

1201661 GLPRMV  
10021245896

# 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 <u>42, SOUTH GATE, STREET. GLOUCESTER THE FOOD JUNCTION</u>			
Post town	<u>GLOUCESTER</u>	Post code	<u>GL12DR</u>

Telephone number at premises (if any)	<u>01452-520948</u>
Non-domestic rateable value of premises	£

### Part 2 - Applicant details

Daytime contact telephone number	<u>[REDACTED]</u>		
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 loosings 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

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

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
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 exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					



**C**

<b>Indoor sporting events</b> 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> 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)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here</u> (please read guidance note 3)	
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
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

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

## F

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

**G**

<b>Performances of dance</b> 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> (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> (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> 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> 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> (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> 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> (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> 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>  		
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> 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 A.M	02:00 A.M				
Tue	10:00 A.M	02:00 A.M				
Wed	10:00 A.M	03:00 A.M	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)			
Thur	10:00 A.M	03:00 A.M				
Fri	10:00 A.M	05:00 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 A.M	05:00 A.M				
Sun	10:00 A.M	03:00 A.M				

**M**

<b>Supply of alcohol</b> 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 Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00 AM	02:00 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 AM	02:00 AM	
Wed	10:00 AM	03:00 AM	
Thur	10:00 AM	03:00 AM	
Fri	10:00 AM	05:00 AM	
Sat	10:00 AM	05:00 AM	
Sun	10:00 AM	03:00 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  
Herbert Warehouse  
The Docks  
Gloucester GL1 2EQ

Tel 01452 396303 Fax 01452 396340  
Email [licence.team@gloucester.gov.uk](mailto:licence.team@gloucester.gov.uk)  
Minicom 01452 396161  
[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

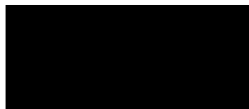
**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

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

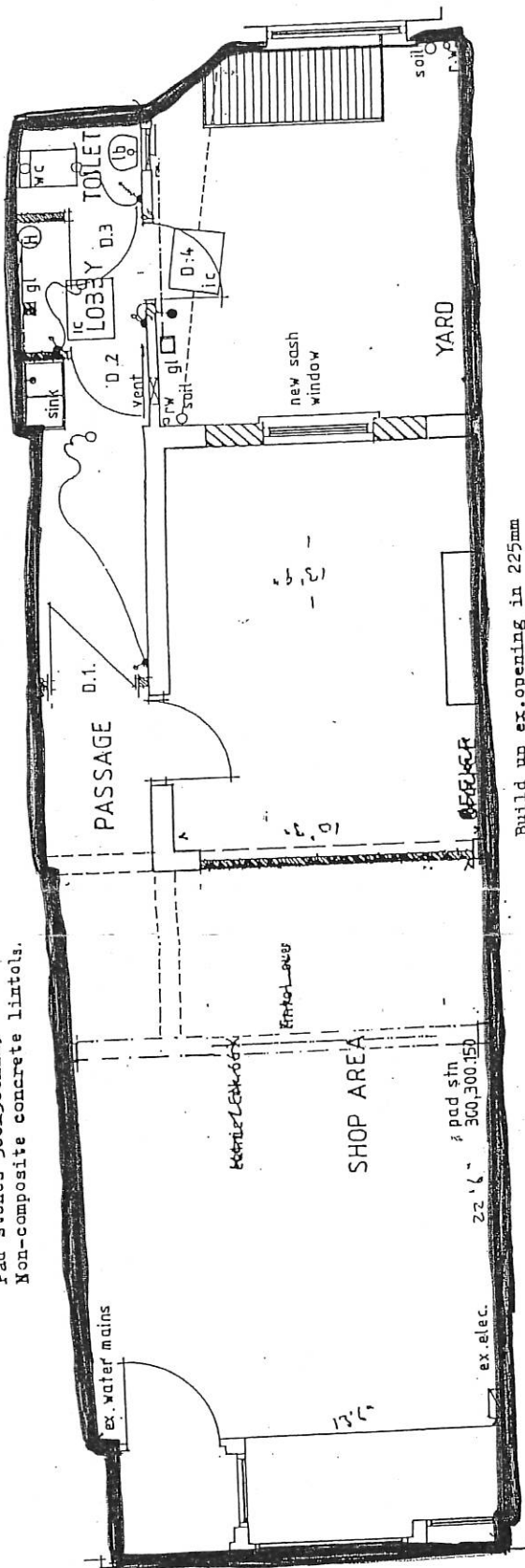


PLAN 2

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*  
*Great City*

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

scale 1:50





**GLOUCESTER**  
CITY COUNCIL



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 GLOUCESTERSHIRE CONSTABULARY HQ, 1 WATERWELLS, QUEDGELEY, 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> <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>

# Gloucester City Council

ES21148

APPENDIX F

## 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 The Docks 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> 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 Gloucester		
<b>Post Code:</b>	GL1 2DR	<b>Application Ref. Number. (If known)</b>	1300119CONLIP

Repr

## 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**

### 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. <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

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**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 specifybut such a person may, before the end of the hearing, submit to the Sub Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. The authority may adjourn the hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. Where the hearing is adjourned or to be held on additional dates, the authority will notify the parties forthwith of the date, time and place to which the hearing is to be held. If a hearing is adjourned or part heard the Sub Committee to which it is adjourned must consist of the same Members.

## **Time Limits**

10. The Sub Committee shall provide the Applicant, Relevant Authorities and Interested Parties an equal opportunity to address the Sub Committee. All parties will be requested to provide a time estimate for any presentation to the Sub Committee. It is expected that all parties will be permitted a maximum of 15 minutes each, except in exceptional circumstances.

## **Introduction**

11. The Chair will introduce Members of the Sub Committee then invite officers and parties present to introduce themselves and to confirm whether or not they wish to make oral representations. Where there are a number of interested parties with similar representations, they may wish to appoint a representative.
12. The Chair will explain the procedure to be followed. On rare occasions it may be necessary, in order to ensure the fairness of the proceedings and in the public interest, for the Chair to alter the order in which parties speak from that set out below.
13. The Chair will explain that all parties have an equal maximum period of time during which to address Members, to question other parties and to give further information in response to a point upon which the authority has requested clarification. The Chair will request confirmation from each party that the proposed maximum period of time is adequate.
14. The Sub Committee shall consider any request from a party for permission to have another person appear at the hearing.
  - (a) Such request must be included in that party's notice in response to the Notice of Hearing.
  - (b) Permission shall not be unreasonably withheld.
15. The Chair will remind the parties that the hearing shall take the form of a discussion led by the Sub Committee and cross-examination shall not be permitted unless the Sub Committee considers that cross-examination is required for it to consider the representations, application or notice as may be required.
16. The Chair will invite the parties to request permission to question or to cross-examine any other party or parties and the Sub Committee shall determine whether permission is granted (permitted parties). All questions must be relevant to the application and must relate to the licensing objectives, Licensing Policy Statement or the guidance issued under section 182 of the Licensing Act 2003.
17. The Chair will remind the parties that it will consider the written representations of any parties who are absent and will hear the representations of those parties who are present.

## **The Licensing Authority**

18. The Licensing & Enforcement Manager ('LEM') or authority representative shall present his report. The report shall not make any recommendation in terms of the outcome of the hearing. The report may summarise the application, the representations and the LEM's comments as to how these relate to the licensing objectives, the Licensing Policy Statement and the Guidance issued under section 182 of the Licensing Act 2003.
19. The parties may ask the LEM for clarification of any points made in the report in such order as the Chair shall decide.

20. Members of the Sub Committee may ask the LEM for clarification of any points made in the report.

### **The Applicant**

21. The Applicant or his representative shall address the Sub Committee and shall call witnesses if applicable.

22. The permitted parties shall ask their questions in such order as the Chair shall decide.

23. Members of the Sub Committee shall ask the Applicant and witnesses questions if they wish to do so.

### **Responsible authorities & Interested parties**

24. In such order as the Chair shall decide, those parties who have made relevant representations or their representative(s) shall address the Sub Committee and shall call witnesses if applicable.

25. The permitted parties shall ask their questions in such order as the Chair shall decide.

26. Members of the Sub Committee shall ask questions if they wish to do so.

### **Final Statements**

27. The Chair will invite the parties to make final statements in the following order

(a) Any responsible authority or interested party who has made relevant representations (in such order as the Chair shall decide)

(b) The LEM on any factual issues relating to the application

(c) Applicant

### **Decision making**

In circumstances where the determination is to be given at the conclusion of the hearing:-

28. The Chair will ask the parties and any other persons to leave the room, unless it is more practicable for Members themselves to retire to another room.

29. Once Members have made their decision, the parties and any other persons will be invited to return to the meeting room and the Chair will announce the decision of the Sub Committee.

30. The decision of the Sub Committee shall be confirmed in writing to the Applicants, Relevant Authorities and Interested Parties. The rights of appeal shall be included with the written decision.

### **Adjournments**

31. It is anticipated that the majority of hearings will be heard and determined at the scheduled meeting of the Sub Committee, however there will be occasions when the Applicant, Relevant Parties or Sub Committee may wish to adjourn the hearing. Whosoever requests the adjournment shall provide reasons for the adjournment and the Sub Committee shall consider these. If the Sub Committee considers it is in the public interest to adjourn they shall have the power to do so to a specified date with the same Sub Committee. If the application is refused reasons shall be given.