request
- No alcohol will be displayed within 5 meters of the entrance/exit to the premises

I agree to accept the above conditions being added to the Premises Licence for Wisla Supermarket.

Signed

Dated.....6/2/12.....

Gloucester City Council

APPENDIX F
ES21130

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

8 - FEB 20

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

For a representation to be relevant it must:

- relate to the effect of the grant of the licence on the promotion of the licensing objectives;
- be made by an "interested party" or "responsible authority";
- not have been withdrawn;
- if made by an interested party, must not be 'repetitious, frivolous or vexatious' and
- be received by the Licensing Authority within the statutory time limits (28 days from date of application).

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	CLLR SAJ PATEL
Name of the organisation/body you represent: (if appropriate)	BARTON & TREDWORTH WARD.
Your full postal address or that of the organisation or body you represent:	
Post code:	
Daytime contact telephone number:	
Email address: (optional)	If you would prefer to correspond via email, please enter your email address sajid.patel@gloucester.gov.uk

Premises Details

Name of premises you are making representation about:	WISLA SUPERMARKET.
Full Postal Address:	203 BARTON STREET, GLOS GL1-4HY
Post Code:	GL1-4HY

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

What are you making a representation about?

(Note: Your representation must relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of public nuisance	✓	The protection of children from harm	✓

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

- Granting a alcohol licence will lead to an increase in street drinking problems, whereby drinkers litter in the street and cause anti-social problems and leave the community and pedestrians in fear for their safety and their children. There is already a major problem in and around Barton St, and this will only exacerbate the problem.
- I have had many reports from residents in the community of women and young girls being harassed and elderly residents crossing over to the opposite pavement as they (drunks) are intimidating and rude.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

- Please do obtain a report from Barton Street Police Station as they will agree with the above and may have statistics re-disorder problems on Barton Street which are drink related.
- In the interest of safety and prevention of public nuisance, consent to sell alcohol should not be granted.

Signed:		Dated:	30.01.2012
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Procedure at the Hearing

59. In view of the nature of the hearing and the personal facts that may emerge, the hearing will be conducted with the press and public excluded. Pursuant to Section 100A(4) of the Local Government Act 1972 (as amended), the public would be excluded on the grounds that the matter involves the likely disclosure of exempt information as defined in Section 100I of the Local Government Act 1972 (as amended).
60. The Chair of the Committee will open the hearing, stressing the Committee's independence and outlining the procedures which will be followed. The Committee can regulate the conduct of the hearing as it wishes, so long as it is acting fairly and reasonably to the parties thereto.
61. The recommended procedure is as follows:-
 - i) The Council's case is presented by the Environmental Health Manager (Commercial) or the Licensing Enforcement Officer.
 - ii) The Officer is questioned by the Licensee (or representative) and then by Members of the Committee if any points need clarification.
 - iii) The Chair invites the Licensee (or representative) to present his case.
 - iv) The Licensee (or representative) can be questioned by the Council's officers and/or Members if any points need clarification. Even if represented, the Licensee can be asked questions directly.
 - v) Each side must be given the opportunity to sum up if they so wish, the Licensee (or representative) speaking last.
 - vi) At the conclusion of the case the Chair will request the licensee/representative/ witnesses/Environmental Health Manager (Commercial) (or his representative) to leave the room while the Committee deliberates.
 - vii) When the Committee has reached its decision, the Licensee (or representative) will be invited to return to be informed of the decision.
 - viii) The decision will later be confirmed in writing and will include a statement of reasons for reaching that decision.

Failure to Attend

62. If the Licensee does not attend the hearing at the appointed time and day then the Committee can continue and consider the complaint without the Licensee's presence on the basis of the evidence provided by the Officer, together with any written comments received from the Licensee concerned.

The Committee's Powers

63. The Committee has the following powers:-

- i) To take no action;
- ii) To give a written warning, first or final;
- iii) To suspend for a period of time;
- iv) To revoke the licence;
- v) To require a licensed driver to undertake the approved driver assessment scheme.

Applicants/Licensees Rights

- 64. To take legal advice at any time.
- 65. To be represented by a Solicitor or other representative during any part of the procedure. Licensee to be responsible for all costs arising from such representation.
- 66. To produce all relevant evidence in respect of his case. However, such evidence must be disclosed to the Head of Legal Services at least 7 working days prior to the hearing.
- 67. To ask questions of the Committee or Officers.
- 68. To appeal to the appropriate Court against any decision to refuse, suspend or revoke a licence or against a licence condition.

Points to Note

- 69. The Head of Legal Services will act as Clerk to the Committee and provide advice when needed on matters which may be raised of a legal or procedural nature, either during the hearing or before the Committee's decision is announced.
- 70. Both sides must be given every reasonable opportunity to present their case.
- 71. In order to assist the Licensee to present his case, there should be no excessive formality about the hearing. The atmosphere should be such as to bring out all of the facts to enable the Committee to make a reasoned decision.
- 72. The Committee must not only act but must be seen to act fairly and impartially. The Committee will be acting in quasi judicial manner and must consider only the evidence which is put before it. The Committee must act reasonably on the basis of the evidence and not take into account extraneous or irrelevant facts.
- 73. Licensees must be made aware that the hearing may take a number of hours to complete and should be prepared to wait until the completion of the case before leaving. It may be that the Committee will be considering other business and several disciplinary cases may be heard on the same day. This could result in several hours wait for a particular Licensee.

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