



# Gloucester City Council

## Licensing Sub-Committee

**Meeting: Monday, 19th November 2012 at 6.20 pm  
in Education Centre, Folk Museum, Gloucester GL1 2JS  
(please access via rear entrance on Quay Street)**

<b>Membership:</b>	Cllrs. C. Witts, Noakes and Randle
<b>Contact:</b>	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

### AGENDA

1.	<b>ELECTION OF CHAIR</b>
2.	<b>INTRODUCTIONS AND PROCEDURES</b>
3.	<b>DECLARATIONS OF INTEREST</b>  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.	<b>APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF YOUR STORES, 138 STROUD ROAD, GLOUCESTER, GL1 5JT (Pages 1 - 42)</b>  Report by the Corporate Director of Services and Neighbourhoods

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**Julian Wain**  
Chief Executive

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**Date of Publication: Friday, 9 November 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.

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For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, [tanya.davies@gloucester.gov.uk](mailto: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](mailto:democratic.services@gloucester.gov.uk).

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

#### **FIRE / EMERGENCY EVACUATION PROCEDURE**

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

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

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# Gloucester City Council

<b>Committee</b>	: LICENSING SUB COMMITTEE
<b>Date</b>	: 19 NOVEMBER 2012
<b>Subject</b>	: APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF YOUR STORES 138 STROUD ROAD, GLOUCESTER, GL1 5JT
<b>Ward</b>	: MORELAND
<b>Report By</b>	: CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS
<b>No. Of Appendices</b>	: A: COPY OF APPLICATION FROM CHANDRA MANOHARAN B: PLAN SHOWING LAYOUT OF PREMISES C: MAP SHOWING LOCATION OF PREMISES D: COPY OF REPRESENTATIONS FROM RESIDENTS E: PROCEDURE TO BE FOLLOWED AT A HEARING F: LIST OF MANDATORY CONDITIONS
<b>Reference No.</b>	: ES21144

## 1.0 Purpose of Report

- 1.1 To outline to Members an application made by Mrs Chandra Manoharan in respect of Your Stores, 138 Stroud Road, Gloucester GL1 5JT 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 23:00..

## 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 under Section 17 of the Licensing Act 2003. The application was received by the licensing team on 16th September 2012, from Chandra Manoharan, 138 Stroud Road, Gloucester, GL1 5JT. The application was not advertised on the premises from the day following the day the application was received by the Council in accordance with the regulations. The advert was displayed on the premises a week later, from 24th September 2012. Consequently to ensure that no one was prejudiced by the late advertising, representations have been allowed for an additional week, that is up to 22nd October 2012. The newspaper advert was published in the Gloucester Citizen on 4th October 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**. Also attached is a plan showing the location of Your Stores and the location of those residents who have made representations as **Appendix C**. Members are respectfully advised to familiarise themselves with the area concerned.
- 4.3 There are no planning restrictions in respect of these premises,
- 4.4 The application concerns the proposal to make provision for the retail sale of alcohol Monday to Sunday (inc) from 06:00 to 23:00.
- 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

Use of CCTV with retention of discs for minimum period of 31 days. Premises will operate Challenge 25 policy. All staff undergo training concerning knowledge of licensing laws together with social impact of the sale of alcohol

##### Public Safety

The premises will operate and comply with current legal requirements for fire safety and health including periodic risk assessments.

##### The prevention of public nuisance

Premises are proposed to be licensed for the consumption of liquor off the premises only. There are no form of entertainment. There will be bin provided outside the shop. Signs for customers to be quiet leaving & entering the shop.

The protection of children from harm

Consumption off the premises is a benefit. The company will operate “Challenge 25” policy. Full training for staff with refusals book & refresher training on regular basis. Store will operate a fully recordable CCTV system. Prominent signage throughout the store.

- 4.6 The proposed Designated Premises Supervisor for the premises is Mithun Manoharan who holds a personal licence number GLPER/1052 issued by Gloucester City Council.

**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 three local residents as other persons under the Licensing Act 2003, Copies of these are attached as **APPENDIX D** of this report.

- 5.3 Representations must be relevant and not vexatious or frivolous. In other words they must relate to the proposed licensable activity and its likely effect on at least one of the licensing objectives. They must not be born out of malice or dispute and they must be serious.

- 5.4 Residents’ concerns with regard to the licensing objectives relate, amongst other things, to a perceived propensity for an increase in anti social behaviour and public nuisance should this licence be granted.

- 5.5 The representations also concern themselves with the number of other outlets in the area already selling alcohol by way of a licence. This cannot be a relevant consideration under the Licensing Act 2003.

- 5.6 Gloucestershire Constabulary Licensing Unit has, in agreement with the applicant, proposed that should a licence be granted the following conditions should be added to the licence:-

- A ‘Challenge 25’ policy shall be implemented, so that any customer attempting to purchase alcohol who appears to be under that age of 25 years shall be asked for accredited proof-of-age (PASS approved ID, Driving Licence or Passport) and a sale shall not be made unless this is produced.

- A CCTV system with minimum 4 colour-cameras recording at a frame-rat of not less than 15 frames-per-second shall be maintained in good working order at the premises. One of these cameras shall provide a 'head & shoulders' picture (I.D. shot) of all customers entering the premises, one camera shall be situated behind the Serving Counter so as to capture the faces and activities of customers at the counter, one camera shall be located externally to cover the external approach to the store, and one shall be positioned to monitor the alcohol display. The system shall record at all times the premises are open. Recordings shall be kept for a minimum of 14 days and shall be produced within 3 working days on request of Police, Trading Standards or Council Officers. The system shall be checked daily and should the system fail to operate on any occasion, the DPS (or representative) shall promptly notify the Licensing Authority Licensing department and Police Licensing department and shall take prompt steps to repair or replace the system but, in any event, if the system is not returned to good working order, the premises shall not sell alcohol until it has been repaired.
- Except for alcohol displayed behind the Serving Counter, Alcohol shall not be displayed within 4 metres of the entrance/exit.
- Spirits (Alcohol of 20% ABV or above) shall only be displayed behind the Serving Counter.

The proposed conditions above agreed between the applicant and the Police prior to the end of the period for receiving representations will replace any similar steps intended to promote the four licensing objectives as set out in the operating schedule.

5.7 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 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 governments 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 representations 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 an other 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 E**.
- 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 (8<sup>th</sup> 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  
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# Gloucester City Council

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 CHANDRA MANOHARAN

(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			
138 STROUD ROAD GLOUCESTER 1			
Post town		Post code	GL1 5JT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 600


### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- Please tick yes
- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)

## ENVIRONMENTAL HEALTH & REGULATORY SERVICES

Gloucester City Council Tel 01452 396303 Fax 01452 396340  
Herbert Warehouse Email [licence.team@gloucester.gov.uk](mailto:licence.team@gloucester.gov.uk)  
The Docks Minicom 01452 396161  
Gloucester GL1 2EQ [www.gloucester.gov.uk](http://www.gloucester.gov.uk)

  
GLOUCESTER  
CITY COUNCIL



- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - 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 checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>MANOHARAN</b>		First names <b>CHANDRA</b>		
I am 18 years old or over				<input checked="" 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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

Day Month Year  
 08 10 2013

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)

Convenience store located in residential area selling news, magazines, grocery beverages and alcohol.  
 Previously traded as convenience & news store with sizable floor space & storage facilities.

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

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

**B**

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

C

<b>Indoor sporting events</b> 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			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

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



F

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

G

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

<b>Provision of facilities for making music</b> 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			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed			<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)	
Thur				
Fri				
Sat				
Sun				

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>	
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 3)	
Tue				
Wed			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Thur				
Fri			<b>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</b> (please read guidance note 5)	
Sat				
Sun				

K

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


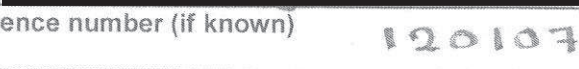
L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption</u> (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	<u>State any seasonal variations for the supply of alcohol</u> (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			
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			
			<u>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</u> (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	MITHUN MANOHARAN	
Address		
Postcode		
Personal Licence number (if known)	1201077 GLPLC	
Issuing licensing authority (if known)	GLoucester City Council	



N

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

O

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

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)

This local convenience store is designed to minimise crime & disorder, the store will be mainly selling grocery items with off sale of alcohol. This store will be run by jami

b) The prevention of crime and disorder

Use of CCTV with retention of discs for minimum period of 31 days. Premises will operate challenge 25 policy. All staff undergo training concerning knowledge of licensing laws together with social impacts of the sale of alcohol

c) Public safety

The premises will operate and comply with current legal requirements for fire safety and health including periodic risk assessments.

d) The prevention of public nuisance

Premises are proposed to be licensed for the consumption of liquor off the premises only. There are no terms of entertainment. There will be bin provided outside the shop. ~~Warning~~ signs for customers to be quiet, leaving & entering the shop.

e) The protection of children from harm

Consumption off the premises is a benefit. The company will operate "challenge 25 policy" Full training for staff with refusals book & refresher training on regular basis. Store will operate a fully recordable CCTV system prominent signage throughout store.

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	10.09.12
Capacity	Licensing Consultant

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

LWA TRAINING TRIDENT BUSINESS CENTRE 89 BICKERSTETH ROAD LONDON			
Post town	TOOTING	Post code	SW17 9SH
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

# Gloucester City Council

## CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR

I MITHUN MANOHARAN  
*[full name of prospective premises supervisor]*

of   
*[home address of prospective premises supervisor]*

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

PREMISE LICENSE  
*[type of application]*

by CHANDRA MANOHARAN  
*[name of applicant]*

relating to a premises licence NONE  
*[number of existing licence, if any]*

for 138 STROUD ROAD  
GLouceSTER  
GL1 5JT  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by  
CHANDRA MANOHARAN  
*[name of applicant]*

concerning the supply of alcohol at  
138 STROUD ROAD  
GLouceSTER  
GL1 5JT  
*[name and address of premises to which application relates]*

### ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340  
Herbert Warehouse Email [enviro@gloucester.gov.uk](mailto:enviro@gloucester.gov.uk)  
The Docks Minicom 01452 396161  
Gloucester GL1 2EQ [www.gloucester.gov.uk](http://www.gloucester.gov.uk)



**GLouceSTER**  
**cITY COUNCIL**

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

Personal licence number 1201077GLPLC  
*[insert personal licence number, if any]*

Personal licence issuing authority  
GLOUCESTER CITY COUNCIL

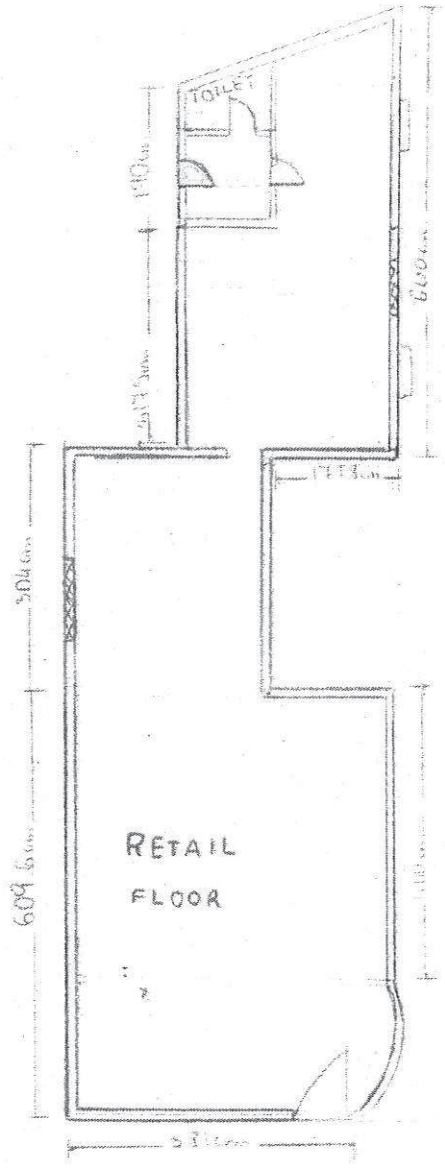
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed 

Name (please print) MITHUN MANSHARAN

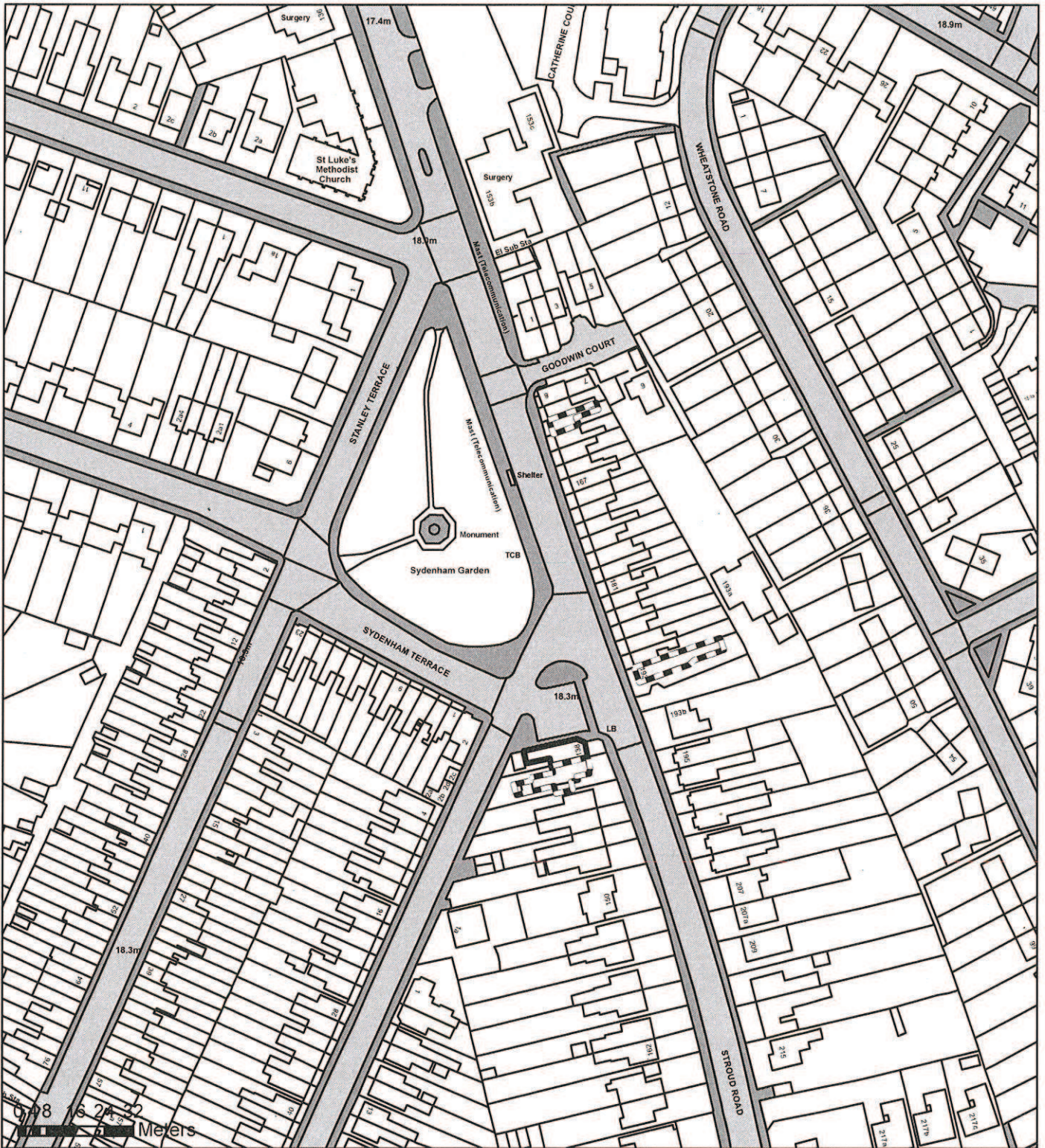
Date 10.09.12

1:100



- Key
- FIRE EXIT
  - CHIMNEY
  - WINDOWS

138 STROUD ROAD  
GLOUCESTER GL1 5JT



YOUR STORES, 138 STROUD ROAD		01.11.12		
<p>KEY</p> <p>— Premises (Your Stores)</p> <p>▬ Residential Properties who made representation</p>		1:1,500		

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Email confirmation attached of correct address of premises

# Gloucester City Council ENVIRONMENTAL

22 OCT 2012

## LICENSING ACT 2003

HEALTH

### REPRESENTATION FORM – Interested Parties

#### Introduction

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

For a representation to be relevant it must:

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

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

#### Your Details

Your name:	
Name of the organisation/body you represent: (if appropriate)	
Your full postal address or that of the organisation or body you represent:	
Post code:	
Daytime contact telephone number:	
Email address: (optional)	

#### Premises Details

Name of premises you are making representation about:	YOUR STORES
Full Postal Address:	82 STROUD ROAD GLOUCESTER
Post Code:	

Representation Form - Interested Parties

### ENVIRONMENTAL HEALTH

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





**What are you making a representation about?**

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

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

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

The public park on the junction of Sinnedham Terrace and Stroud Road has groups of youths in the summer, who tend to drink and be a public nuisance. I feel another off licence in close proximity to this park will encourage larger groups behaving badly. Also I feel it will invite unwanted groups of people into the Area which is predominantly residential as they will have an area to meet and cause a disturbance

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

The suggested opening hours are 6am - 11pm these hours will cause early morning and late night disturbance in a Residential Area. Also there are already two off licences trading within a 5 minute walk of this premises and another general store on Cotton Road - I do not see the need for a third in a small Area.

Signed:	[REDACTED]	Dated:	19/10/2012
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

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

Rebecca Tuck

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From: [Redacted]  
Sent: 22 October 2012 11:54  
To: Rebecca Tuck  
Subject: 138 Stroud road licence application objection

This e mail is to confirm that I wished to object to the licence application made for the premises at 138 Stroud Road Gloucester Please contact me if you require any further information regarding this objection.

Regards



\*\*\*\*\*

The information contained within this e-mail is confidential and may be privileged. It is intended for the addressee only. If you have received the e-mail in error, please inform the sender or contact the WHSmith IT Security Manager, on +44 (0) 1793 562175, and delete it from your system. The contents of this e-mail must not be disclosed to anyone else or copied without the sender's consent.

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ENVIRC

10 OCT 2017



Dear Sir / Madam

We are writing regarding the off-licence Jour Stores of 138 Stroud road, to which we live next door. The store is in the process of applying for a licence to trade alcohol, this being the purpose of my correspondence with yourselves.

The stores proposed opening times are from 6:00 to 23:00. We feel the closing time is unacceptable and needn't be so late, we have discovered that the store has fitted metal roller shutters to cover the windows, which when in motion make a noise which disturbs my sleeping family as well as others in the area at 23:00 hours.

It is also a concern of ours that having another off licence in the area is only going to attract more inappropriate behaviour from shoppers and especially with such a late closing time, although we do not object to the nature of the store, we do oppose the closing time.

We have expressed our opinions, as mentioned above, to the shop manager, and been assured he would be prepared to close the shop no later than 21:00, however the notice for application still remains a 23:00 hours.

Having looked into other off licence stores in the area, it is clear they do not trade after 22:00 hours at the latest, Bargain booze located at 118 Stroud road, a 5 minute walk from Jour Stores, closes at 22:00 and R.K. Convenience Store, 112 Stroud Road, 0.4 miles from Jour Stores, closes at 21:00 hours.

As both these stores are located no more than a 7 minute walk away we do not feel it is unreasonable for Jour stores to cease trading at 21:00 hours.

We hope you take our view into consideration when granting these trading times, and we look forward to your correspondence on this issue.

Yours Sincerely



Rebecca Tuck

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From: [REDACTED]  
Sent: 27 September 2012 13:31  
To: Licence Team; Gordon Taylor; Nicholas Durrant; Mark Hobbs; Matthew W. Gilson  
Subject: Planning Application for 138 Stroud Road

To The Councillors of Moreland, The Chair of The Planning Committee and The Licensing Team,

I wish to make known my strong objection for the application of a licence to retail alcohol from the premises of 138 Stroud Road.

I am a resident of Stroud Road, living at [REDACTED] with my young daughter, most of the residents in this part of Stroud Road are families and I do not believe this would enrich the lives of any of us. In fact I believe the end result would be the exact opposite. Selling alcohol at this location will only increase the amount of social disturbance from youths in the area.

Teenagers already occupy Sydenham Garden most evenings, if this application goes ahead there will be an increase in the number of people using the public garden as a place to get intoxicated; this will add to the amount of broken glass and litter in the area which already makes me reluctant to use the garden as a place for my daughter to play, in addition to this the risk of damage to our homes and cars will also be increased as will the noise level from people using the shop and those lingering to consume their alcohol.

Bargain booze is just down the road for people who want to buy alcohol and if you look at that area you will see men with cans and bottles sitting at the bus stop and leaning on walls drinking. I do not want this outside my home and I'm sure many other residents will feel the same as I know an application for a take away at the same location was petitioned against for many of the same reasons I have listed above.

If you wish to contact me regarding my objections you can do so either on [REDACTED] or by calling me on [REDACTED].

Yours Faithfully

[REDACTED]

Sent from my iPhone

## 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