

Gloucester City Council

Committee	: LICENSING SUB COMMITTEE
Date	: 5 DECEMBER 2012
Subject	: APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF TESCO EXPRESS, GRANGE ROAD, TUFFLEY, GLOUCESTER GL4 0PG
Ward	: GRANGE
Report By	: CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS
No. Of Appendices	: A: COPY OF APPLICATION FROM TESCO STORES LTD B: PLAN SHOWING LAYOUT OF PREMISES C: MAP SHOWING LOCATION OF PREMISES D: PLANNING RESTRICTIONS IN RELATION TO OPENING HOURS & LOADING & UNLOADING OF SERVICE VEHICLES E: COPIES OF REPRESENTATIONS FROM LOCAL RESIDENTS F: PROCEDURE FOR LICENSING SUB COMMITTEES G: LIST OF MANDATORY CONDITIONS
Reference No.	: ES21146

1.0 Purpose of Report

- 1.1 To outline to Members an application made by Tesco Stores Ltd in respect of Tesco Express, Grange Road, Tuffley, Gloucester GL4 0PG 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 in accordance with Section 17 of the Licensing Act 2003. The application was received by the licensing team on 16th October 2012, from Tesco Stores Ltd, Tesco House, Delamare Road, Cheshunt, Waltham Cross Herts EN8 9SL, and was advertised on the premises in accordance with the regulations. The newspaper advert was published in the Gloucester Citizen on 24 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 Tesco Express 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 planning restrictions in respect of these premises in relation to opening hours, and the loading and unloading of service/delivery vehicles attached as **Appendix D** of this report.
- 4.4 Should Members accept this application it is important to remember that having a licence does not override other regulatory controls, and premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 4.5 The application concerns the proposal to make provision for the retail sale of alcohol Monday to Sunday (inc) from 06:00 to 23:00.
- 4.6 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

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol. A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18. The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

Public Safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety..

The prevention of public nuisance

We intend to be an active member of the community. We welcome the opportunity to liaise with Police and enforcement authorities should the need arise

The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol. A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18. The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

- 4.7 The proposed Designated Premises Supervisor for the premises is Greg Bartley who holds a personal licence number HARLOW/PERS/0094 issued by Harlow District 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 geographic proximity to the premises".

- 5.2 Representations have been received from two local residents as other persons under the Licensing Act 2003, Copies of these are attached as **Appendix E** 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 public nuisance and anti-social behaviour should this licence be granted.
- 5.5 No representations have been received from Responsible Authorities in relation to this application.
- 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 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 F**.
- 9.11 In considering this application, the Sub-Committee is solely performing the role of Licensing Authority. The Sub-Committee sits in a quasi-judicial capacity and must act impartially. It must offer a fair and unbiased hearing of the application. The Sub-Committee needs to disregard the wider Council objectives and other statutory roles and must direct themselves to making a determination solely based on the licensing law, Home Office guidance and Council's Statement of Licensing Policy.
- 9.12 As a quasi-judicial body, the Sub-Committee is required to consider the application on its merits. It must take into account only relevant factors and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant.
- 9.13 Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.
- 9.14 The Sub-Committee has a duty under Section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the City.
- 9.15 If the Sub-Committee was to grant the licence it would be subject to mandatory conditions required by the act. A copy of the mandatory conditions are attached at Appendix H.

- 9.16 Other persons, Responsible Authorities and the applicant have the right to appeal the Sub-Committee's decision the Magistrates' Court within a period of 21 days beginning with the day on which they were notified of the decision to be appealed against.

10.0 Risk Management Implications

- 10.1 There is a right of appeal to the Magistrates Court for both the applicant and all interested parties. Costs may be awarded against the Council on successful appeal if the Sub Committee has not acted reasonably in reaching its decision. In the case of Birch House Business Centre Ltd v Denbighshire County Council (8th December 2010) District Judge Shaw awarded costs in excess of £20,000 against the local authority for not scrutinising with greater care evidence presented to it.

11.0 People Impact Assessment (PIA):

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: Screening assessment conducted as part of the Council's Licensing Act Policy Statement.
		X	
Has an initial PIA screening been completed?	Yes	No	Explanation: As above
		X	
Has a full PIA been completed?	Yes	No	Explanation: As above
		X	
Is the PIA available?	Yes	No	Explanation: As above
		X	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	As above *Please ensure PIA is available
		X	

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

1. Community Safety

The four licensing objectives of the Licensing Act 2003 are designed to support community safety and are dealt with in the body of the report.

2. Environmental

As above – dealt with in the body of the report.

3. Staffing

None

4. Trade Union

No comments.

Background Papers	:	Gloucester City Council Licensing Hearing Procedure
Published Papers	:	Licensing Act 2003 Licensing Act 2003 (Hearings) Regulations 2005 Gloucester City Council Licensing Policy Statement Home Secretary (Home Office) Guidance issued under section 182 of the Licensing Act 2003 (October 2012) Daniel Thwaites v Wirral Borough Magistrates Court (2008) EWHC 838 (Admin)
Person to Contact	:	Rebecca Tuck Tel: 01452 396678 E-mail: Rebecca.Tuck@gloucester.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Tesco Stores Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Tesco Stores Ltd Grange Road Tuffley			
Post town	Gloucester	Postcode	GL4 0PG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	Not Yet Assessed, card payment of £315.00 to be paid by credit card.

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---------------------------------------------------|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or



I am making the application pursuant to a

statutory function or



a function discharged by virtue of Her Majesty's prerogative



(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Tesco Stores Ltd
Address Tesco House Delamare Road Cheshunt Waltham Cross Herts EN8 9SL
Registered number (where applicable) Company Number 00519500
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01707 634837
E-mail address (optional) licensing.team@uk.tesco.com

Part 3 Operating Schedule

When do you want the premises licence to start?

As soon as possible

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan

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 any that apply

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

☐

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

☒

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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


I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (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	0600	2300						
Tue	0600	2300						
Wed	0600	2300						
Thur	0600	2300				<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)		
Fri	0600	2300						
Sat	0600	2300						
Sun	0600	2300						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Greg Bartley	
Address 20 Queen Road 	
Postcode	SG5 2BB
Personal licence number (if known) Harlow/pers/0094	
Issuing licensing authority (if known) Harlow District Council	

K

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Mon	0600	2300	
Tue	0600	2300	
Wed	0600	2300	
Thur	0600	2300	
Fri	0600	2300	
Sat	0600	2300	
Sun	0600	2300	

M Describe the steps you intend to take to promote the four licensing objectives:

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

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.
A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

c) Public safety

A person will have responsibility for the premises whilst the premises are open.
Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.
We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.
A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.


Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Date	15 th October 2012
Capacity	Greg Bartley – Licensing Manager


For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

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

Greg Bartley
 Licensing Department, Tesco Stores Ltd
 Cirrus Building C
 Shire Park

Post town	Welwyn Garden City	Postcode	AL7 1ZR
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Telephone number (if any)	
---------------------------	-------------------------------------------------------------------------------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
 Licensing.team@uk.tesco.com

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I,

[Insert full name of applicant] GREG BARTLEY

[Date of Birth]

of

[Insert full home address and postcode]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a new premises licence to specify an individual as designated premises supervisor under section 17 of the Licensing Act 2003 by Tesco Stores Ltd relating to a premises licence:

[Insert existing Premises Licence Number if any]

for

Tesco Stores Ltd
Grange Road
Tuffley
Gloucester
GL4 0PG

[Insert name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of the application made by Tesco Stores Ltd concerning the supply of alcohol at the above premises.

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

[Insert personal licence number, if any] HARLOW/PERS/0094

Personal Licence issuing authority

Harlow District Council

Signed

Name (Please Print)

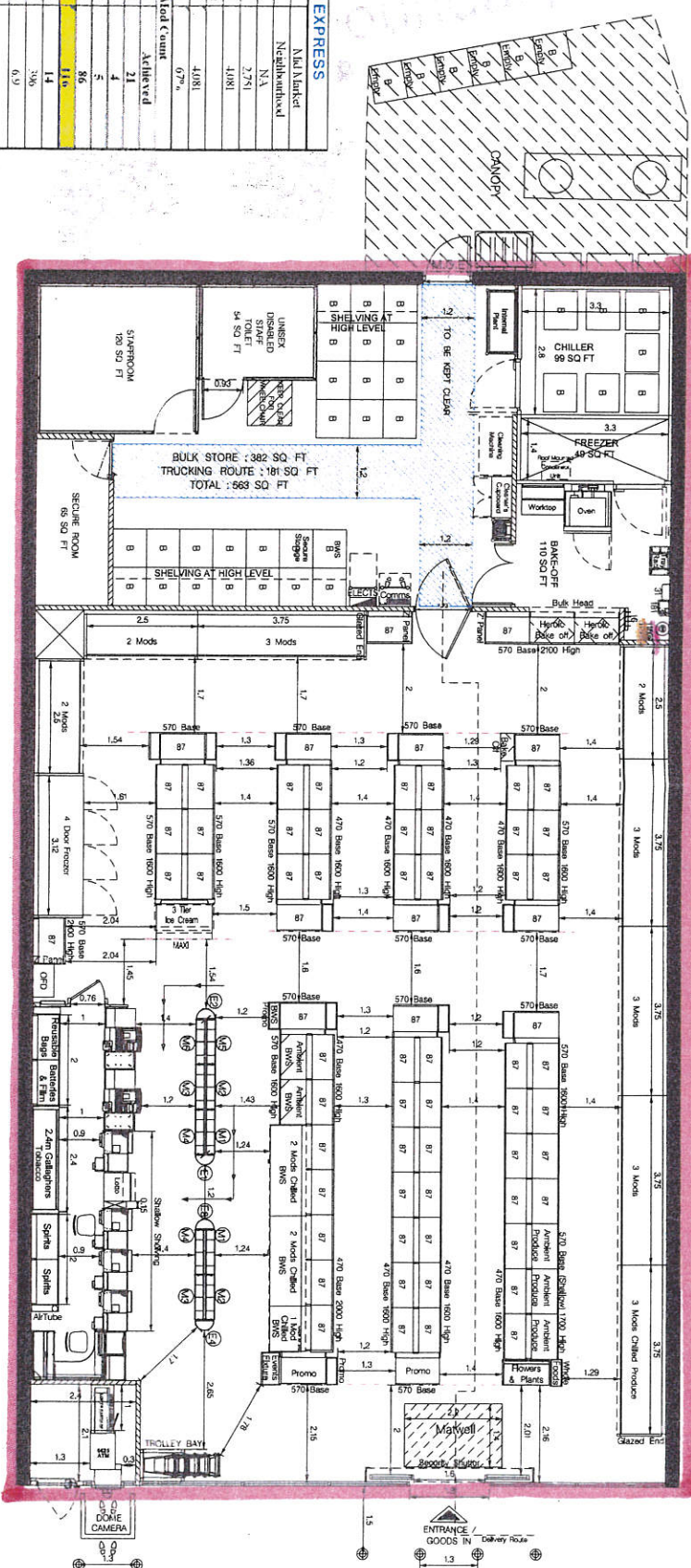
Date

GREG BARTLEY

15th October 2012

TESCO EXPRESS	
Address	Mid Market
Cluster	Neighbourhood
Commodity Plan	N/A
Net sales	2,751
Gross Ground	4,081
Gross First / basement	4,081
Net Gross	67%
Total Mod Count	Achieved
Chilled	21
Frozen	4
Chilled BVS	5
Ambient	86
Ladder racks	14
Liner	396
Yield	6.9
Car Parking	
Approved Components	
SINCE JAN. 2011 (SYSTEMS) (REV. 01/11)	
EAG Approved	09/08/2011
Architect Drawing	Yes 10/08/11
Acquisition Exec	Simon Patten
Architects	Ilford

REV	AMENDMENTS	DATE	REV
#	PRELIMINARY RETAIL LAYOUT CREATED	20/07/2011	
A	BOH AND RETAIL AMENDED	26/07/2011	
B	BOH AMENDED, EAG APPROVED ON 09/08/2011	11/08/2011	



REV	AMENDMENTS	DATE	REV
#	PRELIMINARY RETAIL LAYOUT CREATED	20/07/2011	
A	BOH AND RETAIL AMENDED	26/07/2011	
B	BOH AMENDED, EAG APPROVED ON 09/08/2011	11/08/2011	

DRAWING NO.	GLOUFEASG#B.dgn
PHASE	1
ISSUE	B
SYSTEM ID. No.	GLOUFEASG#B.dgn
SCALE	1:100 @A3
DATE	11.08.2011
PLANNER	Glen Franklin
DRAWN	@HSC
SENCHILL	Senchill

PROJECT	GLoucester WITCOMBE SERVICE STATION GRANGE ROAD
DESCRIPTION	PROPOSED RETAIL LAYOUT GROUND FLOOR PLAN

TESCO *express*

TESCO STORES LIMITED
EXPRESS GROUP

P.O. BOX 440 CROFTS BUILDING, SHAPE PARK
WELWYN GARDEN CITY, HERTS. AL7 1GA
TELEPHONE: 01707 385550
FAX: 01707 385551
E-MAIL: retail@tesco.com
© 2011 TESCO STORES LIMITED. ALL RIGHTS RESERVED.

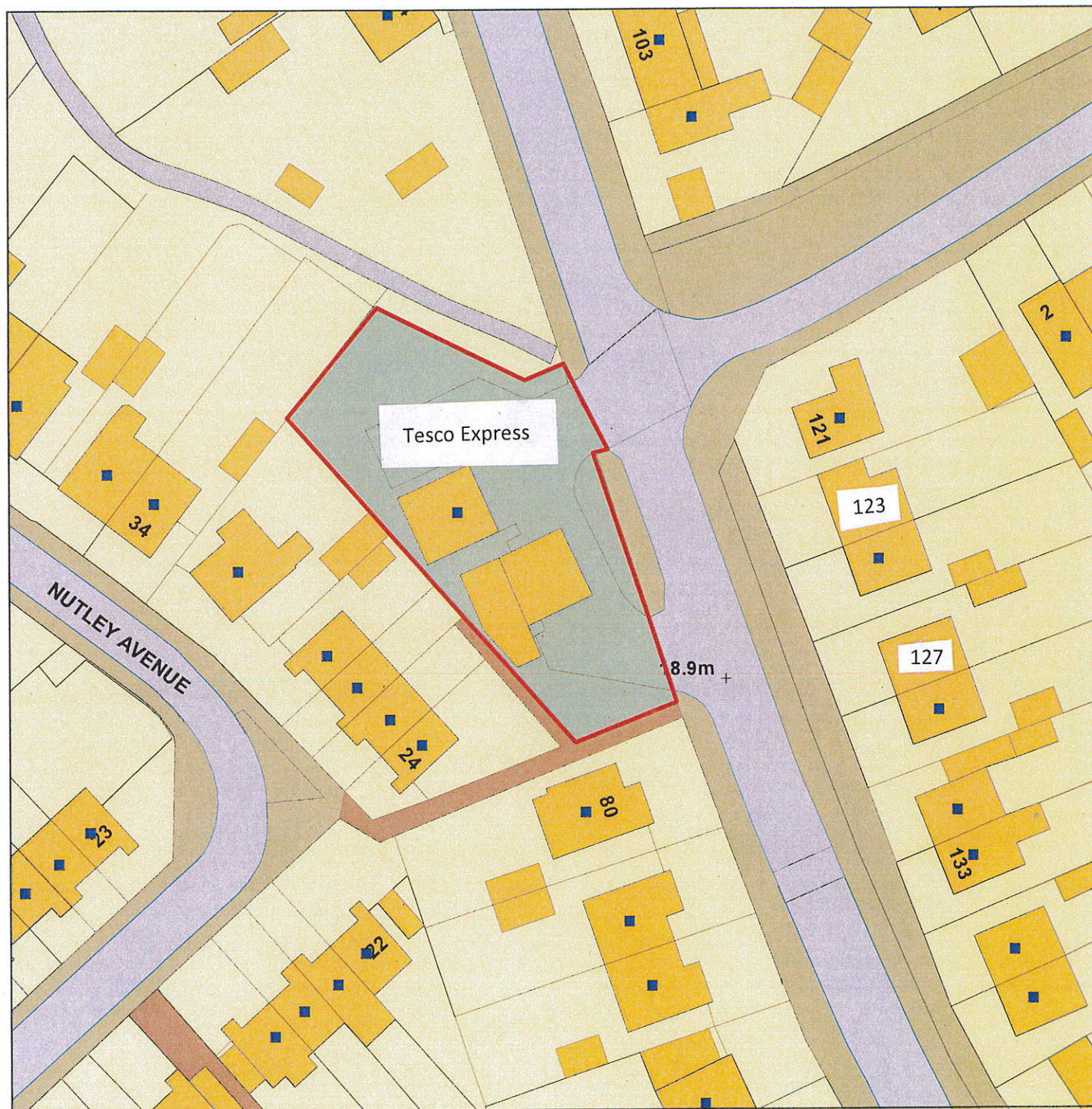
115 Fire Extinguisher (Team) 116 Fire Extinguisher (CB2)



GLOUCESTER
CITY COUNCIL

Tesco Stores Ltd

Grange Road Tuffley



Scale : 1:625

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Organisation	
Department	
Comments	
Date	23 November 2012
SLA Number	100019169, 2012

**EXTRACT FROM PLANNING DECISION 12/00386/FUL
DATED: 17 APRIL 2012**

Condition 12

The retail unit hereby permitted shall only be open to the public between 0700hrs and 2300hrs daily.

Reason

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

Condition 13

The loading and unloading of service and delivery vehicles to the retail unit together with their arrival and departure from the site shall only take place between 0600hours and 0800hours, between 0915hours and 1500hours, and between 1800hours and 2200hours, on any given day.

Reason

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

From: [REDACTED]
Sent: 31 October 2012 14:25
To: Development Control
Subject: Re: 12/00386/FUL - Witcombe Service Station Grange Road Gloucester GL4 0PG

Dear Mr Smith.

We note that a notice has gone up on the above property advising that Tesco have applied for a Licence to sell Alcohol from 6am-11pm Monday-Sunday. We were under the impression that the opening hours were from 7am -11pm. Surely this cannot be allowed in a Residential area. There are family homes all around this area, and the noise from the shop will be intolerable not only in the AM hours but also the evening hours, it is bad enough having a Tesco opposite to us but to have to put up with people driving and walking into the Tesco store to buy Alcohol at all times is very wrong. This is not a case of 'Not in my Back Garden', or in our case 'Front of our Home' but a case of Health and Safety. also not good for the environment. Please forward this protest against the License to sell alcohol at these times. When we first were informed of Tesco applying to put a store in Grange Road we were told the opening hours would am which is bad enough, 6am is intolerable. Please forward our protest against this planning application for a Alcohol License.

Your sincerely

[REDACTED]

Gloucester City Council

22 OCT 2012

LICENSING ACT 2003

HEALTH

REPRESENTATION FORM – Interested Parties

1201315GUPRM46
100121249598.
GUPREM
COMPLETE.

Doc Ref 2.
Reps - Public.

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:	WITCOMBE Service Station
Full Postal Address:	GRANGE ROAD, GLOUCESTER
Post Code:	GL4 0PG.

ENVIRONMENTAL HEALTH

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396396 Fax 01452 396340
Email heretohelp@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

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)

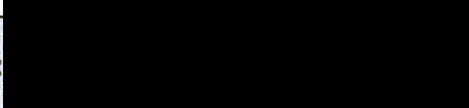
Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	<input checked="" type="checkbox"/>	Public safety	<input checked="" type="checkbox"/>
The prevention of public nuisance	<input checked="" type="checkbox"/>	The protection of children from harm	<input checked="" type="checkbox"/>

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

Grange Road is a Residential area with homes within several metres of this store. If an alcohol licence is granted for these premises it is feared this will lead to incidents of Anti-Social behaviour and increased levels of Crime, Noise and damage that is often linked with the sale of alcohol at late night opening premises.

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)

There is evidence available around the country that supports the thinking that alcohol sale + consumption is linked to Anti Social behaviour. I strongly object to the granting of this licence.

Signed: 	Dated: 18 th October 2012.
---------------------------------------------------------------------------------------------	---------------------------------------

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

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