



Gloucester City Council

Licensing Sub-Committee

**Meeting: Monday, 22nd October 2012 at 10.00 am in Committee Room 1,
North Warehouse, The Docks, Gloucester, GL1 2EP**

Membership:	Cllrs. Lugg, Brown and Randle
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	ELECTION OF CHAIR
2.	INTRODUCTIONS AND PROCEDURES
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF PERI PERI'S CHICKENLAND, 152 SOUTHGATE STREET, GLOUCESTER, GL1 2EX (Pages 1 - 44) Report by the Corporate Director of Services and Neighbourhoods.

.....
Julian Wain
Chief Executive

Date of Publication: Friday, 12 October 2012

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

This page is intentionally left blank

Gloucester City Council

Committee	: LICENSING SUB COMMITTEE
Date	: 22 OCTOBER 2012
Subject	: APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF PERI PERI'S CHICKENLAND 152 SOUTHGATE STREET, GLOUCESTER, GL1 2EX
Ward	: WESTGATE
Report By	: CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS
No. Of Appendices	: A: COPY OF APPLICATION TO VARY A PREMISES LICENCE FOR 152 SOUTHGATE STREET BY IBRAR AHMED MALIK B: PLAN OF PREMISES C: LOCATION MAP OF 152 SOUTHGATE STREET D: REPRESENTATION FROM GLOUCESTERSHIRE CONSTABULARY E: REPRESENTATION FROM ENVIRONMENTAL PROTECTION F: REPRESENTATIONS FROM RESIDENTS G: PROCEDURE TO BE FOLLOWED AT A HEARING
Reference No.	: ES21140

1.0 Purpose of Report

- 1.1 To present to members an application to vary a premises licence made under section 34 of the Licensing Act 2003 for 152 Southgate Street, Gloucester, GL1 2EX, received from Mr Ibrar Ahmed Malik. The application is to remove the provision for the retail sale of alcohol and to provide late night refreshment every day.

2.0 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.

2.2 The Licensing Objectives are :-

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

3.0 Background

3.1 Members are advised that when considering an application to vary a premises licence the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraph 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 modify the conditions of the licence;
- (b) To reject the whole or part of 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 6 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. The Application

4.1 This is an application to vary a premises licence made in accordance with Section 34 of the Licensing Act 2003. The application was received by the Licensing Authority on 10 August 2012 and has been advertised in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. A copy of the application is attached as **Appendix A** together with a copy of the current licence.

4.2 The premises to which the application relates is a small cafe/takeaway comprising a kitchen and counter with a customer dining area with four tables and seating for twelve persons. The premises is situated on the west side of Southgate Street between Llanthony Road and the main Docks entrance. It is next door to a late night pizza takeaway at 150 Southgate Street and opposite a late night kebab takeaway at 95-97. The premises were formerly operating as a Polish restaurant.

4.3 A plan of the premises and its location are attached as **Appendices B and C** respectively. Members are respectfully advised to familiarize themselves with the area concerned.

4.4 There are no planning restrictions with regard to opening hours in respect of these premises

4.5 The terminal hours for late night refreshment in respect of the adjacent premises are as follows:-

No.150	Sunday – Thursday	midnight
	Friday and Saturday	02.00
No 95-97	Sunday – Thursday	03.00
	Friday and Saturday	04.00

4.6 The application requests the following variations to the licensable activities:

(a) The removal of the provision for the sale of alcohol

(b) To add the provision of Late Night Refreshment both on and off the premises between the following times

Sunday to Thursday 23.00 to 02:00

Friday and Saturday 23:00 to 03:00

4.7 The only licensable activity on the existing licence is the sale of alcohol at the following times:-

Monday and Thursday	12.00 to 21.30
Friday	12.00 to 22.30
Saturday	14.00 to 22.30
Sunday	14.00 to 20.00

and all bar two of the conditions attached to the licence relate to this activity. These two are as follows:-

- A CCTV system shall be installed in accordance with UK police requirements and be maintained in working order.
- A sign shall be placed in a conspicuous position requesting customers to leave the premises quietly.

4.8 It would seem logical that although the applicant did not request it, that should the licence be granted, all conditions relating to the sale of alcohol (excluding the two conditions mentioned above) are deleted from the licence. The views of the two responsible authorities on these changes should be sought by the Sub-Committee if they are minded to do this.

4.9 The applicant has not set out any additional measures he intends to take to promote any of the licensing objectives. Section P of the application has been left blank.

5.0 Representations

5.1 Representations have been received from two Responsible Authorities, namely, Gloucestershire Constabulary and Gloucester City Council Environmental Protection. These are attached as **Appendices D and E** respectively.

5.2 The Constabulary are against the licence being issued on the basis that to do so would compromise the licensing objectives 'the prevention of crime and disorder' and 'the prevention of public nuisance'

5.3 Environmental Protection are also minded to oppose the issuing of the licence on the basis that to do so would compromise the objective 'the prevention of public nuisance'.

5.4 The Home Office Guidance states at chapter 9.11 that :-

‘Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.’

And at 9.12, in relation to representations from the police, the Guidance states:-

‘In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good relationships with those operating in their local area. The police should be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.’

5.5 There have been three representations from residents who live either directly above these premises or above number 150 and these are attached as **Appendix F**.

5.6 The main concerns relate to alleged existing nuisance and the potential for this to continue into the early hours should the licence be granted.

5.7 There are allegations of trading having been carried on without the appropriate licence and this has been investigated by the enforcement officers and appropriate action taken. It is not a matter for this Hearing to concern itself with.

5.8 The applicant and interested parties have been given a Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

6.0 THE LICENSING POLICY STATEMENT AND GUIDANCE

6.1 Sections 3,4,5 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.

6.2 The relevant parts of the Amended Guidance issued under section 182 of the Licensing Act 2003(April 2012) by the Home Secretary are Chapter 2, on the four licensing objectives, Chapter 8 on applications for premises licences, Chapter 9 on determining applications and Chapter 10 conditions attached to premises licence.

6.3 Paragraphs 10.1 to 10.19 deal with the attaching of conditions to licences and state that only appropriate, 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 appropriate to promote the licensing objectives arising out of the consideration of the representations. If other existing law already places certain statutory responsibilities on an operator of a premises it cannot be appropriate to impose the same or similar duties as conditions.

7.0 Conclusions

7.1 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.

7.2 Members should 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 evidence and by giving their own views excessive weight. The resulting decision to limit the hours of operation without it having established that it was necessary to do so in order to promote the licensing objectives was ruled unlawful and the decision was quashed.

8.0 Financial Implications

8.1 There are no financial implications relating to this report.

9.0 Legal Implications

9.1 The Licensing Sub-Committee is asked to consider an application to vary an existing Premises Licence granted under Section 34 to be determined under Section 35.

9.2 When considering the application, the Sub-Committee must be satisfied that the same requirements as for a new application under Section 17 have been satisfied, that relate to the application contents, notices and advertising.

- 9.3 When considering the application, the Sub-Committee must consider the four licensing objectives set out in paragraph 2.2 and must consider them to be of equal importance
- 9.4 Should the Sub-Committee need additional information, it has powers to adjourn or carry forward the hearing to additional, specified dates.
- 9.5 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 another person within the prescribed period.
 - (c) Has not been withdrawn
 - (d) If having been made by a person (who is not also a Responsible Authority), are not in the opinion of the Licensing Authority frivolous or vexatious.
- 9.6 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 concerns and should always be no more than is a necessary and proportionate response. This is particularly the case, if there is any detrimental financial impact that would be caused by the decision.
- 9.7 The Sub-Committee is required to have regard to the Home Office Guidance and Council Licensing Policy when making its decision, bearing in mind they do not cover every possible situation. Provided that the Guidance and Policy have been properly and carefully understood, the Sub-Committee may depart from them if they have reasons to do so. The Sub-Committee must give full reasons in its decision for any departure from the Guidance and Policy.
- 9.8 Following the case of Daniel Thwaites v Wirral Borough Magistrates Court 2008, referred to in Paragraph 7.2 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. The Sub-Committee need to assess the evidence submitted and whether evidence or representations amount to evidence on which they can rely
 - (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.

9.9 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.
- (d) Environmental Protection.

9.10 It should be noted by the Sub-Committee that in relation to this application, the Council has a number of roles through Council services e.g. Environmental Protection. No response to the application has been received from the Council’s Health and Safety or Development Control Departments.

9.11 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.

9.12 A party may appeal the decision of the Sub-Committee to the Magistrates’ Court within 21 days of being notified in writing of the decision. As the appeal is against the Sub-Committee’s decision, the City Council will be the Respondent to such proceedings.

9.13 Provided the Sub-Committee acts reasonably, basing their decision on proper evidence and information from the applicant, Responsible Authorities and other persons, then on a successful appeal, costs should not be awarded against the Council.

10.0 Risk Management Implications

10.1 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.

11.0 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.
		X	
Has an initial PIA screening been completed?	Yes	No	Explanation: As above
		X	

Has a full PIA been completed?	Yes	No	Explanation: As above
		X	
Is the PIA available?	Yes	No	Explanation: As above
		X	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	As above *Please ensure PIA is available
		X	

12.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)

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 (April 2012)
Daniel Thwaites v Wirral Borough Magistrates Court (2008) EWHC 838 (Admin)

Person to Contact : Tony Moseley
Tel: 01452 396322
E-mail: Anthony.david.moseley@gloucester.gov.uk

This page is intentionally left blank

Gloucester City Council

APPLICATION TO VARY A PREMISES LICENCE 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.

ENVIRONMENTAL

10 AUG 2012

I/We ibrahim Ahmed Malik
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below:

HEALTH

Premises licence number

1002347GLPRNG

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Pen Pen's Chicken and
132 Southgate street

Post town Gloucester

Post code GL1 2EX

Telephone number at premises (if any)

01452 415515

Non-domestic rateable value of premises

£

Part 2 - Applicant details

Daytime contact telephone number

01452 415515

E-mail address (optional)

Current postal address if different from premises address

Post Town

Postcode

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

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To remove ~~state~~ sale of alcohol &
add late night refreshment.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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 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					

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>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</u> (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)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here</u> (please read guidance note 3)	
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
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)			Will the performance of live music 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			Please give further details here (please read guidance note 3)		
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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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)		
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)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place 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 entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

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>		
Day	Start	Finish	<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"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<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)		
Sun					

J

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment 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 checked="" type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	11 pm	02:00 am				
Tue	11 pm	2:00 am				
Wed	11 pm	2:00 am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur	11 pm	2 am				
Fri	11 pm	3 am	<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	11 pm	3 am				
Sun	11 pm	2 am				

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 type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						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)		
Fri								
Sat								
Sun								

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	11 am	2 am	
Tue	11 am	2 am	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)
Wed	11 am	2 am	
Thur	11 am	2 am	
Fri	11 am	3 am	
Sat	11 am	3 am	
Sun	11 am	2 am	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Conditions relating to sale of alcohol.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Already with licensing department

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

b) **The prevention of crime and disorder**

c) **Public safety**

d) **The prevention of public nuisance**

e) **The protection of children from harm**

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	[REDACTED]
Date	10-08-2012
Capacity	12 SEATS

Where the premises licence is jointly held signature of second applicant (the current premises licence holder) or second 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 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)

NOTES FOR GUIDANCE

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

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 state 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.

Schedule 12
Part A

Regulation 33,34

Premises Licence

Premises Licence Number

1201227GLPRMG

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Peri Peri's Chickenland
152 Southgate Street
Gloucester
GL1 2EX

Telephone number 01452 415515

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol	Monday to Thursday	12:00 - 21:30
Sale of Alcohol	Friday	12:00 - 22:30
Sale of Alcohol	Saturday	14:00 - 22:30
Sale of Alcohol	Sunday	14:00 - 20:00

The opening hours of the premises

Monday	12:00 - 21:30
Tuesday	12:00 - 21:30
Wednesday	12:00 - 21:30
Thursday	12:00 - 21:30
Friday	12:00 - 23:00
Saturday	14:00 - 23:00
Sunday	14:00 - 20:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premise.

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES



Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ibrar Ahmed Malik
152 Southgate Street
Gloucester
GL1 2EX

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Signature of Issuing Officer:



Date of Determination: 19 November 2010

Date of Issue: 10 August 2012

(See Annexes and Plans attached for conditions relating to this Licence)

Issuing Authority:

The District of Gloucester City Council, The Docks, Gloucester GL1 2EQ

Annex 1 – Mandatory conditions

Where licence authorises supply of alcohol

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

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

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).

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

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.

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) game 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 be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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).

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

Annex 2 – Conditions consistent with the Operating Schedule

A CCTV system shall be installed in accordance with UK police requirements and be maintained in working order.

All alcohol shall be stored in a lockable cabinet in the rear of the premises.

Alcohol shall not be served to customers who appear to be drunk.

A sign shall be placed in a conspicuous position requesting customers to leave the premises quietly.

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:-

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 holographic mark

Where a proof of age scheme such as 'Challenge 25' exists, that the premise will adopt that scheme. Where no such scheme exists the premise should clearly display conspicuously, in written form, their age/proof of age related sales policy.

The responsible person shall ensure that:-

Where any of the following alcoholic drinks is sold or supplied for sale or 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:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

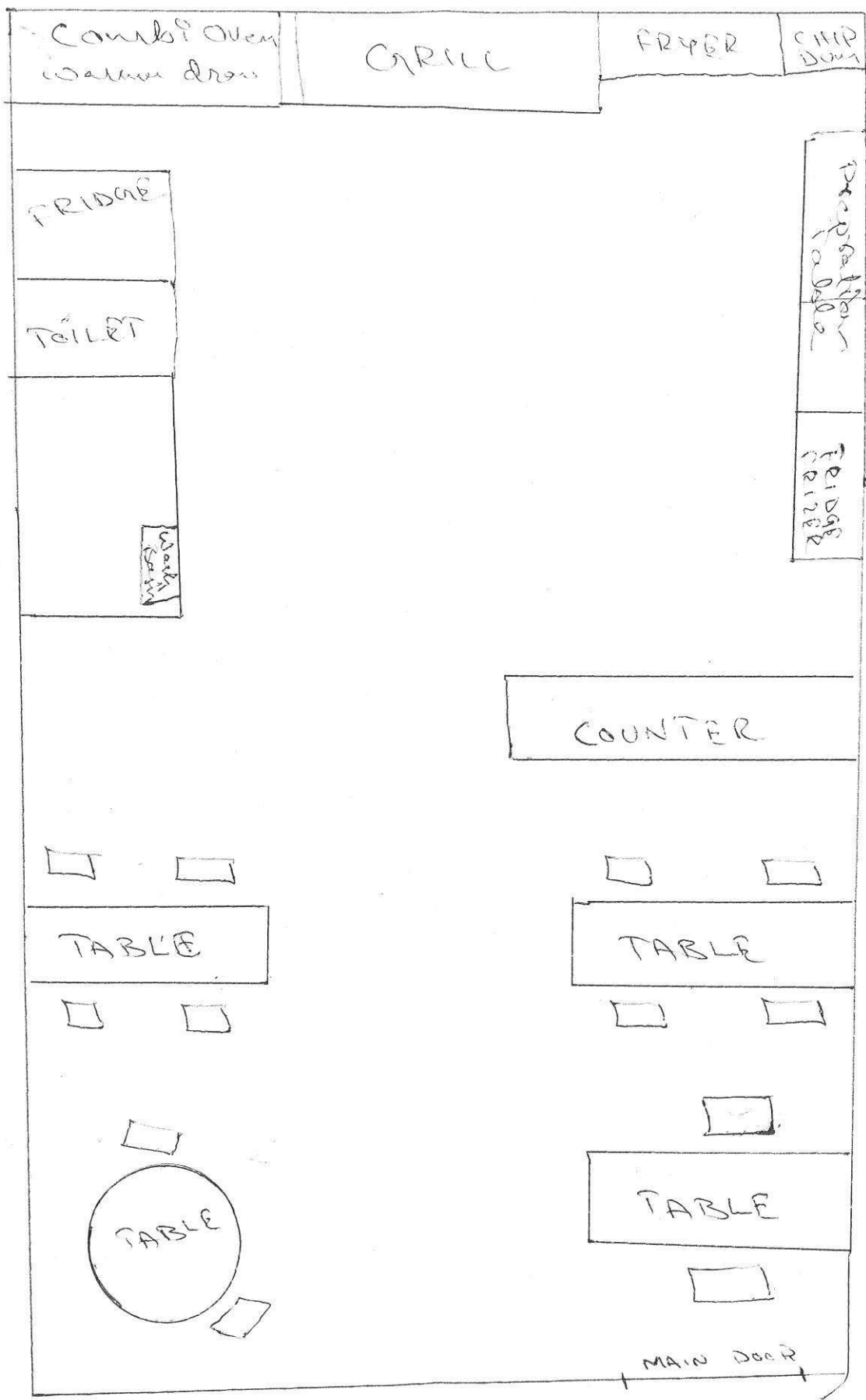
customers are made aware of the availability of these measures.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

As submitted with the application



ENVIRONMENTAL
 17 AUG 2012
 HEALTH



Gloucestershire Constabulary
People First Policing

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:	ANDREW COOK
Name of the organisation you represent:	GLOUCESTERSHIRE CONSTABULARY
Position held:	LICENSING MANAGER.
Postal Address of the organisation or body you represent	LICENSING DEPARTMENT GLOUCESTERSHIRE CONSTABULARY HQ, 1 WATERWELLS, QUEDGELEY, GLOUCESTER
Post Code:	GL2 2AN
Daytime contact telephone number:	01452 752816
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address.</i> andrew.cook@gloucestershire.police.uk
Full correspondence address if different to above	

Premises Details

Name of premises you are making representation about:	PERI PERI		
Full Postal Address of premises you are making representation about:	152 SOUTHGATE STREET, GLOUCESTER, GL1 2EX		
Post Code:	GL50 2NH	Application Ref. Number. (If known)	

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		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)

This representation is made on behalf of the Chief Constable of Gloucestershire Constabulary in response to an application for a Late-Night Licence at a Hot Food Takeaway situated at 152 Southgate Street, Gloucester.

In accordance with the Licensing Act 2003, the Constabulary's representation is made on the grounds of:

- **The Prevention of Public Nuisance**
- **The Prevention of Crime and Disorder**

GROUNDS FOR OBJECTION

Whilst daytime Fast-Food Takeaways experience very few crime & disorder problems, the situation is quite different for Night-time Takeaways i.e. those that trade after 2300hours. Late-Night Takeaways often attract customers who are drunk or under the influence of alcohol and, as a result, they can become a 'hotspot' for Crime & Disorder, Noise and Antisocial behaviour.

Assaults and Affrays are a regular occurrence in Late-Night Takeaways, frequently requiring the attendance of the Police to calm situations down, arrest offenders or move people on.

In addition to this source of disturbance customers often arrive in cars. Residents are then subjected to additional Noise disturbance from car doors being slammed, loud conversations between customers e.g. calling out their orders to each other, along with the sound of car stereos being played loudly for the duration of the visit.

Such problems are, unfortunately, beyond the control of the operator, even if doorstaff are employed.

Because of this, the location of Night-Time Takeaways is critical if excessive problems are to be avoided. Late-Night Takeaways provide a valuable service late at night, but they ideally need to be carefully situated in areas where there are few (if any) residents.

Residential Location

This section of Southgate Street has a large number of residents (including families) living above the retail premises. Residents (including children) are living within just a few metres of this shop, and residents are entitled to a higher expectation of peace after 2300hours (the start of Night-Time Hours under the Noise Act).

This section of Southgate Street is 'mixed use' and is not part of the Core Commercial Area / Night-Time Economy / Clubbing Area.

Existing Licensed Premises

It should be noted that there are already a number of Licensed or Late-Night businesses that trade in this 130-metre stretch of road that impact adversely on the residents from time-to-time, being:

- A Late-Night Takeaway at 95-97 Southgate Street.
- A Late-Night Takeaway at 150 Southgate Street.
- The Whitesmiths Arms Public House at 81 Southgate Street.
- The Nelson Public House at 166 Southgate Street.
- The Tall Ship Public House at 134 Southgate Street
- RAOB Social Club at 85-89 Southgate Street
- Licensed Restaurant at 79 Southgate Street
- Licensed Restaurant at 117-119 Southgate Street
- Licensed Restaurant at 157 Southgate Street.
- Off-Licence at 107 Southgate Street.
- Off-Licence at 113 Southgate Street.
- Off-Licence at 152 Southgate Street.
- Off-Licence at 158 Southgate Street.

Crimes

I have carried out research on the current Crime situation and can say that 226 crimes have been recorded for Southgate Street (the whole of) in the past 12 months (7/9/11-6/9/12), compared with 186 during the previous 12 months. That represents a 22% increase in reported crime year-on-year, which is a matter of some concern, especially at a time when police resources are being reduced significantly.

Incidents

In that same 2 year period, no less than 1,375 Incidents (of all types) have been reported to the Constabulary in relation to Southgate Street.

Noise

Of the Incidents reported to the Constabulary, 258 are classed as Noise Complaints or Rowdy behaviour.

Conclusion

The Constabulary takes the view that allowing another late-night business of this type at this location would be inappropriate, and it would be likely to lead to higher levels of Noise Complaints and an increase in Crime & Disorder in that part of Southgate Street.

Gloucestershire Constabulary would take this opportunity to respectfully remind the committee of the necessity, under Section 17 of the Crime and Disorder Act 1998, to consider crime and disorder implications in reaching their decision.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

CONCLUSION

The Grant of this Application will, in the view of the Constabulary, lead only to an increase in Crime & Disorder, Noise Complaints and Public Nuisance both on and off the premises.

Additionally, extra demand would be placed on the Constabulary at this location, resulting in diminished policing in other areas of the City. This application is, therefore, opposed by the Constabulary on the grounds related above.

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.)

There are no conditions that could be placed on such a Licence that would deal effectively with the Constabulary's concerns, as most of the problems would be outside the control of the operator.

Signed:	<i>A. S. Cook</i>	Dated:	10 th September 2012
Position:	Licensing Manager.		

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:	Alex Mason
Name of the organisation you represent:	Gloucester City Council
Position held:	Environmental Protection Officer
Postal Address of the organisation or body you represent:	Herbert Warehouse The Docks Gloucester
Post Code:	GL1 2EQ
Daytime contact telephone number:	01452 396316
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address.</i> alex.mason@gloucester.gov.uk
Full correspondence address if different to above:	

Premises Details

Name of premises you are making representation about:	Peri Peri's Chickenland		
Full Postal Address of premises you are making representation about:	152 Southgate Street Gloucester		
Post Code:	GL1 2EX	Application Ref. Number. (If known)	1202868CONLIP

Repr

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



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	✓	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)

Southgate Street already has a number of premises open into the early hours of the morning throughout the week, including shops, takeaways and pubs. This application proposes to introduce another takeaway into this environment with opening hours Sunday to Thursday until 02:00 and Friday and Saturday nights until 03:00.

Southgate Street has a large number of residential properties, many of which are flats above shops and takeaways which are already being subjected to the associated noise of the city centre. Takeaways and shops encourage cars and taxi's to stop which often leave their engines running, whilst other issues associated with vehicles stopping are the slamming of car doors, loud stereos and loud conversations in the street. Takeaways attract city revellers many of which on the weekends are under the influence of alcohol which is likely to give rise to anti-social behaviour. This premises includes a seating area which encourages members of the public to hang around whilst eating their food increasing the likelihood of a nuisance being caused, this likelihood is increased as the seating area will encourage large groups to the premises.

The preparation and cooking of peri peri chicken produces a strong odour with the preparation area of the premises in a separate annex to the back of the property. Currently two extraction units are used one carrying fumes above the roof of the property whilst the other is at ground floor level and releases fumes into the courtyard area to the rear. This extraction unit at ground floor level could lead to odour issues in the above and surrounding flats.

Under section P of the licensing application it gives the applicant the opportunity to detail additional steps that will be taken to promote the four licensing objectives. This application does not detail any additional steps to be taken.

At this moment in time with the current information at my disposal I am of the opinion that the Licensing Objective of preventing public nuisance will not be met in respect of this premises and its intended use. I would therefore recommend refusal to this application.

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).

Currently the applicant has not given any details on how he intends to promote the four licensing objectives and in particular the prevention of public nuisance which is the main objective The Environmental Protection Team at Gloucester City Council is concerned with. At this moment in time I am not able to suggest conditions that would remedy my concerns.

Signed:	Alex Mason	Dated:	24/09/2012
Position:	Environmental Protection Officer		

100121245887

[REDACTED]

[REDACTED]

Dear Sir/Madam,

I am writing under advisement after speaking to a member of your department, with regard to lodging a formal disagreement to Peri Peri's Chicken Land on Southgate Street being a granted a late night notice, as tenants in the same building, our property has the extractor fans adjacent to our external walls as at present the noise is substantial and the thought the of the noise being till 2am at the very least isn't appealing, I also am expressing concern with the cliental of this establishment, since opening they seem to attract people late of night "hanging about", our property only has one access door to side of property and with the lack of toilets for customers, there has been an increase in people urinating under archway. I feel that this isn't the manner of which a food premise should run and the idea that this is unacceptable for weekday times till 2am and weekends till 3am, this as potential of people still being around till the early hours, this isn't Eastgate Street, where this is deemed the norm.

Please feel free to contact me with regard to anything else,

Yours Faithfully

[REDACTED]

[REDACTED]

ENVIRONMENTAL
22 AUG 2012
HEALTH

1201006GLPRMV
100121245887



29th August 2012

Dear Sir/Madam,

**RE: 1201006GLPRMV - 152 SOUTHGATE STREET - PERI PERI
CHICKENLAND**

I write in reference to the above property which has made an application to open till 2.00 am everyday and 3.00am Friday and Saturday.

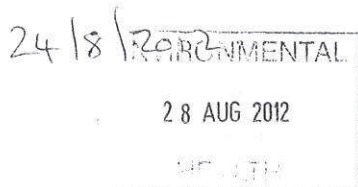
I would strongly ask you to refuse the application based on the following reasons;

- The shop owners have been operating continuously without a license by opening till 2.00 am since they have opened, in constant breach of the law.
- This has been reported to Richard Barnet of the Council and Andy Cook of the Police Licensing Team but has made no difference.
- They have no regard for the law as demonstrated by opening late anyway. Should they be granted permission to open later, I believe they will actually close much later than the said hours
- In the period they have opened, just over a month, we have had numerous incidents of youths standing around outside, smoking drugs, music coming out of cars whilst waiting for food.
- This causes a public nuisance, makes going to sleep very difficult and intimidating to walk past.
- There is already a noise nuisance, by opening any later this would go on late into the night and cause problems for myself and my family
- We also share an entrance with them - our flat entrance is the same entrance for their customer toilet, again which could cause crime and disorder if someone wanted to gain entry to the flats.

I hope you will take note of the points I have made and consider our family before allowing them to open so late. The type of customers this takeaway attracts has already made life difficult, not only for myself but also the other flat owners living above the properties in question.

Yours sincerely,





Dear Sir or madame,

I am writing to you in response to the late night opening application made by Pen Pen Chicken Land, at 152, Southgate Street, Gloucester, and my objection to this application.

I am the resident that lives right above this said shop in my bedsit flat which is my living room and bedroom in one.

I have already had some problems with the noise and hassle that has come from the clientele that come to this place up until the hours of 12pm, with the weather being as warm as it has been at times I need to open my window to get some fresh air, but this has not been possible at times because of the noise right underneath my window at all hours even with my TV turned up it has still been disturbing, you get big flash cars pulling up right outside with their big bass booming music blaring out at very loud levels, then they gather to get together and talk and shout at each other quite loudly too, on asking one such person to please could they tone the noise down I was quite rudely told to "Shut the fxxk up, and shut my fxxking window".

I also have to deal with the smell of the char-grilled chicken and the smell of smoking (cannabis) by the groups

of young men that also gather regularly outside the shop (again underneath my window).

I also have a dog that needs to have ~~a~~ her last toilet walk between the hours of 11-11.30pm and I am finding this a very intimidating thing to do as recent ^{is} as having to approach these people ~~are~~ not always very pleasant.

I don't know what I'd do if this premises were granted late night opening as I have some health problems and am on inhalers for Astma (hence the need for fresh air) and I do have to take sleeping tablets if and when I need to (which is very rarely needed at the moment) but am not wanting to have to do that on a permanent basis just because of peoples disrespect.

~~Also~~ I have also noticed that we are getting more people using the Underpass to Discovery court, which leads to the front door of the premises (flats) as a urinal to relieve them selves while they hang around outside either for a meet with other people or waiting for food, again its not the kind of thing that I want to see at anytime of day or night.

I do hope that you take all these matters into consideration when making your decision on this application as we are all entitled to a simple and not aggravated life. Thank you.

Yours faithfully.



PROCEDURE FOR LICENSING SUB COMMITTEES

General

1. The Sub Committee shall consist of three members drawn from the Licensing & Enforcement Committee. *In the event of one member of the Sub Committee having to withdraw, the Sub Committee may continue with the hearing in their absence provided all the parties consent.* The Sub Committee is non-political and will make decisions based upon the representations made to it in accordance with the licensing objectives, the Licensing Policy Statement and Guidance issued under section 182 of the Licensing Act 2003.
2. A Local Authority Solicitor will act as legal advisor to the Sub 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 decision is announced.
3. An officer from the authority's Committee Secretariat will be in attendance to take a record of the hearing.
4. If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
5. If a party who has not so informed the authority fails to attend or be represented at the hearing, the Sub Committee may
 - (a) adjourn the hearing to a specified date where this is necessary in the public interest; or
 - (b) continue in the party's absence.
6. A party may withdraw any representations
 - (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
 - (b) orally at the hearing.
7. The hearing shall take place in public unless the Sub Committee considers that the public interest in excluding the public from all or part of the hearing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. A party and any person representing or assisting a party may be treated as a member of the public.
8. If any person attending the hearing is behaving in a disruptive manner, in the opinion of the Sub Committee, the Chair can require him to leave the hearing and may
 - (a) refuse to permit that person to return; or
 - (b) permit him to return only on such conditions as the Sub Committee may specifybut such a person may, before the end of the hearing, submit to the Sub Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. The authority may adjourn the hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. Where the hearing is adjourned or to be held on additional dates, the authority will notify the parties forthwith of the date, time and place to which the hearing is to be held. If a hearing is adjourned or part heard the Sub Committee to which it is adjourned must consist of the same Members.

Time Limits

10. The Sub Committee shall provide the Applicant, Relevant Authorities and Interested Parties an equal opportunity to address the Sub Committee. All parties will be requested to provide a time estimate for any presentation to the Sub Committee. It is expected that all parties will be permitted a maximum of 15 minutes each, except in exceptional circumstances.

Introduction

11. The Chair will introduce Members of the Sub Committee then invite officers and parties present to introduce themselves and to confirm whether or not they wish to make oral representations. Where there are a number of interested parties with similar representations, they may wish to appoint a representative.
12. The Chair will explain the procedure to be followed. On rare occasions it may be necessary, in order to ensure the fairness of the proceedings and in the public interest, for the Chair to alter the order in which parties speak from that set out below.
13. The Chair will explain that all parties have an equal maximum period of time during which to address Members, to question other parties and to give further information in response to a point upon which the authority has requested clarification. The Chair will request confirmation from each party that the proposed maximum period of time is adequate.
14. The Sub Committee shall consider any request from a party for permission to have another person appear at the hearing.
 - (a) Such request must be included in that party's notice in response to the Notice of Hearing.
 - (b) Permission shall not be unreasonably withheld.
15. The Chair will remind the parties that the hearing shall take the form of a discussion led by the Sub Committee and cross-examination shall not be permitted unless the Sub Committee considers that cross-examination is required for it to consider the representations, application or notice as may be required.
16. The Chair will invite the parties to request permission to question or to cross-examine any other party or parties and the Sub Committee shall determine whether permission is granted (permitted parties). All questions must be relevant to the application and must relate to the licensing objectives, Licensing Policy Statement or the guidance issued under section 182 of the Licensing Act 2003.
17. The Chair will remind the parties that it will consider the written representations of any parties who are absent and will hear the representations of those parties who are present.

The Licensing Authority

18. The Licensing & Enforcement Manager ('LEM') or authority representative shall present his report. The report shall not make any recommendation in terms of the outcome of the hearing. The report may summarise the application, the representations and the LEM's comments as to how these relate to the licensing objectives, the Licensing Policy Statement and the Guidance issued under section 182 of the Licensing Act 2003.
19. The parties may ask the LEM for clarification of any points made in the report in such order as the Chair shall decide.

20. Members of the Sub Committee may ask the LEM for clarification of any points made in the report.

The Applicant

21. The Applicant or his representative shall address the Sub Committee and shall call witnesses if applicable.
22. The permitted parties shall ask their questions in such order as the Chair shall decide.
23. Members of the Sub Committee shall ask the Applicant and witnesses questions if they wish to do so.

Responsible authorities & Interested parties

24. In such order as the Chair shall decide, those parties who have made relevant representations or their representative(s) shall address the Sub Committee and shall call witnesses if applicable.
25. The permitted parties shall ask their questions in such order as the Chair shall decide.
26. Members of the Sub Committee shall ask questions if they wish to do so.

Final Statements

27. The Chair will invite the parties to make final statements in the following order
- (a) Any responsible authority or interested party who has made relevant representations (in such order as the Chair shall decide)
 - (b) The LEM on any factual issues relating to the application
 - (c) Applicant

Decision making

In circumstances where the determination is to be given at the conclusion of the hearing:-

28. The Chair will ask the parties and any other persons to leave the room, unless it is more practicable for Members themselves to retire to another room.
29. Once Members have made their decision, the parties and any other persons will be invited to return to the meeting room and the Chair will announce the decision of the Sub Committee.
30. The decision of the Sub Committee shall be confirmed in writing to the Applicants, Relevant Authorities and Interested Parties. The rights of appeal shall be included with the written decision.

Adjournments

31. It is anticipated that the majority of hearings will be heard and determined at the scheduled meeting of the Sub Committee, however there will be occasions when the Applicant, Relevant Parties or Sub Committee may wish to adjourn the hearing. Whosoever requests the adjournment shall provide reasons for the adjournment and the Sub Committee shall consider these. If the Sub Committee considers it is in the public interest to adjourn they shall have the power to do so to a specified date with the same Sub Committee. If the application is refused reasons shall be given.