



# Gloucester City Council

## Licensing Sub-Committee

**Meeting: Wednesday, 13th February 2013 at 6.30 pm  
in Education Centre, Folk Museum, Gloucester GL1 2JS (please access  
via rear entrance on Quay Street)**

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

### AGENDA

|           |  |
|-----------|--|
| <b>1.</b> | <b>ELECTION OF CHAIR</b><br><br>Appointment of Chair for the Hearing.  |
| <b>2.</b> | <b>INTRODUCTIONS AND PROCEDURES</b><br><br>The Chair will arrange introductions and explain the procedure to be followed for the Hearing.  |
| <b>3.</b> | <b>DECLARATIONS OF INTEREST</b><br><br>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. |
| <b>4.</b> | <b>APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF THE FOOD JUNCTION, 42 SOUTHGATE STREET, GLOUCESTER, GL1 2DR</b><br>(Pages 1 - 42)<br><br>Report of the Corporate Director for Services and Neighbourhoods                  |

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**Julian Wain**  
**Chief Executive**

**Date of Publication: Tuesday, 5 February 2013**

## 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<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged  |
| Land  | Any beneficial interest in land which is within the Council's area.<br><br>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) –<br><br>(a) the landlord is the Council; and<br>(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 –<br><br>(a) that body (to your knowledge) has a place of business or land in the Council's area and<br><br>(b) either –  |

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

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

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

#### **Access to Information**

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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

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|--------------------------|--|
| <b>Committee</b>         | : LICENSING SUB COMMITTEE  |
| <b>Date</b>              | : 13 FEBRUARY 2013   |
| <b>Subject</b>           | : APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF THE FOOD JUNCTION, 42 SOUTHGATE STREET, GLOUCESTER, GL1 2DR   |
| <b>Ward</b>              | : WESTGATE   |
| <b>Report By</b>         | : CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS  |
| <b>No. Of Appendices</b> | : A: COPY OF APPLICATION TO VARY A PREMISES LICENCE FOR 42 SOUTHGATE STREET BY ZAHID WASEEM<br>B: PLAN OF PREMISES<br>C: LOCATION MAP OF 42 SOUTHGATE STREET<br>D: PLANNING RESTRICTION<br>E: REPRESENTATION FROM GLOUCESTERSHIRE CONSTABULARY<br>F: REPRESENTATION FROM ENVIRONMENTAL PROTECTION<br>G: REPRESENTATION FROM THE NEW COUNTY HOTEL<br>H: PROCEDURE TO BE FOLLOWED AT A HEARING |
| <b>Reference No.</b>     | : ES21148  |

## 1.0 Purpose of Report

- 1.1 To present to members an application to vary a premises licence made under section 34 of the Licensing Act 2003 for 45 Southgate Street, Gloucester, GL1 2DR, received from Mr Zahid Waseem. The application is to extend the hours for the provision late night refreshment.

## 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. 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 19 December 2012 and has been advertised in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. A copy of the application is attached as **Appendix A** together with a copy of the current licence.

- 4.2 The premises to which the application relates is a small cafe/takeaway comprising a kitchen and counter with a customer dining area with four tables and seating for sixteen people. The premises is situated in Southgate Street next to The New County Hotel.
- 4.3 A plan of the premises and its location are attached as **Appendix B and C respectively**. Members are respectfully advised to familiarize themselves with the area concerned.
- 4.4 There are planning restrictions with regard to opening hours in respect of these premises. This is attached as **Appendix D**. Members may care to note that the current licence allows trading hours until 01:00 on Friday and Saturday which exceeds Planning restrictions. The applicant is required to abide by the hours that are the most restrictive. It is understood that Mr. Waseem has applied to have the planning restrictions lifted.
- 4.5 The application requests the following variations to the licensable activities:
- (a) To extend the provision of Late Night Refreshment both on and off the premises between the following times
- 23:00 to 02:00 Monday and Tuesday  
23:00 to 03:00 Wednesday and Thursday  
23:00 to 05:00 Friday and Saturday  
23:00 to 03:00 on Sunday
- 4.6 The applicant has set out additional measures he intends to take to promote any of the licensing objectives. In Section P Mr. Waseem stated that he will

*“inform to the Police” and “provide CCTV”*

Provision of CCTV is already a condition on the current licence.

## 5.0 **Representations**

- 5.1 Representations have been received from two Responsible Authorities, namely, Gloucestershire Constabulary and Gloucester City Council Environmental Protection. These are attached as **Appendices E and F** respectively.
- 5.2 The Constabulary are against the licence being issued on the basis that to do so would compromise the licensing objectives ‘the prevention of crime and disorder’ and ‘the prevention of public nuisance’
- 5.3 Environmental Protection are also minded to oppose the issuing of the licence on the basis that to do so would compromise the objective ‘the prevention of public nuisance’.
- 5.4 A representation from The New County Hotel was emailed within the 28 day consultation period. These concerns relate to ‘the prevention of public nuisance’. This is attached as **APPENDIX G**.

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

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

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

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

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

## **6.0 THE LICENSING POLICY STATEMENT AND GUIDANCE**

6.1 Sections 3, 4, 5 and 6 of Gloucester City Council’s Licensing Policy Statement outline the authority’s policy with regard to the licensing objectives. Section 7 refers specifically to licensing hours.

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

6.3 Paragraphs 10.1 to 10.19 deal with the attaching of conditions to licences and state that only appropriate, proportionate conditions, which promote the licensing objectives, should be attached to the licence if it is granted. The Licensing Authority may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations. If other existing law already places certain statutory responsibilities on an operator of a premises it cannot be appropriate to impose the same or similar duties as conditions.

## **7.0 Conclusions**

- 7.1 Members should consider the relevant facts, Guidance, Licensing Policy Statement 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 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.

## **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. An adjournment would be appropriate if any the parties introduced more information in support of the application or relevant representations shortly before the hearing or at the hearing itself and time was needed for any of the parties and the Sub-Committee to consider such information.
- 9.5 Supporting information provided by parties at the hearing can only be taken into account by the Sub-Committee with the consent of the other parties. It still might be appropriate for the Sub-Committee to adjourn for an appropriate period, so that such information can be properly considered.

- 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 another person within the prescribed period.
  - (c) Has not been withdrawn
  - (d) If having been made by a person (who is not also a Responsible Authority), are not in the opinion of the Licensing Authority frivolous or vexatious.
- 9.7 In deciding what action, if any, it should take, the Sub-Committee Members must direct their minds to the causes and concerns which the relevant representations identify. Any action should generally be directed to these causes and concerns and should always be no more than is a necessary and proportionate response. This is particularly the case, if there is any detrimental financial impact that would be caused by the decision.
- 9.8 The Sub-Committee is required to have regard to the Home Office Guidance and Council Licensing Policy when making its decision, bearing in mind they do not cover every possible situation. Provided that the Guidance and Policy have been properly and carefully understood, the Sub-Committee may depart from them if they have reasons to do so. The Sub-Committee must give full reasons in its decision for any departure from the Guidance and Policy.
- 9.9 Following the case of Daniel Thwaites v Wirral Borough Magistrates Court 2008, referred to in Paragraph 7.2 of the report the Sub-Committee needs to avoid:
- (a) Speculating of what might happen in the absence of evidence that harm would or could happen. The Sub-Committee need to assess the evidence submitted and whether evidence or representations amount to evidence on which they can rely
  - (b) Not paying attention to Government Guidance where failing to follow it requires good reasons to be given.
  - (c) Imposing conditions that do not promote the Licensing Objectives.
- 9.10 Although not referred to in the Act, a concentration of licensed premises in one area may have the potential impact on the promotion of the licensing objectives. When the Council as Licensing Authority develops its Licensing Policy Statement it may include a “special policy” referred to as “cumulative impact” policy. To develop these requires a real concern about crime and disorder or public nuisance, good evidence that crime and disorder or public nuisance are caused by the cumulative impact of customers of licensed premises or there is an imminent risk’ the boundaries of the zone and a statutory consultation must be carried out.



- 9.11 There is no provision for a trial period under the Act, but under Section 51 of the Act, a responsible authority or other person may apply to the Council as Licensing Authority for a review of the licence.
- 9.12 Where the Sub-Committee determines an application it must notify the following of its decision, and the reasons for it:
- (a) The Applicant .
  - (b) The person who made the relevant representations.
  - (c) The Police.
  - (d) Environmental Protection.
- 9.13 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 Health and Safety or Development Control Departments.
- 9.14 In considering the application, the Sub-Committee is solely performing the role of Licensing Authority. The Sub-Committee sits in a quasi-judicial capacity and must act impartially. It must offer a fair and unbiased hearing of the application.
- 9.15 A party may appeal the decision of the Sub-Committee to the Magistrates' Court within 21 days of being notified in writing of the decision. As the appeal is against the Sub-Committee's decision, the City Council will be the Respondent to such proceedings.
- 9.16 Provided the Sub-Committee acts reasonably, basing their decision on proper evidence and information from the applicant, Responsible Authorities and other persons, then on a successful appeal, costs should not be awarded against the Council. Members are referred to the Risk Management Assessment of this report at paragraph 10.
- 9.17 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

### **10.0 Risk Management Implications**

- 10.1 There is a right of appeal to the Magistrates Court for both the applicant and all interested parties. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably. in reaching its decision. In the case of Birch House<sup>4</sup> 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:<br>Screening assessment conducted as part of the Council's Licensing Act Policy Statement. |
|  |      | X  |   |
| Has an initial PIA screening been completed?   | Yes  | No | Explanation:<br><br>As above  |
|  |      | X  |   |
| Has a full PIA been completed?   | Yes  | No | Explanation:<br><br>As above  |
|  |      | X  |   |
| Is the PIA available?  | Yes  | No | Explanation:<br><br>As above  |
|  |      | X  |   |
| Has the PIA identified any negative impacts on any protected characteristic or community cohesion? | Yes* | No | As above<br><br>*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** : Richard Barnett  
 Tel: 01452 396311  
 E-mail: Richard.Barnett@gloucester.gov.uk

## Gloucester City Council

ES21148

APPENDIX A

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 ~~Zahid Waseem~~ ZAHID WASEEM  
(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

102019 GLPRMV

## Part 1 – Premises Details

|  |            |           |        |
|--|------------|-----------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description<br>42, SOUTH GATE, STREET.<br>GLOUCESTER<br>THE FOOD JUNCTION |            |           |        |
| Post town  | GLOUCESTER | Post code | GL12DR |

|   |                |
|---|----------------|
| Telephone number at premises (if any)   | 01452 - 520948 |
| Non-domestic rateable value of premises | £              |

## Part 2 - Applicant details

|   |            |          |  |
|---|------------|----------|--|
| Daytime contact telephone number                          | [REDACTED] |          |  |
| E-mail address (optional)                                 |            |          |  |
| Current postal address if different from premises address |            |          |  |
| Post Town   |            | Postcode |  |

## ENVIRONMENTAL HEALTH

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



**GLOUCESTER**  
**CITY COUNCIL**

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day Month Year

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|

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

we have a issue of late opening. we want to keep our premises open till late night after 12am (midnight). The reason is we dont have much business in day time, we are not able to meet our all expences very well. on opposite of our premises there is a cafe Rene open 24 hours, and we can get alot of coustmers after midnight from this cafe especially on weekends. Next to our shop there is a bar of new county hottle opens remain till late night. so many times we send alot of custmers back without serving because of our short timings we are loosing our coustmers.

Please allow our premises after midnight opening.

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

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

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

**In all cases complete boxes N, O and P**

## A

|   |       |        |   |          |                          |
|---|-------|--------|---|----------|--------------------------|
| <b>Plays</b><br>Standard days and timings (please read guidance note 6) |       |        | <b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b><br>(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 performing plays</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 plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) |          |                          |
| Sat   |       |        |   |          |                          |
| Sun   |       |        |   |          |                          |
|   |       |        |   |          |                          |

## B

|   |       |        |  |          |                          |
|---|-------|--------|--|----------|--------------------------|
| <b>Films</b><br>Standard days and timings (please read guidance note 6) |       |        | <b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b><br>(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 the exhibition of films</u></b> (please read guidance note 4)  |          |                          |
| Thur  |       |        |  |          |                          |
| Fri   |       |        | <b><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></b> (please read guidance note 5) |          |                          |
| Sat   |       |        |  |          |                          |
| Sun   |       |        |  |          |                          |
|   |       |        |  |          |                          |

**C**

|  |       |        |  |
|--|-------|--------|--|
| <b>Indoor sporting events</b><br>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**

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



## E

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

## F

|  |       |        |   |          |                          |
|--|-------|--------|---|----------|--------------------------|
| <b>Recorded music</b><br>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 |   |          |                          |
| Mon  |       |        | <u>Please give further details here</u> (please read guidance note 3)   |          |                          |
| Tue  |       |        |   |          |                          |
| Wed  |       |        | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)  |          |                          |
| Thur   |       |        |   |          |                          |
| Fri  |       |        | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |          |                          |
| Sat  |       |        |   |          |                          |
| Sun  |       |        |   |          |                          |



**G**

|   |       |        |  |          |                          |
|---|-------|--------|--|----------|--------------------------|
| <b>Performances of dance</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the performance of dance take place indoors or outdoors or both – please tick</b><br>(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 performance of dance</b><br>(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**

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

I

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

J

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

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

**L**

|  |              |              |  |  |          |                                     |
|--|--------------|--------------|--|--|----------|-------------------------------------|
| <b>Late night refreshment</b><br>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 checked="" type="checkbox"/> |
| Day  | Start        | Finish       | <b>Please give further details here</b> (please read guidance note 3)  |  |          |                                     |
| Mon  | 10:00<br>A.M | 02:00<br>A.M |  |  |          |                                     |
| Tue  | 10:00<br>A.M | 02:00<br>A.M |  |  |          |                                     |
| Wed  | 10:00<br>A.M | 03:00<br>A.M | <b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)   |  |          |                                     |
| Thur   | 10:00<br>A.M | 03:00<br>A.M |  |  |          |                                     |
| Fri  | 10:00<br>A.M | 05:00<br>A.M | <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  | 10:00<br>A.M | 05:00<br>A.M |  |  |          |                                     |
| Sun  | 10:00<br>A.M | 03:00<br>A.M |  |  |          |                                     |

**M**

|   |       |        |  |                  |                          |   |  |  |
|---|-------|--------|--|------------------|--------------------------|---|--|--|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b> | On the premises  | <input type="checkbox"/> |   |  |  |
|   |       |        |  | Off the premises | <input type="checkbox"/> |   |  |  |
|   |       |        |  | Both             | <input type="checkbox"/> |   |  |  |
| Day   | Start | Finish | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)         |                  |                          |   |  |  |
| Mon   |       |        |  |                  |                          |   |  |  |
| Tue   |       |        |  |                  |                          |   |  |  |
| Wed   |       |        |  |                  |                          |   |  |  |
| Thur  |       |        |  |                  |                          | <b>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</b> (please read guidance note 5) |  |  |
| Fri   |       |        |  |                  |                          |   |  |  |
| Sat   |       |        |  |                  |                          |   |  |  |
| Sun   |       |        |  |                  |                          |   |  |  |
|   |       |        |  |                  |                          |   |  |  |

**N**

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

O

|  |             |             |  |
|--|-------------|-------------|--|
| Hours premises are open to the public<br>Standard days and timings (please read guidance note 6) |             |             | State any seasonal variations (please read guidance note 4)  |
| Day  | Start       | Finish      |  |
| Mon  | 10:00<br>AM | 02:00<br>AM | Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) |
| Tue  | 10:00<br>AM | 02:00<br>AM |  |
| Wed  | 10:00<br>AM | 03:00<br>AM |  |
| Thur   | 10:00<br>AM | 03:00<br>AM |  |
| Fri  | 10:00<br>AM | 05:00<br>AM |  |
| Sat  | 10:00<br>AM | 05:00<br>AM |  |
| Sun  | 10:00<br>AM | 03:00<br>AM |  |

X

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)

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

- WE INFORM TO THE POLICE  
- PROVIDE CCTV

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.

X

|           |  |
|-----------|--|
| Signature |  |
| Date      | 17/12/12   |
| Capacity  |  |

Where the premises licence is jointly held signature of second applicant (the current premises licence holder) or second applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

|                           |  |           |  |
|---------------------------|--|-----------|--|
|                           |  |           |  |
| Post town                 |  | Post code |  |
| Telephone number (if any) |  |           |  |

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

## NOTES FOR GUIDANCE

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



## Part B

### Premises Licence Summary

**Premises Licence Number**

**102019GLPRMV**

**Premises Details**

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

The Food Junction  
42 Southgate Street  
Gloucester  
GL1 2DR

**Telephone number**      01452 504888

**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**

|                        |                    |               |
|------------------------|--------------------|---------------|
| Late Night Refreshment | Sunday             | 23:00 - 00:00 |
| Late Night Refreshment | Monday to Thursday | 23:00 - 00:00 |
| Late Night Refreshment | Friday/Saturday    | 23:00 - 01:00 |

**The opening hours of the premises**

|           |               |
|-----------|---------------|
| Monday    | 12:00 - 00:00 |
| Tuesday   | 12:00 - 00:00 |
| Wednesday | 12:00 - 00:00 |
| Thursday  | 12:00 - 00:00 |
| Friday    | 12:00 - 01:00 |
| Saturday  | 12:00 - 01:00 |
| Sunday    | 12:00 - 00:00 |

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

Not applicable

## 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)



**Part 2**

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

Mr Z Waseem



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

Not applicable

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

Not applicable

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

Not applicable

**Signature of Issuing Officer:**



**Date of Determination:** 20 October 2005

**Date of Issue:** 18 August 2010

**(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**

None

**Annex 2 – Conditions consistent with the Operating Schedule**

- 1 Cash not to be kept at counter area.
- 2 A suitably stocked first aid box to be kept available for customer use.
- 3 A CCTV system capable of recording evidential quality images and sound shall be installed and maintained in accordance with current Home Office and the Association of Chief Police Officers guidance.
- 4 Shop front kept clear of litter from premises.
- 5 Police will be notified if there appears to be a risk of harm to children.
- 6 Customer waiting area to be maintained clean and dry.

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

None

**Annex 4 – Plans**

As submitted with the application

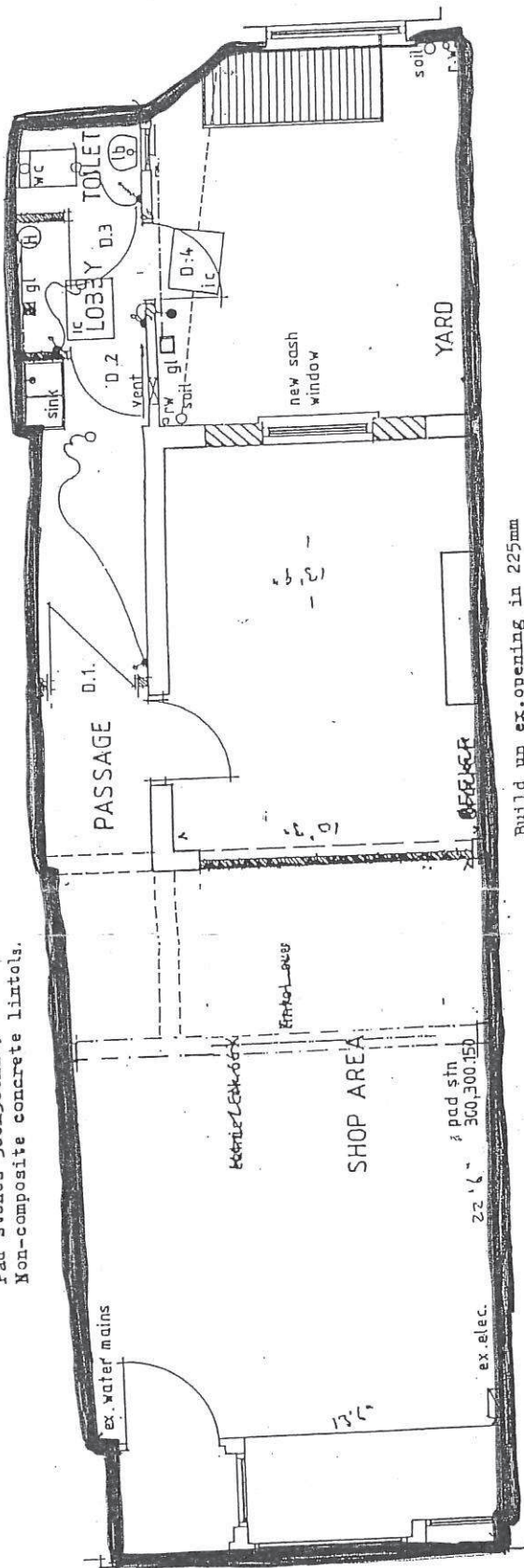


PLAN 2

100mm Calcon block pat.  
 100mmx50mm con. lintols over  
 openings.  
 D.P.C. at floor level.  
 Take out ex.rear door, form  
 new opening, 100mmx50mm lintols  
 over.  
 New exterior door and frame.  
 Provide new 225x225 vent to  
 outer lobby area.

42. SOUTHGATE STREET, GLOUCESTER.

Pad stones 300x300x225  
 Non-composite concrete lintols.



Build up ex. opening in 225mm  
 brick work. Provide and fit  
 new st. timber window Boulton  
 & Paul DH.101.3B. with vert.  
 D.P.C. to reveals. Make good to  
 both sides.

DR. NO. 157.89.A.

PROPOSED LAYOUT

*S. Gray*  
*Gray & Co*

Plumbing.  
 35mm P.Y.C 74mm deep anti-  
 vac trap and waste to wash  
 hand basin and sink.  
 Doubled sealed cover to gilly  
 in lobby.

scale 1:50





Scale : 1:1250

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|                     |                   |
|---------------------|-------------------|
| <b>Organisation</b> | The Food Junction |
| <b>Department</b>   |                   |
| <b>Comments</b>     |                   |
| <b>Date</b>         | 31 January 2013   |
| <b>SLA Number</b>   | 100019169, 2012   |

Consultation for the licence application for **The Food Junction at 42 Southgate Street.**

One of the conditions of the relevant consent (ref 94/03201/FUL) restricts opening hours to 8am to midnight (see below). This new licence proposal would be outside of these hours so would require a variation of condition planning application.

Condition

The premises shall be closed between the hours of midnight to 8.00am each day of the week.

Reason

To protect the aural amenities of the occupiers of the hotel accommodation on the upper floors of the premises.





Gloucestershire Constabulary  
People First Policing

## LICENSING ACT 2003

### REPRESENTATION FORM – Responsible Authorities

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

#### Your Details

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

#### Premises Details

|   |                                  |  |  |
|---|----------------------------------|--|--|
| <b>Name of premises you are making representation about:</b>                | THE FOOD JUNCTION                |  |  |
| <b>Full Postal Address of premises you are making representation about:</b> | 42 SOUTHGATE STREET, GLOUCESTER. |  |  |
| <b>Post Code:</b>   | GL1 2DR                          | <b>Application Ref. Number. (If known)</b> |  |



**Representation details.**

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

| Licensing Objective                  | Please tick for Yes |                                      | Please tick for Yes |
|--------------------------------------|---------------------|--------------------------------------|---------------------|
| The prevention of crime and disorder | √                   | Public safety                        |                     |
| The prevention of Public nuisance    | √                   | The protection of children from harm |                     |

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

This representation is made on behalf of the Chief Constable of Gloucestershire Constabulary in response to an application for extended hours at a Hot Food Takeaway situated at 42 Southgate Street, Gloucester.

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

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

#### GROUNDS FOR OBJECTION

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

Disorder and incidents of anti-social behaviour are a regular occurrence in Late-Night Takeaways, frequently requiring the attendance of the Police to calm situations down, arrest offenders or move people on. Customers often engage in anti-social behaviour such as dropping litter, or sometimes urinating in the street whilst waiting to be served.

In addition to this type of disturbance customers often arrive in cars. Residents are then subjected to additional Noise disturbance from car doors being slammed, loud conversations between customers e.g. calling out their orders to each other, along with the sound of car-stereos being played loudly for the duration of the visit. Such problems are often outside the control of the operator, even if doorstaff are employed.

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

#### Residential Location

This section of Southgate Street has residents nearby, including guests of the New County Hotel next door and in the rooms immediately above the takeaway. Residents/Guests are living within a metre of this shop, and residents are entitled to a higher expectation of peace after 2300hours (the start of Night-Time Hours under the Noise Act).

The very close proximity of the new County Hotel is also a concern because the entrance to the takeaway is immediately adjacent to the entrance to the hotel. It is likely that disorderly or rowdy



customers at the takeaway would intimidate hotel guests or potential hotel guests, and perhaps from time-to-time get involved in a fracas with them.

### Existing Licensed Premises

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

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

### Crimes

I have carried out research on the current Crime situation in that locality and can say that 377 crimes have been recorded for Southgate Street (the whole of) in the past 24 months (01/01/10 – 31/12/12). The sheer number of crimes taking place is a matter of some concern, especially at a time when police resources are being reduced significantly.

### Incidents

In that same 2 year period, no less than 1,438 Incidents (of all types) have been reported to the Constabulary in relation to Southgate Street, of which 1,146 have occurred in the city centre section of the street.

### Other factors to consider

- There are no toilets available in the takeaway for customers to use.
- This shop has a Planning Restriction that limits its use to midnight. Whilst the current Licence grants permission to trade until 0100hrs on Fridays and Saturdays, this entitlement is actually curtailed by the Planning Restriction and the premises should not operate beyond midnight. The Constabulary understands that, despite the Planning Restriction, the premises have actually been operating until 0100hrs and slightly beyond, and that it has caused annoyance/nuisance to the New County Hotel. The Constabulary has one incident recorded where there was friction between the owner of the takeaway and the manager of the hotel.

### Conclusion

The Constabulary takes the view that allowing this takeaway to trade beyond midnight at this location would be inappropriate, and it would be likely to lead to higher levels of Noise Complaints and an increase in Crime & Disorder in that part of Southgate Street. It should be noted, however, that subject to planning restrictions, the Constabulary would NOT object to the sale of hot food **by delivery only** after midnight. It is the use of the shop by the public (especially drunks) that causes problems.

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

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

**CONCLUSION**

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

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

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

In the event that the Committee grant this application, the Constabulary requests that the following condition be appended to the Licence:

- The premises shall employ a registered door supervisor between Midnight and closing-time on Wednesday, Friday and Saturday evenings, and on Bank Holiday evenings.

|                  |                    |               |                               |
|------------------|--------------------|---------------|-------------------------------|
| <b>Signed:</b>   | <i>A. S. Cook</i>  | <b>Dated:</b> | 16 <sup>th</sup> January 2013 |
| <b>Position:</b> | Licensing Manager. |               |                               |



## Appendix E

**List of 26 Licensed Premises in Southgate Street, Gloucester****Odd Numbers:**

|                                    |         |
|------------------------------------|---------|
| Old Bell (Public House)            | 9A      |
| B & M Stores (Off Licence)         | 13-15   |
| Tesco Stores (Off Licence)         | 21-25   |
| Café Rene (Public House)           | 31      |
| Topoly's (Restaurant)              | 49      |
| Indian Aroma (Restaurant)          | 69      |
| Tequila Rose (Restaurant)          | 79      |
| Whitesmiths Arms (Public House)    | 81      |
| RAOB Social Club                   | 85-89   |
| Tanz/City Kebab (Late Night T/Way) | 95-97   |
| One Stop shop (Off Licence)        | 107     |
| Southgate Food & Wine (Off Lic)    | 113     |
| Taste of Thai (Restaurant)         | 117-119 |
| Spalite Hotel                      | 121     |
| Blossom Chinese (Restaurant)       | 157     |

**Even Numbers:**

|                                      |       |
|--------------------------------------|-------|
| Robert Raikes House (Public House)   | 38    |
| The Food Junction (L/Night T/way)    | 42    |
| New County Hotel                     | 44    |
| Prezzo (Restaurant)                  | 46-50 |
| Southgate News (Off Licence)         | 65    |
| Tall Ship (Public House)             | 134   |
| Pizza Pizza (L/Night Takeaway)       | 150   |
| Peri Peri Chicken (Late Night T/way) | 152   |
| VI & PG (Off Licence)                | 158   |
| Nelson Inn (Public House)            | 166   |
| Baker Street (Public House)          | 230   |

As at 29.01.13

## Appendix E

**Crimes occurring in Southgate Street, Gloucester  
for the period 01/01/11 – 31/12/12**

|                 |            |
|-----------------|------------|
| Theft           | 165        |
| Violence        | 119        |
| Criminal Damage | 44         |
| Burglary        | 42         |
| Drugs           | 19         |
| Fraud           | 19         |
| Sex Offences    | 6          |
| Robbery         | 4          |
| Other           | 4          |
| <b>Total</b>    | <b>422</b> |

**LICENSING ACT 2003**

**REPRESENTATION FORM – Responsible Authorities**

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

**Your Details**

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

**Premises Details**

|   |                                   |  |               |
|---|-----------------------------------|--|---------------|
| <b>Name of premises you are making representation about:</b>                | The Food Junction                 |  |               |
| <b>Full Postal Address of premises you are making representation about:</b> | 42 Southgate Street<br>Gloucester |  |               |
| <b>Post Code:</b>   | GL1 2DR                           | <b>Application Ref. Number. (If known)</b> | 1300119CONLIP |

**ENVIRONMENTAL HEALTH**

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





**Representation details**

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

| Licensing Objective   | Please tick for Yes | Licensing Objective                  | Please tick for Yes |
|---|---------------------|--------------------------------------|---------------------|
| The prevention of crime and disorder  |                     | Public safety                        |                     |
| The prevention of public nuisance   | ✓                   | The protection of children from harm |                     |
| Please provide details of your representation and any evidence you may have in support of it.<br><i>(Please continue on a separate sheet if necessary)</i>  |                     |                                      |                     |
| <p>Currently the opening hours of this premises are Sunday to Thursday 12:00 to 00:00 and Friday/ Saturday 12:00 to 01:00. This application proposes to increase the opening hours considerably; Monday and Tuesday 10:00 to 02:00; Wednesday, Thursday and Sunday 10:00 to 03:00; and Friday and Saturday 10:00 to 05:00.</p> <p>Southgate Street has a large number of residential properties, many of which are flats above shops which are already being subjected to the associated noise of the city centre. The New County Hotel which is adjacent to The Food Junction will be the most affected by these increased opening hours. Two of the rooms back directly onto the rear of The Food Junction cooking area and are within a few metres of the extraction flue and window. In the past these rooms have had to be taken out of use by the hotel as a result of cooking odours from The Food Junction.</p> <p>Takeaways attract city revellers many of which on the weekends are under the influence of alcohol which is likely to give rise to anti-social behaviour. This premises includes a seating area which encourages members of the public to hang around whilst eating their food increasing the likelihood of a nuisance being caused, this likelihood is increased as the seating area will encourage large groups to the premises.</p> <p>In June 2012 several complaints were received by Gloucester City Council regarding Odour, Noise and the business operating beyond its opening hours. A number of these complaints were made directly by the hotel however others were directly from residents following their stay. These complaints focussed around the odour produced through cooking at The Food Junction and the associated grease affecting rooms and throughout the wider hotel. A Statutory Nuisance under the Environmental Protection Act 1990 was witnessed by an officer of this Authority. In order to abate the nuisance a complete overhaul of the extraction system that was previously in place was carried out. The trade off of with this new extraction system was an increase in noise; The Food Junction was made aware of the importance of having the extraction system turned off in line with permissions in place. If the premises is open to the proposed times the extraction system would need to be used which would significantly increase the potential for noise complaints to be received from the hotel and its residents as noise/ odour would go on into the early hours of the morning.</p> <p>This Authority has also received complaints regarding music/ radio noise emanating from the kitchen of The Food Junction, the proposed opening hours in this license variation would significantly increase the likelihood of further complaints being received by this Local Authority. I have also been made aware that the premises regularly opens beyond the hours set out in its planning permissions and this matter has been referred to Gloucester City Council's Planning Department for their attention.</p> <p>At this moment in time with the current information at my disposal I am of the opinion that the Licensing Objective of preventing public nuisance will not be met in respect of this premises on grounds of noise and odour. I would therefore recommend refusal of this application.</p> |                     |                                      |                     |

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

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

|                  |                                  |               |                               |
|------------------|----------------------------------|---------------|-------------------------------|
| <b>Signed:</b>   | Alex Mason                       | <b>Dated:</b> | 15 <sup>th</sup> January 2013 |
| <b>Position:</b> | Environmental Protection Officer |               |                               |



Richard Barnett

---

**From:** [REDACTED]  
**Sent:** 24 January 2013 10:59  
**To:** Richard Barnett  
**Subject:** Fw: Formal Objection

----- Forwarded Message -----

**From:** [REDACTED]  
**To:** "licencing.team@gloucester.gov.uk" <licencing.team@gloucester.gov.uk>  
**Sent:** Monday, 14 January 2013, 11:12  
**Subject:** Formal Objection

Dear Sir/Madam

- It has come to my attention that Chicken Junction on Southgate Street in Gloucester has requested a change to its licensing conditions to extend its opening hours, as their neighbors we wish to put in a formal objection on the following grounds,
- We already have several problems with noise late at night from people spilling onto the street
- There are often a number of youths gathered outside the premises this is very intimidating to our guest returning late at night
- Our guests directly above the shop have to endure the use of foul and abusive language from the people gathered around the shop at all hours of the day.
- The extraction fans out the back of the shop are noisy and smelly and they disturb our guests.
- We fear an expansion of these problems if the shop is allowed to stay open for longer.

Yours Faithfully

[REDACTED]  
New County Hotel  
Gloucester  
[REDACTED]



**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.

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