



Licensing Sub-Committee

**Meeting: Thursday, 8th November 2012 at 6.20 pm in
Education Centre, Folk Museum, Gloucester GL1 2JS
(please access via rear entrance on Quay Street)**

Membership:	Cllrs. C. Witts, Noakes and Porter
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 THE MIDCOUNTRIES CO-OPERATIVE LIMITED, 117 SEYMOUR ROAD, GLOUCESTER, GL1 5QD (Pages 1 - 50) Report by the Corporate Director of Services and Neighbourhoods

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Julian Wain
Chief Executive

Date of Publication: Wednesday, 31 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	<p>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</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land	<p>Any beneficial interest in land which is within the Council's area.</p> <p>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.</p>
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge) –</p> <p>(a) the landlord is the Council; and</p> <p>(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</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to your knowledge) has a place of business or land in the Council's area and</p> <p>(b) either –</p>

- 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	: 8 NOVEMBER 2012
Subject	: APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF THE MIDCOUNTIES CO-OPERATIVE LIMITED 117 SEYMOUR ROAD, GLOUCESTER, GL1 5QD
Ward	: MORELAND
Report By	: CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS
No. Of Appendices	: A: COPY OF APPLICATION TO VARY A PREMISES LICENCE FOR 117 SEYMOUR ROAD BY MIDCOUNTIES CO-OPERATIVE LIMITED B: PLAN OF PREMISES C: LOCATION MAP OF 117 SEYMOUR ROAD D: COPY OF EXISTING LICENCE E: REPRESENTATIONS FROM RESIDENTS F: MIDCOUNTIES RESPONSE TO RESIDENTS G: LETTER FROM MIDCOUNTIES TO RESIDENTS H: PROCEDURE TO BE FOLLOWED AT A HEARING I: LIST OF MANDATORY CONDITIONS
	: ES21142

1.0 Purpose of Report

- 1.1** To present to members an application made by Midcounties Co-operative Limited in respect of The Co-operative Food, 117 Seymour Road, Gloucester, GL1 5QD under section 34 of the Licensing Act 2003. The application is to extend the hours for the sale of alcohol at the premises and to extend the licensed opening times as a consequence of this application.

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 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 appropriate 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.

4.0 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 20 September 2012 from Midcounties Co-operative Limited, Co-operative House, Warwick Technology Park, Gallows Hill Warwick CV34 6DA, and was advertised on the premises in accordance with the regulations, The

newspaper advert was published in the Gloucester Citizen on 24 September 2012. A copy of the application is attached as **APPENDIX A**.

- 4.2 The application premises, 117 Seymour Road, Gloucester, is a convenience store/supermarket situated on the corner of Seymour Road and Balfour Road in a mainly residential area.
- 4.3 A plan showing the layout of the premises is attached as **APPENDIX B**. Also attached is a plan showing the location of the Co-op and the location of those residents who have made representations as **APPENDIX C**. Members are respectfully advised to familiarise 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 application requests the following variations to the licensable activities
- (a) To extend the hours for the sale of alcohol from 06:00 to 23:00 from Monday to Sunday (inc) and;
 - (b) To extend the licensed opening times of the premises from 06:00 to 23:00 from Monday to Sunday (inc)
- 4.6 The existing licence attached as **APPENDIX D** is a replication of the previous Magistrates licence issued under the Licensing Act 1964 and allows for the sale of alcohol for consumption off the premises and recorded music at the following times:-

Weekdays	08:00 – 23:00
Saturday	08:00 – 23:00
Sunday	10:00 – 22:30
Good Friday	08:00 – 22:30
Christmas Day	12:00 – 15:00
Christmas Day	19:00 – 22:30
Recorded Music Everyday	00:00 – 00:00

- 4.7 The applicant has not set out any additional measures they intend to take to promote any of the licensing objectives. Section P of the application merely states “General operating procedures as to the sale of alcohol and training of staff will remain in place”.

5.0 **Representations**

- 5.1 Chapter 8, paragraph 8.12 of the Home Office Guidance, amongst other things states:-

“As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences

and club premises certificates, regardless of their geographical proximity to the premises”.

- 5.2 Representations have been received from five local residents as other persons under the Licensing Act 2003, four of these residents reside at the same address. Copies of these are attached as **APPENDIX E** of this report.
- 5.3 The main concerns would appear to be the potential for an increase in noise nuisance from early morning deliveries and by staff preparing the shop for opening.
- 5.4 Midcounties have responded to residents. Their response is attached as **APPENDIX F** of this report. The residents have not withdrawn their representations in response to this.
- 5.5 Subsequently, on 26 October 2012 Midcounties wrote to residents agreeing to amend their application to apply for hours authorised for the sale of alcohol from 07:00 not 06:00. Midcounties letter is attached as **APPENDIX G** of this report. The residents have not withdrawn their representations in response to this.
- 5.6 Members may wish to take into consideration that Midcounties have their own policy with regard to delivery times which allows deliveries to be made between 07:00 and 19:00 only. It has been indicated by the applicant that this policy will continue to be adhered to whether or not the application is granted.
- 5.7 There have been no representations from Responsible Authorities in relation to this application
- 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. Among other things, they state that only appropriate, proportionate and justifiable conditions, which promote the licensing objectives, should be attached to the licence if it is granted. The conditions also need be readily understood and enforceable. 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 10.22 of the Guidance gives advice on licensed opening hours. It says that “shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at the times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”. At present, as stated in paragraph 4.4 there are no planning restrictions on the opening of the premises for retail sale, but as set out in paragraph 4.6, the times to sell alcohol for consumption off the premises are restricted by the licence.
- 6.5 Paragraph 1.9 of the Guidance deals with its Legal Status. It states “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so long as they are able to provide full reasons.”

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. The wording of the Licensing Act 2003 has since been amended as set out in 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 importance of substituting the word “appropriate” for “necessary” in the legislation.
- 7.3 Members determination should be evidence based, and any actions determined should be justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. The determination is expected to be based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

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 other person within the prescribed period.
 - (c) Has not been withdrawn
 - (d) If having been made by an other 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 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.
- 9.7 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. 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.
- 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 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 following of its decision, and the reasons for it:
- (a) The Applicant .
 - (b) The person/s who made the relevant representations.
- 9.10 The Sub-Committee has its own procedure for determining applications that are attached to this report as **APPENDIX H**.
- 9.11 In considering this application, the Sub-Committee is solely performing the role of the 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 the Council's Statement of Licensing Policy. It must take into account only relevant factors and ignore irrelevant factors. The decision must be based on evidence that is material in that it tends 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.
- 9.12 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.
- 9.13 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 Environmental Protection, Health and Safety, Licensing Authority or Development Control Departments in their role as responsible authority, to make relevant representations.
- 9.14 Other persons, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within 21 days of being notified in writing of the decision.

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 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 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.

I/We THE MIDCOUNTIES CO-OPERATIVE LIMITED

(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

Premises licence number 1200340GLPRMV
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The co-operative Food 117 Seymour Road Gloucestershire
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Post town	Gloucester	Post code	GL1 5QD
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Telephone number at premises (if any)	
Non-domestic rateable value of premises	£9800

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	Emma Allen, Legal Services, The Midcounties Co-operative Limited, Co-operative House, Warwick Technology Park, Gallows Hill		
Post Town	Warwick	Postcode	CV34 6DA

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

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To extend the hours for the sale of alcohol at the Premises from 06:00 - 23:00 from Monday to Sunday; to extend the opening times of the Premises from Monday to Sunday as a consequence of this application.

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

--

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<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)		
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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<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)		
Sun					

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)			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			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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)		
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 checked="" 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			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Fri					
Sat					
Sun					
			<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)		

F

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

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)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<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 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	<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 type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<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)		
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	06:00	23:00			
Tue	06:00	23:00			
Wed	06:00	23:00			
Thur	06:00	23:00	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	06:00	23:00			
Sat	06:00	23:00			
Sun	06:00	23:00			

N

<p>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)</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	23:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	23:00	

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

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

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)

General operating procedures as to the sale of alcohol and training of staff will remain in place

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	
Date	18 th September 2012
Capacity	Solicitor for the Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)

Emma Allen,
Legal Services,
The Midcounties Co-operative Limited,
Co-operative House,
Warwick Technology Park,
Gallows Hill

Post town	Warwick	Post code	CV34 6DA
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Telephone number (if any)	
----------------------------------	---

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

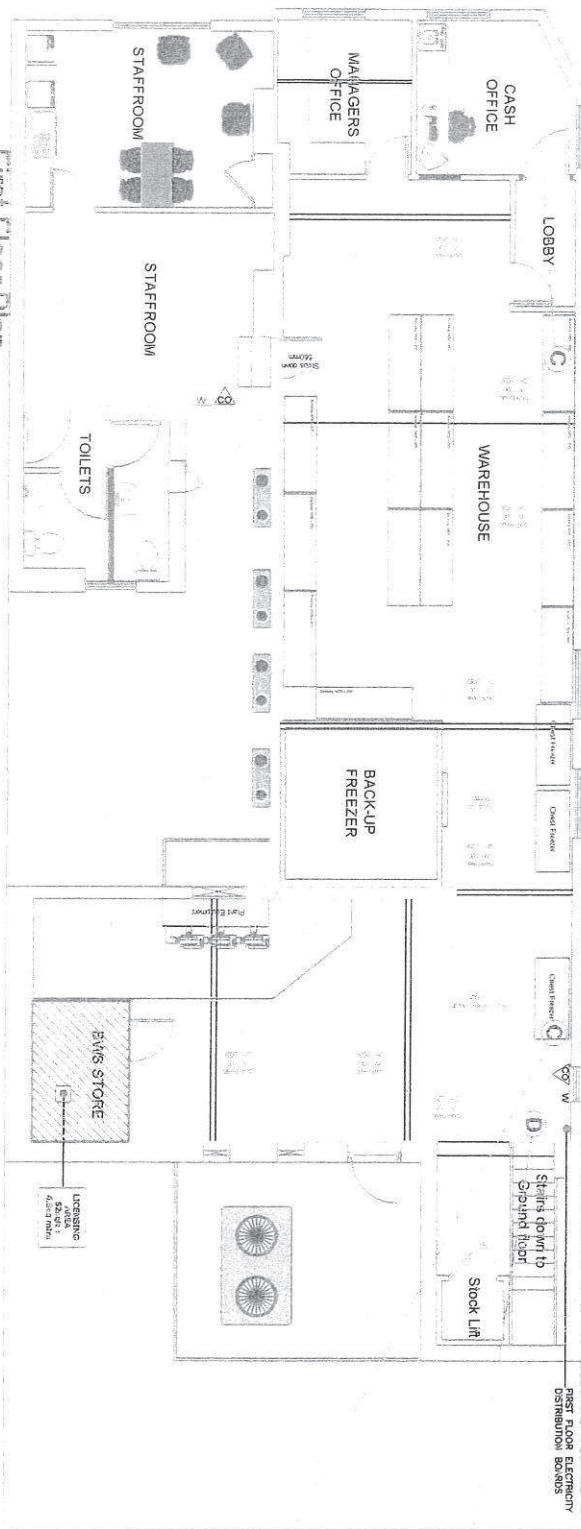


Notes for Guidance

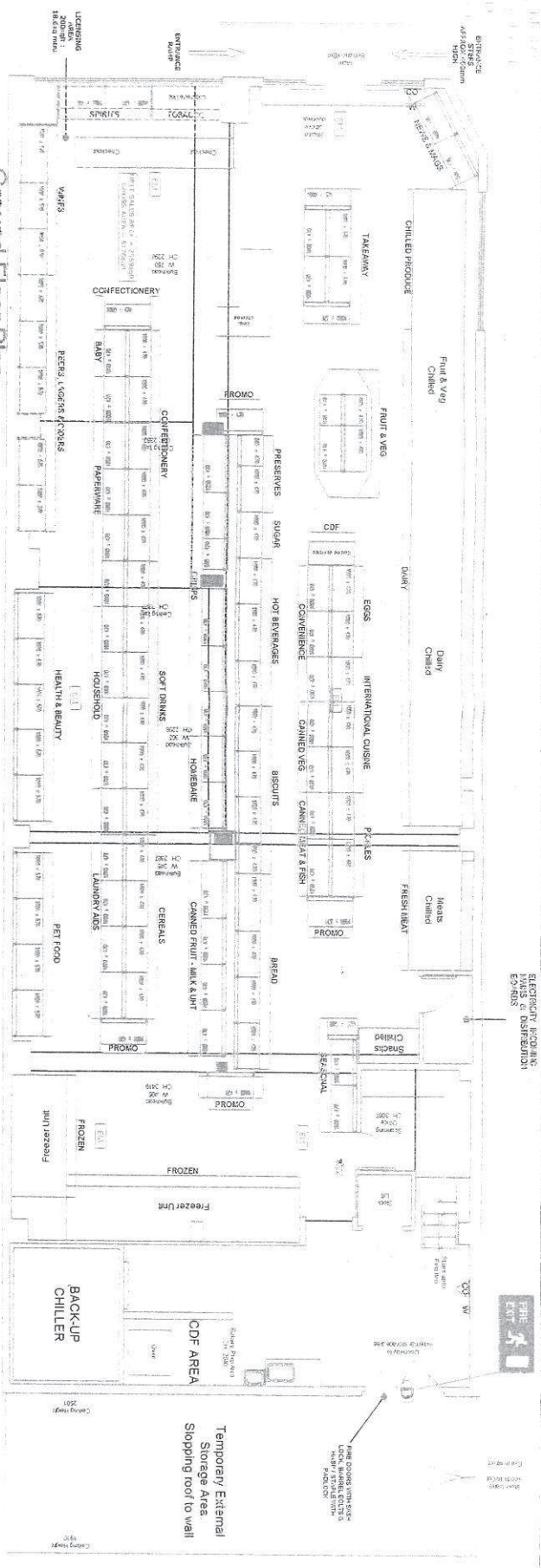
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17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

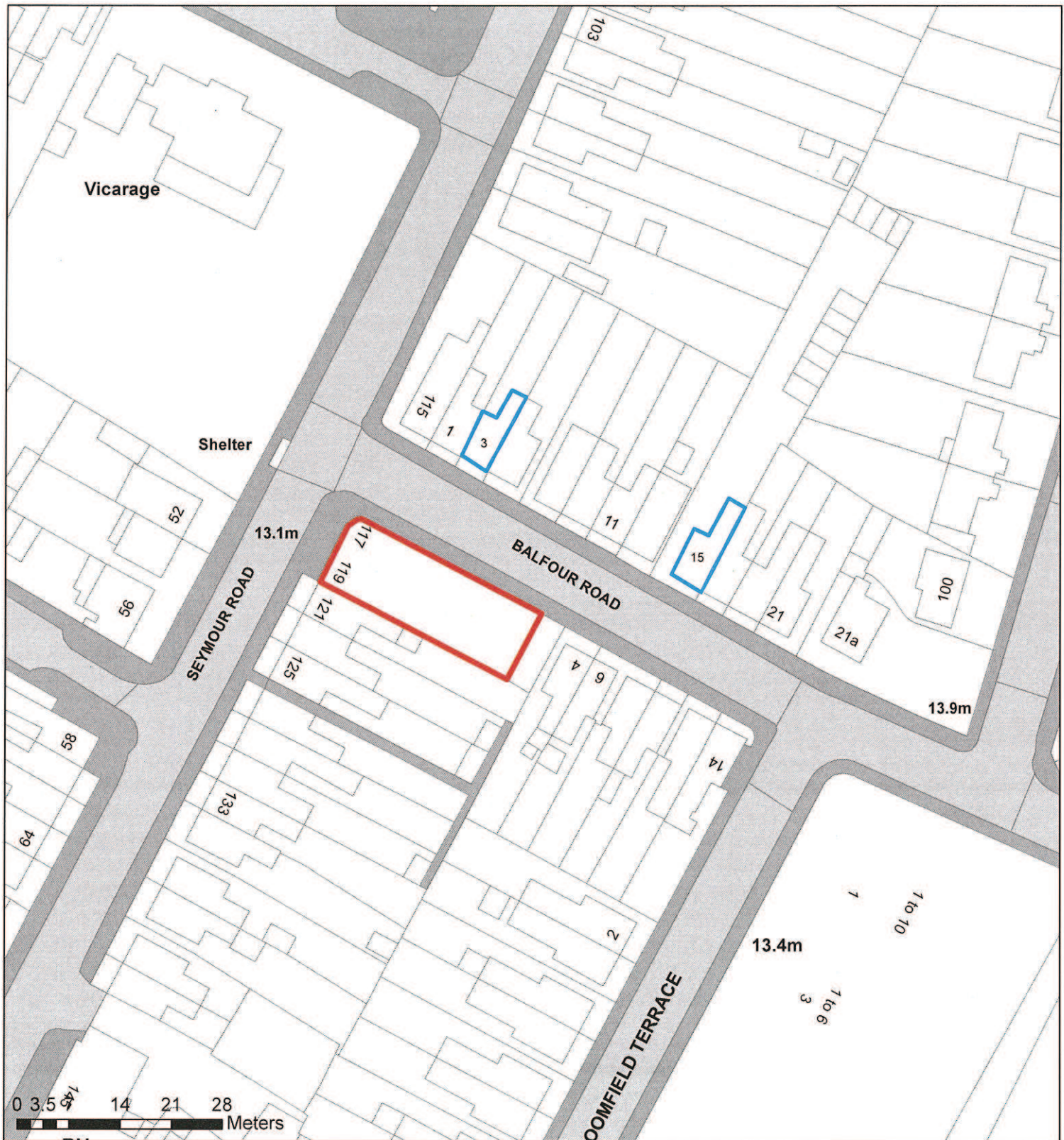
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you 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.

First Floor Plan



Ground Floor Plan





117 Seymour Road

26.10.12

Key



Premises



Residential Properties who made representation

1:500



Schedule 12 Part A

Regulation 33,34

Premises Licence

Premises Licence Number

1200340GLPRMV

Part 1 – Premises Details

Postal address:

Midcounties Co-operative Limited
117 Seymour Road
Gloucester
Gloucestershire
GL1 5QD

Telephone number

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	Weekdays	08:00 - 23:00
Sale of Alcohol	Saturday	08:00 - 23:00
Sale of Alcohol	Sunday	10:00 - 22:30
Sale of Alcohol	Good Friday	08:00 - 22:30
Sale of Alcohol	Christmas Day	12:00 - 15:00
Sale of Alcohol	Christmas Day	19:00 - 22:30
Recorded Music	Everyday	00:00 - 00:00

The opening hours of the premises

At the discretion of the licence holder

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

Alcohol is supplied for consumption off the Premise

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396303 Fax 01452 396340
Email licence.team@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

1200340GLPRMV

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GLOUCESTER
CITY COUNCIL

Part 2

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

The Midcounties Co-operative Ltd
Co-operative House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

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

Company or Charity Number IP 19025R

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

David Kemmett



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

GLPER/0192

Licensing Authority: Gloucester City Council

Signature of Issuing Officer:



Food Safety and Licensing Service Manager
Environmental Health & Regulatory Services

Date Licence First Granted 23 August 2005
Date of Issue: 16 March 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.

Age Verification Policy

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol, identification bearing their photograph, date of birth and holographic mark

Annex 2 – Conditions consistent with the Operating Schedule

1 Permitted Hours for Retail Sales for consumption off the premises

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day and Good Friday, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

None

Annex 4 – Plans

As submitted with the application – 212 1n REV A

SEYMOUR RD, GLOS LICENSING LAYOUT

All areas to be licensed for the sale of alcohol for consumption off the premises



Part B

Premises Licence Summary

Premises Licence Number

1200340GLPRMV

Premises Details

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

Midcounties Co-operative Limited
117 Seymour Road
Gloucester
Gloucestershire
GL1 5QD

Telephone number

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	Weekdays	08:00 - 23:00
Sale of Alcohol	Saturday	08:00 - 23:00
Sale of Alcohol	Sunday	10:00 - 22:30
Sale of Alcohol	Good Friday	08:00 - 22:30
Sale of Alcohol	Christmas Day	12:00 - 15:00
Sale of Alcohol	Christmas Day	19:00 - 22:30
Recorded Music	Everyday	00:00 - 00:00

The opening hours of the premises

At the discretion of the licence holder

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

Alcohol is supplied for consumption off the Premise

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES

Gloucester City Council
Herbert Warehouse
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Email licence.team@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

1200340GLPRMV

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GLOUCESTER
CITY COUNCIL

Name, (registered) address of holder of premises licence

The Midcounties Co-operative Ltd
Co-operative House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

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

Company or Charity Number IP 19025R

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

David Kemmett

State whether access to the premises by children is restricted or prohibited

Signature of Issuing Officer:



Date of Determination: 23 August 2005
Date of Issue: 16 March 2012

Issuing Authority:

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

1201161 Green
100121248176

Eupen

Moul

rebt

The Licensing Department

Gloucester City Council

I am writing concerning the Midcounties Co-operative Limited of Co-operative House, Warwick Technology Park Gallows Hill, Warwick CV34 6DA and their application for a variation of license to sell alcohol at their shop at 117 Seymour Road, Gloucester GL1 5QD, from 06:00am to 11:00pm Monday to Sunday.

Everyday of the year apart from Christmas day the residents of Balfour Road are awoken and disturbed at 6:15am by Co-op staff opening and preparing the shop for opening at 7:00am, even though they are not meant to make any disturbance until 7:00am.

If the Co-op wishes to sell alcohol at 6:00am does this mean the staff will be opening and preparing the shop for opening at 5:15am?, Which is nearly 2 hours before the end of unsocial hours, surely we have a right to some hours of undisturbed peaceful sleep?

If by chance we do manage to fall back to sleep we are again disturbed by delivery lorries turning up at 6:45am, even though they are only allowed to deliver after 7:00am, and by Co-op customers parking in the street. (There is little or no parking available in Seymour Road for delivery lorries or shoppers, this is an ongoing situation the residents of Balfour Road has with the Co-op.)

I also feel that the Co-op will use the earlier opening time of the shop to circumvent the 7:00am earliest time for deliveries – if the shop is open why wouldn't they try to deliver at an earlier time?

I hope you take our very serious concerns we have into consideration before making your decision.

Yours Faithfully





[REDACTED]
15.10.12.

RE: PLANNING PERMISSION FOR CO-OP- SEYMOUR RD, GLOUCESTER.

Dear Sir/ Madam,


I wish to object to permission being granted to the above premises to extend their opening hours due to the unresolved issues as stated by [REDACTED]

We are woken every morning from 06;45 by the noise these HGV's make, they have no regard for the residents here, blocking the road and our driveway, we have all had damage to our cars and longer opening hours would increase deliveries.

We would have more rubbish strewn about the street, noise from customers would continue later, more damage to the road surface and pavements and more cigarette butts being discarded from the back door by staff, into the street, and residents parking would be more restricted than it already is!

Yours truly,

[REDACTED]



15.10.12.

RE: PLANNING PERMISSION FOR CO-OP- SEYMOUR RD, GLOUCESTER.

Dear Sir/ Madam,

I wish to object to permission being granted to the above premises to extend their opening hours due to several unresolved matters with CO-OP Head Office.

Residents here in Balfour Rd have for years, endured and suffered approximately 5 deliveries each day to the CO-OP, between 0645 and 2145 hours, when they should be between the hours of 0700 and 1900 only. We have had in excess of 20 vehicles damaged by these HGV's, often denied by drivers, some vehicles being written off due to the extent of the damage.

We also endure rubbish and cardboard in crates lined up along the pavement, being blown around, one of them again damaging a vehicle, and also creating great difficulty for disabled people to get passed them when they are blocking the pavement.

The lorries block the road, often the driver and staff are rude to residents, some drivers even have a cup of tea after delivering- as witnessed by Sally Godwin (Highways Agency).

Sally has held two meetings with us, one was attended by Brian Read – Transport Manager CO-OP, on 10th. August 2012, as we requested a weight restriction on this road. The continual use of the road by HGV's is creating extensive damage to road surface and the pavements which have both been repeatedly patched up and repaired. The lorries have also damaged the man-hole cover outside the entrance to the CO-OP twice this year, requiring repair.

Sally has informed us that Balfour Rd is currently on the list of repair for 2013/14 and would like an early resolution to these on-going problems due to the massive cost of work involved.

Brian Read assured us that all our concerns would be addressed and solutions would be put in writing to us, as yet, we have received nothing from him, 9 weeks on.


I have contacted Gareth Hooper at Gloucester City Council to request he monitor the noise the lorries make every day, several times each day, hopefully he will be in touch in the near future.

I have brought to Mr Reads' attention that the loading bay may be illegal, as no markings or warnings exist, and also that it is an eye- sore to residents.

Due to all of our concerns being unresolved, I would like to request that planning is denied.

Yours sincerely,





15.10.12.

RE: PLANNING PERMISSION FOR CO-OP- SEYMOUR RD, GLOUCESTER.


Dear Sir/ Madam,

I don't think it's fair to let them open for longer when they create so many problems for us already. It is really annoying when a lorry is blocking the road and I think it's illegal too! The staff throw cigarette ends on to the pavement at the loading bay- which looks horrible, but they don't have to live here.

The lorries are always reversing without someone guiding them which I reckon is illegal too- no wonder cars get damaged.

There is always rubbish blowing around the street, some lorries park right on the corner sticking out into Seymour Rd and it's hard and dangerous to get passed them safely.

Yours sincerely,





15.10.12.

RE: PLANNING PERMISSION FOR CO-OP- SEYMOUR RD, GLOUCESTER.

Dear Sir/ Madam,

I object to them opening for longer because kids already hang around outside the door quite late already and they would stay later if it was open. They make a noise and leave rubbish around and drive cars too fast. Loads of cars have had damage done to them from lorries and vandalism. The lorries are really noisy too, reversing all the time with their reversing alarms on, the crates make a real racket taking them in and out the shop, the drivers and staff talk so loud- they don't care about disturbing us.

The road is all broken into pieces and the pavements are bumpy from the hgvs, it's not fair that they block the road all the time.

Yours sincerely,



Co-operative House, Warwick Technology Park
Gallows Hill, Warwick, CV34 6DA

t: 01926 516000

f: 01926 516020

e: enquiries@midcounties.coop

www.midcounties.coop



Our Ref: Legal/Store 212/
Seymour Road

Date: 17 October 2012

Dear Mr Knight

**Application to Vary a Premises Licence –
The Co-operative Food, 117 Seymour Road, Gloucester GL1 5QD**

I refer to your letter received by Gloucester City Council's Licensing Department on 12 October 2012 objecting to our application to vary the hours permitted by our Premises Licence for the sale of alcohol from the above store.

I can confirm that, at present, we have no intention of opening the store earlier than the current trading hours. The reason behind our application to vary the hours permitted for the sale of alcohol was that, at present, the hours permitted by the Premises Licence do not cover all of the hours that we currently trade for.

We applied for hours for the sale of alcohol from 6am to 11pm as these are the standard hours that we apply for in our usual licence applications but, as I have stated above, there are no plans at present to extend the trading hours of this store.

On the basis of the above confirmation, are you prepared to withdraw your objection to the application? If you wish to discuss the matter further, please do not hesitate to contact me. If you are willing to remove your objection to the application, would you please contact the Licensing Department at Gloucester City Council to confirm this to them.

Yours sincerely



Emma Allen
Solicitor – Legal Services



Rebecca Tuck, Licensing Department, Gloucester City Council

cc



The Midcounties Co-operative

Co-operative House, Warwick Technology Park
Gallows Hill, Warwick, CV34 6DA

t: 01926 516000
f: 01926 516020
e: enquiries@midcounties.coop
www.midcounties.coop

Our Ref: Legal/Store 212/
Seymour Road

Date: 26 October 2012

Dear

**Application to Vary a Premises Licence –
The Co-operative Food, 117 Seymour Road, Gloucester GL1 5QD**

I refer to my letter of 17 October 2012 and our subsequent telephone conversation.

As we discussed, I confirm that we are happy to amend our application to only apply for hours authorised for the sale of alcohol from 7am, not 6am.

Could you confirm please whether you are now prepared to remove your objection to our application? If you wish to discuss the matter further, please do not hesitate to contact me.

Yours sincerely



Emma Allen
Solicitor – Legal Services



cc Rebecca Tuck, Licensing Department, Gloucester City Council



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.

**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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