



Gloucester City Council

Licensing Sub-Committee

**Meeting: Wednesday, 7th November 2012 at 2.00 pm in Education
Centre, rear of Folk Museum, Gloucester GL1 2JS
(please access via rear entrance on Quay Street)**

Membership:	Cllrs. C. Witts, Toleman 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 17 OF THE LICENSING ACT 2003 IN RESPECT OF SAINSBURY'S SUPERMARKETS LIMITED, 227 BARTON STREET, GLOUCESTER, GL1 4JE (Pages 1 - 48) Report by the Corporate Director of Services and Neighbourhoods

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Julian Wain
Chief Executive

Date of Publication: Tuesday, 30 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.

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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.

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Gloucester City Council

Committee	: LICENSING SUB COMMITTEE
Date	: 07 NOVEMBER 2012
Subject	: APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF SAINSBURY'S SUPERMARKETS LTD 227 BARTON STREET, GLOUCESTER, GL1 4JE
Ward	: BARTON & TREDWORTH
Report By	: CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS
No. Of Appendices	: A: COPY OF APPLICATION FROM SAINSBURY'S SUPERMARKETS LTD B: PLAN SHOWING LAYOUT OF PREMISES C: MAP SHOWING LOCATION OF PREMISES D: PLANNING RESTRICTION IN RELATION TO LOADING & UNLOADING OF SERVICE VEHICLES E: COPY OF REPRESENTATION FROM GLOUCESTERSHIRE CONSTABULARY F: COPY OF RESPONSE FROM SAINSBURY'S SUPERMARKETS LTD IN RELATION TO REPRESENTATION G: PROCEDURE FOR LICENSING SUB COMMITTEES H: LIST OF MANDATORY CONDITIONS
Reference No.	: ES21141

1.0 Purpose of Report

- 1.1 To outline to Members an application made by Sainsbury's Supermarkets Ltd in respect of Sainsbury's Local, 227 Barton Street, Gloucester GL1 4JE under Section 17 of the Licensing Act 2003. The application is for the retail sale of alcohol (off sales only) Monday to Sunday (inc) from 06:00 to Midnight.

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 appropriate 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 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 appropriate 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 appropriate 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 6 of this report.

3.3 Members are reminded that all applications must be considered on their own merits, and that findings on 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 team on 13 September 2012, from Sainsbury's Supermarkets Ltd, 33 Holburn, London EC1N 2HT, and was advertised on the premises in accordance with the regulations. The newspaper advert was published in the Gloucester Citizen on 17 September 2012. A copy of the application is attached as **Appendix A**.

4.2 A plan showing the layout of the premises is attached at **Appendix B**. **Appendix C** is a plan showing the location of Sainsbury's Local. Members are respectfully advised to familiarise themselves with the area concerned.

4.3 There are no planning restrictions with regard to opening hours in respect of these premises, but there are restrictions on the operating hours for the loading and unloading of service vehicles. Planning restriction is attached as **Appendix D**.

4.4 The application concerns the proposal to make provision for the retail sale of alcohol Monday to Sunday (inc) from 06:00 to Midnight.

4.5 The applicant has set out in the operating schedule the measures proposed to be taken to promote the four licensing objectives if the application is granted the measures are:-

The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all time that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.
7. An incidents register shall be maintained at the premises recording:
 - All incidents of crime and disorder occurring at the premises;
 - Details of occasions when the police are called to the premises.

This register will be available for inspection by a police officer on request.

Public Safety

The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer on request.

3. All cashiers shall be trained to record refusals or sales of alcohol in a refusals register. The register will contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer on request.

4.6 The proposed Designated Premises Supervisor for the premises is Joanne Surguy who holds a personal licence number 06/00209/BEXLEY/LI issued by the London Borough of Bexley.

5.0 Representations

5.1 A representation has been received from a Responsible Authority, namely, Gloucestershire Constabulary. This is attached as **Appendix E** of this report. The representation concludes that “In the event that the Committee grants this Licence with the current layout, the Constabulary seeks the Conditions below:

- Alcohol shall not be displayed within 5 metres of the entrance/exit.
- Spirits shall only be displayed behind the serving counter.
- Security guards shall be employed for a minimum of 40 hours per week.”

5.2 Response from Sainsbury’s Supermarkets Ltd in relation to the Police representation is attached at **Appendix F**. The response accepts and agrees to two of the three conditions requested by the police as follows:-

- Alcohol shall not be displayed within 5 metres of the entrance/exit.
- Spirits shall only be displayed behind the serving counter.

Sainsbury’s legal representative states in response to the third condition requested by the police “The security guard cover will be arranged following risk assessment in the usual way and Sainsbury’s will work with the police in this regard. There is no need for a condition on the licence.”

5.3 The Constabulary are against the licence being granted on the basis that to do so would compromise the licensing objectives ‘the prevention of crime and

disorder' and 'the protection of children from harm'. No further comments have been received from any other responsible authority.

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 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 and 6 of Gloucester City Council's Licensing Policy Statement outlines our policy with regard the licensing objectives referred to in the representation received. Members' attention is drawn in particular to these sections.

6.2 The relevant parts of the Home Office guidance (amended April 2012) for this application 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.

6.4 Paragraph 10.4 states that “The courts have made it clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.”

6.5 Paragraph 10.22 of the Guidance gives advice on the government’s belief that shops, stores and supermarket selling alcohol should generally be permitted to match the hours during which they sell alcohol to their normal trading hours unless there are exceptional reasons relating the licensing objectives.

7.0 Conclusions

7.1 Members should be aware of a case decided 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 that it was necessary to do so in order to promote the licensing objectives was ruled unlawful and the decision was quashed. The wording of the Licensing Act 2003 has since been amended as set out at paragraph 3.1 above so that Members must now decide the steps to be taken that are “appropriate” for the promotion of the licensing objectives but the courts have not yet been called upon to explain the implications of substituting the word “appropriate” for “necessary” in the legislation.

7.2 Members should consider the relevant facts regarding the application, the guidance and representation received and make a decision in accordance with the options outlined in paragraph 2.1 of this report.

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 made under Section 17 for a premises licence to be determined under Section 18.

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

- The application is properly made.
- The applicant has given proper notice.
- The applicant has satisfied the advertising requirements.

- 9.3 The four licensing objectives are set out in paragraph 2.2 of the report and each should be considered of equal importance.
- 9.4 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).
- 9.5 The Sub-Committee has the power to adjourn and carry forward the hearing to additional specified dates.
- 9.6 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 other person within the prescribed period.
 - c) Has not been withdrawn
 - d) If having been made by another person (who is not a responsible authority), that they are not in the opinion of the Licensing Authority frivolous or vexatious.
- 9.7 In deciding what action, if any, it should take, the Sub-Committee members must direct their minds to the causes and concerns the relevant representations identify. Any action should generally be directed to these causes and should always be no more than is an appropriate and proportionate response based on the evidence produced to the Sub-Committee. Any detrimental financial impact on the applicant of the Sub-Committee’s decision must be appropriate and proportionate. The Sub-Committee is required to have regard to the Home Office guidance when making its decision. However, the guidance is not legally binding and it 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 if this is the case.
- 9.8 Following the case of *Daniel Thwaites v Wirral Borough Magistrates’ Court* 2008, referred to in paragraph 7.1 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 Home Office 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 determination and reasons for making it to:
- a) the applicant
 - b) the person who made the relevant representations
 - c) the Police

- 9.10 The Sub-Committee has its own procedure for determining applications that are attached to the report as Appendix G.
- 9.11 In considering this 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, Home Office guidance and Council's Statement of Licensing Policy.
- 9.12 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.
- 9.13 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.
- 9.14 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.
- 9.15 If the Sub-Committee was to grant the licence it would be subject to mandatory conditions required by the act. A copy of the mandatory conditions are attached at Appendix H.
- 9.16 Other persons, Responsible Authorities and the applicant have the right to appeal the Sub-Committee's decision 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.

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 Sub Committee has not acted reasonably in reaching its decision. In the case of Birch House Business Centre Ltd v Denbighshire County Council (8th December 2010) District Judge Shaw awarded costs in excess of £20,000 against the local authority for not scrutinising with greater care evidence presented to it.

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's 227 Barton Street			
Post town	Gloucester	Post code	GL1 4JE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£20,750

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)
- 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
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as 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)					

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 Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 020 7695 6000
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
1	2	1	0	2	0
1	2				

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)
A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at 227 Barton Street, Gloucester, GL1 4JE.

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 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	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed					State any seasonal variations for performing plays (please read guidance note 4)	
Thur						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place <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					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur					
			<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)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

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

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<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 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

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

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>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors
			Outdoors	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Tue					
			<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)		
Wed					
Thur					
Fri					
Sat					
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"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>	
Day	Start	Finish		
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			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
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)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
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			<u>Please give further details here</u> (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			<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)			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 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	0600	2400			
Tue	0600	2400			
Wed	0600	2400			
Thur	0600	2400			
Fri	0600	2400			
Sat	0600	2400			
Sun	0600	2400			
			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 Joanne Surguy	
Address 15 Blendon Road Bexley	
Postcode	DA5 1BN
Personal Licence number (if known) 06/00209/BEXLEY/LI	
Issuing licensing authority (if known) London Borough of Bexley	

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)

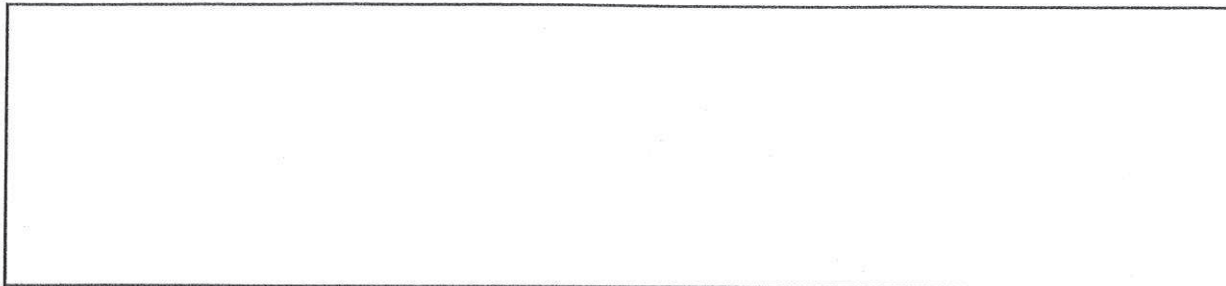
The premises will sell other age restricted products.

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) The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.
Day	Start	Finish	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)
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

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) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
 2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
 3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
 5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
 6. The system will display, on any recording, the correct time and date of the recording.
 7. An incidents register shall be maintained at the premises recording:
 - all incidents of crime and disorder occurring at the premises;
 - details of occasions when the police are called to the premises.
- This register will be available for inspection by a police officer on request.

c) Public safety

The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer on request.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer on request.

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	[REDACTED]
Date	12 September 2012
Capacity	Solicitors duly authorised on behalf of the Applicant

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)			
Winckworth Sherwood LLP (Ref: EMF/26508/1565/RPB) Minerva House 5 Montague Close			
Post town	London	Post code	SE1 9BB
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

FORM OF CONSENT OF INDIVIDUAL TO BEING SPECIFIED
AS PREMISES SUPERVISOR

I, JOANNE SURGUY


hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a PREMISES LICENCE

by SAINSBURY'S SUPERMARKETS LTD

relating to a premises licence no.

for *Sainsbury's, 227 Barton Street Gloucester, GL1 4JE*

and any premises licence to be granted or varied in respect of this application made by SAINSBURY'S SUPERMARKETS LTD

concerning the supply of alcohol at *Sainsbury's, 227 Barton Street,
Gloucester GL1 4JE*

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: **06/00209/BEXLEY/LI**

Personal licence issuing authority: **London Borough of Bexley**

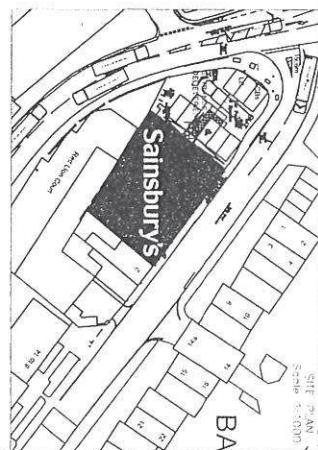
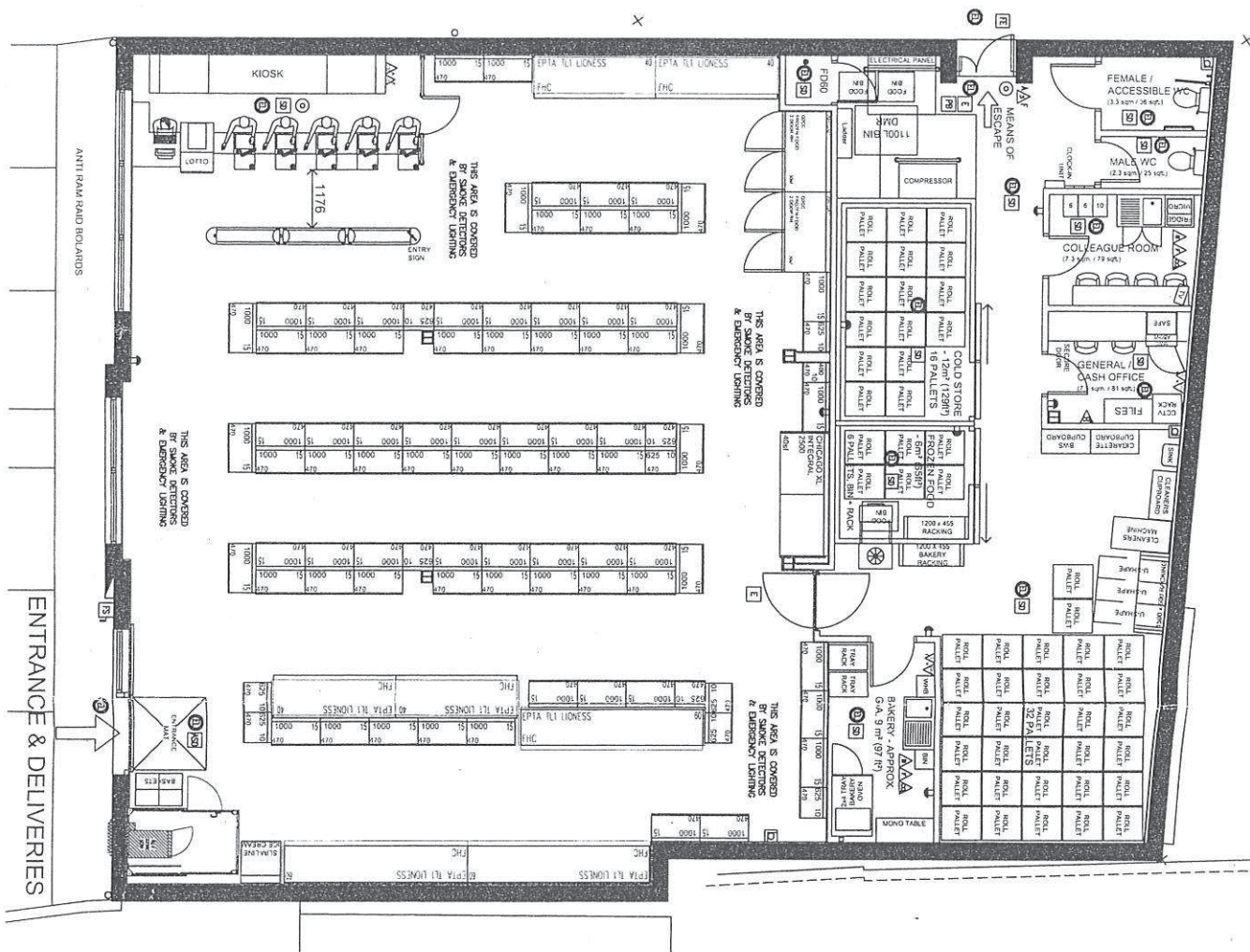
Signed:



Name (please print): JOANNE SURGUY

Date

12/09/12



NOTES

REVISIONS

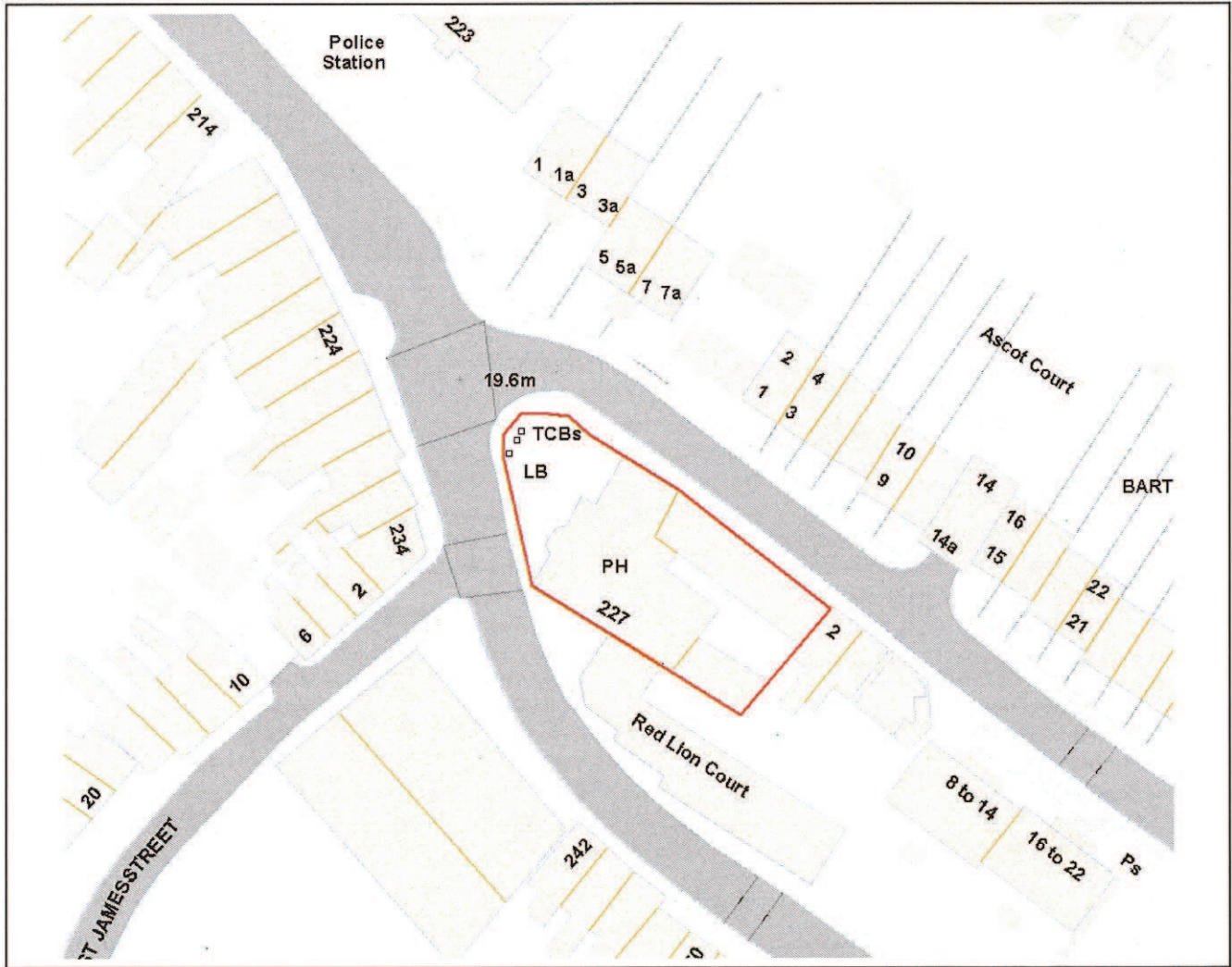
LEASING	DESCRIPTION
1	THE ALARM PANEL
2	THE CHANGEMAKER ROOM
3	THE CHANGEMAKER POINT
4	THE CHANGEMAKER CHURN SOCKET
5	THE ALARMS
6	THE CHANGEMAKER
7	THE TRADING OVER NET
8	THE FIRE ALARM
9	THE ALARM PANEL
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PROPOSED
GROUND FLOOR
STORE PLAN

104,84
BARTON WAY
GLOUCESTER

JOANNE SARGENT
2.00
07 08 2012
1:00
104,84,60-1

Sainsbury's Local
227 Barton Street
Gloucester
GL1 4JE



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**EXTRACT FROM PLANNING DECISION 12/00459/FUL
DATED: 17th SEPTEMBER 2012**

Condition 10

The loading and unloading of service and delivery vehicles to the retail unit together with their arrival and departure from the site shall only take place between 0530 hours and 0730 hours, between 0915 hours and 1500hours, and between 1800hours and 2200 hours daily

Reason

In the interests of the amenities of neighbouring residents in accordance with Policy BE.21 of the City of Gloucester Second Deposit Local Plan 2002.



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> <i>andrew.cook@gloucestershire.police.uk</i>
Full correspondence address if different to above	

Premises Details

Name of premises you are making representation about:	SAINSBURY		
Full Postal Address of premises you are making representation about:	227 BARTON STREET, GLOUCESTER		
Post Code:	GL1 4JE	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 application relates to a new Sainsbury supermarket store situated in Barton Street, Gloucester at its junction with India Road. My representation is based upon the following grounds:

- The prevention of crime and disorder
- Protection of children from harm

GROUNDS FOR OBJECTION

Alcohol is an age-restricted product with serious or fatal consequences for any child or teenager who consumes an excessive amount. In addition to the risks it poses for the youngsters who consume the alcohol, it fuels anti-social behaviour and crime in the community. As with cigarettes, knives, and other age-restricted products there is a fundamental need for access to this product to be controlled to a much higher degree than normal everyday items e.g. groceries, so that under-age children do not have easy access to alcohol.

Gloucestershire Trading Standards and the Constabulary have carried out a huge amount of work in Gloucestershire (especially Test Purchasing) over the past few years to try and reduce the accessibility of alcohol to children. Despite making considerable progress, Gloucestershire still fares badly as far as 'protection of children from harm' is concerned. Alcohol-specific hospital admissions for under 18's in Gloucestershire are worse than the national average (see Local Alcohol Profiles for England). Of particular concern is that this data is based on hospital admissions to Wards and does not even include A & E attendances. In summary, there is still a huge amount of progress to be made and there is no room for complacency in this area.

Store Layout

The Plan submitted with the application shows that Sainsburys have located the checkouts to the left-hand side of the shop, whilst the entrance/exit is located on the right-hand side of the shop. This is a very poor layout in terms of crime prevention, as it makes shoplifting very easy to commit without staff even being aware. Even if staff see something suspicious going on they are not well placed to challenge or intervene or provide good evidence. The proposed layout simply does not support the Crime Prevention objective. Shoplifting will occur and at high levels.

The positioning of alcohol within the store is a separate but linked issue. Locating alcohol displays away from the checkout (staffed) areas will inevitably result in theft of alcohol. Furthermore if the alcohol displays are close to the door there will inevitably be increased thefts of alcohol. Positioning alcohol displays close to Entrances/Exits is regarded by the Constabulary as an irresponsible practice, as it affords shop-staff no realistic opportunity to intervene to prevent the theft of such items direct from the shelf by anyone intent on getting alcohol.

The Constabulary has sought a condition on this Licence that "Alcohol shall not be displayed within 5 metres of the entrance/exit". This has not been agreed by Sainsburys.

The Committee will see on this application that the location of the alcohol display is not specified, and that the view of the entrance / exit by the checkout-staff would be blocked by shelving units, and also by customers standing at the checkouts and customers queuing (waiting to be served). The checkout staff will not be in a position to observe the entrance / exit door, or any area where alcohol is to be located.

These factors combine to make an alcohol display extremely vulnerable to theft. Such a store layout would only be acceptable to the Constabulary if there was a full-time Security Officer employed to cover the door in order to prevent theft. Sainsburys have not confirmed their intention to have any Security Officer cover. Such a stance would shift the burden for investigating *avoidable* thefts onto the Constabulary. Furthermore, this easy-access undermines the excellent work being done by retailers (including Sainsbury) around 'Challenge 25' schemes (whereby youths are required to prove their age).

Drunken Customers

Alcohol is a product that also needs to be restricted when it is being sought by those who are already drunk. If drunken customers are refused service by staff, they will undoubtedly be tempted to steal the product instead. Placing the alcohol in an easy-to-steal position will inevitably lead to higher levels of theft. Even if staff see thefts occur, there will be no Security Officer at the store to deal with it. Sainsburys staff are instructed not to get involved in detaining offenders, so the responsibility for dealing with the problem would shift entirely to the Police who would have to try to identify, locate and arrest an offender after they had left the store.

Theft

The Constabulary has recently developed an IT system (GCIS) that allows the 3,000 licensed premises within Gloucestershire to be placed in a pecking order for numbers of crimes occurring on the premises. Whilst Nightclubs and Pubs often attract bad publicity, research shows that *supermarkets* are on the top of these lists and are often 'hotspots' for Crime and Disorder. The Retail Sector places enormous demands on the Police. Unfortunately, despite the high levels of crime taking place, supermarkets do *not* place such a high priority on 'crime & disorder' as the Pubs and Clubs.

The *Theft of Alcohol* occurs in approximately 25% of shoplifting offences. It is one of the high-value commodities specifically targeted by thieves. In fact alcohol is the second-most-common item stolen (after meat), and it is often stolen to support drug-habits, as it is easy to sell on the black market.

Many retail crimes are actually preventable if sensible 'Target Hardening' measures are implemented. Unfortunately, supermarkets often adopt poor practices in an attempt to boost Alcohol sales, without due consideration of the consequences. For example, the use of Security Guards will be minimal in order to cut costs, and they do not want to present a negative image to the public. They would rather suffer stock-losses.

Whilst less-than-adequate levels of Security may reduce overheads at the store, it usually results in increased work for the Police and a cost to the community. From a theft perspective alone, it is the view of the Constabulary that appropriate Crime Reduction measures must be implemented to protect Alcohol.

It should be noted that the Licensing Act objectives quite rightly place an emphasis on the **prevention** of crime and disorder, and the **prevention** of public nuisance. The Constabulary only seeks Conditions that it deems are necessary in order to achieve this objective.

Crime Reduction Measures

There are many measures that Licence Holders can take to reduce their Crime & Disorder levels, thereby reducing demand on the Constabulary and minimising impact on the local community:

1. Uniformed Security Staff

The use of Uniformed Security Staff as a Crime Prevention measure in supermarkets is hard to overstate. Their 'visible presence' at a store entrance or overseeing Alcohol displays has a positive deterrent effect for thieves. The role of Security Guards is particularly necessary in supermarkets, where shelving is so high that staff cannot easily monitor customers (as in a small shop or Off-Licence). Their presence not only acts as a deterrent to criminals intent on stealing goods, but also provides a degree of protection for staff and customers. Their presence, allied with good observations, is the single most effective measure to combat shoplifting and general disorder. Other shop-staff are usually busy carrying out other activities (such as shelf-filling or operating checkouts) that prevent them monitoring customer behaviour, and they generally play little part in preventing crime or detaining offenders. Shelf-stackers are frequently leaving the shop floor to obtain goods from the stockroom and staff presence on Alcohol aisles is far from constant. Regular staff cannot, realistically, undertake Security duties. Security Officers perform a specialized task and are the main point-of-contact and providers of good quality evidence when involvement of the Police is necessary.

A Security Guard enables suspicious activity to be properly monitored and offenders detained when necessary. It also means that incidents of a minor nature can often be dealt with 'in-house', without constantly calling on the

Police to assist. Most importantly, it enables stores to enforce a Ban against previous offenders. The latter, if not implemented, permits repeat offenders to return to the store time-after-time.

In essence, the presence of a Security Officer has a direct bearing on the level of Crime & Disorder and demands being made on the Police, and is the single most important crime-reduction measure.

2. Tagging

The 'Tagging' of Alcohol (so that an alarm will sound at the door if an individual attempts to leave with Alcohol without first having the Tag removed/de-activated at the Checkout) is a measure that helps to reduce Theft by making it more difficult for goods to be stolen unnoticed. Tagging is often confined to Spirits (where large highly-visibility tags are used), however, given that modern tags can be very small and disposable (see example below) and Sainsbury may wish to have Alcohol displayed *anywhere* in the store it would be feasible for a Condition to be imposed along the lines of: "ALL Alcohol shall be tagged".

This would reduce incidents of Theft and cut stock-losses of Alcohol. Importantly, at this location, it would also help the Constabulary identify the source of Alcohol when Officers seize drink from youths or drunks in the locality.

Typical modern disposable tag:



Store Location

The location of any Licensed premises is an important factor in the level of crime and disorder and public nuisance that will occur in the local community. This particular store is situated in a sensitive location, being:

In an area subjected to rioting in recent times

In an area of varied ethnic backgrounds with high levels of unemployment

These factors will need to be borne in mind when determining the appropriate conditions that should be placed on the Licence. For example, Barton Street is an area which has historically been prone to a high level of problems and anti-social behaviour. A great deal of resources have been expended and various measures undertaken by the Council and Police in recent years to address these concerns. It is highly likely that some of the alcohol sold (or stolen) from this store will find its way into the hands of underage persons, drug addicts, alcoholics etc and this situation could easily be made worse if the store is identified as an 'easy target' due to poor crime-reduction measures, and it becomes a frequenting place for youths or those with an alcohol problem. Incidents of criminal damage already occur in this area of the city, and this could easily increase if drunks or youths with alcohol regularly meet there. Passers-by would also be intimidated.

Each arrest consumes approximately 7 hours of a Police Officer's time, during which time they are unavailable for other demands in the community.

The Police and Hospitals are busy dealing with the consequences of excessive Alcohol consumption in the community, it is *imperative* that all Supermarkets at least play their part in ensuring Crime & Disorder *actually on the premises* is kept to a minimum.

CONCLUSION

Without appropriate Conditions, the Grant of this Application will, in the view of the Constabulary, lead only to an increase in Crime & Disorder and Public Nuisance both on and off the premises. Specifically, extra responsibility would fall on the Constabulary if this application was granted. 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.)

In the event that the Committee grants this Licence with the current layout, the Constabulary seeks the Conditions below:

- Alcohol shall not be displayed within 5 metres of the entrance/exit.
- Spirits shall only be displayed behind the serving counter.
- Security guards shall be employed for a minimum of 40 hours per week

The Committee is respectfully reminded that, under Section 17 of the Crime & Disorder Act, "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".

Signed:	<i>A. S. Cook</i>	Dated:	11 th October 2012
Position:	Licensing Manager.		

Rebecca Tuck

From: Charlotte Edwards [REDACTED]
Sent: 22 October 2012 13:37
To: Rebecca Tuck
Cc: Sabrina Cader
Subject: [SPAM] - Sainsbury's Barton Street 26508/1565 - Bayesian Filter detected spam

Becky,

Further to our telephone conversation this afternoon, as requested, please see the email below from Robert to the Police dated 16 October.

Kind regards

Charlotte

Charlotte Edwards
Licensing Assistant

Winckworth
Sherwood

www.wslaw.co.uk

From: Robert Botkai
Sent: 16 October 2012 14:01
To: Thompson, Kingsley
Cc: Sabrina Cader; Charlotte Edwards
Subject: RE: Sainsbury's Barton Street 26508/1565

Kingsley

Sainsbury's will agree to the following conditions being included on the licence:

- ? **Alcohol shall not be displayed within 5 metres of the entrance/exit.**
- ? **Spirits shall only be displayed behind the serving counter.**

The security guard cover will be arranged following risk assessment in the usual way and Sainsbury's will work with the police in this regard. There is no need for a condition on the licence.

Please confirm that we can agree to proceed this way and I will then send the agreed amendments to the licensing officer and the hearing will be cancelled.

Thanks

Robert

Robert Botkai
Partner

Winckworth
Sherwood

www.wslaw.co.uk

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 specify but 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.

**MANDATORY CONDITIONS RELATING TO THE SALE OF ALCOHOL FOR
CONSUMPTION OFF THE PREMISES**

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.

Age Verification Policy

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

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