



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

Friday, 25 October 2013
10.00 am

Council Chamber - Municipal Offices

Membership	
Councillors:	Anne Regan, Diggory Seacome, Charles Stewart and Jon Walklett (Reserve)
Reserve Councillor:	Jon Walklett
Officers:	Phil Cooper, Licensing Officer Vikki Fennell, Solicitor

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	APPLICATION FOR A VARIATION OF A PREMISES LICENCE BP Service Station, 80-86 Prestbury Road, Cheltenham	(Pages 1 - 194)

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Cheltenham Borough Council

Licensing Sub Committee – 25th October 2013

Licensing Act 2003: Determination of Application for a Variation of a Premises Licence

**BP Prestbury Road Service Station
80 - 86 Prestbury Road, Cheltenham, Gloucestershire, GL52 2DJ**

Report of the Licensing Officer

1. Introduction

1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a premises licence or a variation of a premises licence at any time. In this case, an application was received on 6th September 2013 from Global Fuel (UK) Ltd in respect of BP Prestbury Road Service Station, located at 80-86 Prestbury Road, Cheltenham. A copy of the application form is included at **Appendix A**.

1.2 The applicants have applied for a variation of their existing premises licence to extend the hours during which alcohol may be sold and to include the provision of late night refreshment during the hours shown.

Times and activities authorised by the existing premises licence:

Sale / supply of Alcohol	Monday to Saturday	08:00 – 23:00
	Sunday	10:00 – 22:30

Times and activities applied for by way of variation of the premises licence:

Sale / supply of alcohol	Every day	00:00 – 00:00 (24 hours)
Late night refreshment	Every day	23:00 – 05:00

1.3 If this application is approved a varied premises licence will be issued.

1.4 Implications

1.4.1 Financial **Contact officer: Sarah Didcote**
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1.4.2 Legal A sub committee is required to discharge its duty and determine an application with a view to promoting the licensing objectives. These objectives, which are set out in section 4(2) of the Licensing Act 2003, are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

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2. Application (Ref. 13/01577/PRMV)

2.1 Applicant: Global Fuel (UK) Ltd

2.2 Premises: BP Prestbury Road Service Station, 80-86 Prestbury Road, Cheltenham GL52 2DJ.

2.3 Steps to promote the four licensing objectives that are identified in this application. The applicants have stated that they intend to take the following steps:

- Between 24:00 & 06:00 hours, unless there are two staff on duty in-store, then the entrance doors are to be locked and alcohol will only be sold via the night hatch, spirits located behind the counter.
- Appropriate staff alcohol sales training to be satisfactorily completed and recorded. Written training records to be made available for inspection upon reasonable request by a relevant officer of a responsible authority. Appropriate training manual utilised.
- Appropriately worded notices to be displayed prominently inside and outside the store requesting customers to leave the site quietly at night.
- Forecourt to be swept regularly. Forecourt bins to be emptied regularly.

A copy of the application form is included at **Appendix A**.

3 Responsible Authorities

3.1 No representations have been received from responsible authorities

4. Other people

4.1 Valid representations have been received from 13 people on the grounds of public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

4.2 **Andrea Clarke of 77 Prestbury Road** has highlighted that the premises is in a residential area and noise nuisance could be caused by customers ordering through the serving hatch. Ms Clarke has also highlighted concerns about the potential for disorder if alcohol sales are refused late at night.

4.3 **Mr and Mrs Hatton, of Selkirk House, 73 Prestbury Road** have highlighted concerns about increased disruption, noise and litter caused by additional customers visiting the premises at night.

4.4 **Mr and Mrs Biston, of 103 Prestbury Road** have expressed concerns about the potential for noise disturbance caused by increased vehicular traffic as well as people making noise late at night while making their purchases.

4.5 **Penny McCracken and John Mumford of 56 Prestbury Road** have highlighted that the premises is in a residential area and any increase to the operating hours of the premises will cause additional traffic, litter, noise and the potential for “undesirable elements” with the consequent potential for disorder.

4.6 **Mrs Maureen Edwards of 93 Prestbury Road** has expressed concern over light pollution caused by lights at the premises during the night and disturbance caused by delivery vehicles.

4.7 **Councillor Colin Hay, Cheltenham Borough Council’s Ward Member for nearby Oakley Ward**, has highlighted the fact that night-time sales at the premises will be through a serving hatch, which means the customers will be outside, and that any refusal of a sale is likely to cause antisocial behaviour outside the premises with consequences for local residents.

4.8 **Mark and Helen Clay, of 96 Prestbury Road**, has highlighted that they have already been disturbed by the increased traffic at night-time caused by the premises’ increased operating hours, by the sound of car doors and voices, as well as by the light pollution from the lighting at the premises.

- 4.9 **Mr Steve Ashley of 87 Prestbury Road** has expressed concern over the potential for additional noise disturbance and disorder if the premises starts selling alcohol late at night, as well as disturbance caused by car doors slamming, shouting, loud music from cars, and the potential for these disturbances to increase if the licence variation is granted.
- 4.10 **Liz Allan of 101 Prestbury Road** has explained that she has already been disturbed by premises now that it is open 24 hours a day, and that this disturbance is likely to increase if the application is granted. Ms Allan has referred to noise disturbance caused by car engines left running, car doors slamming, shouting, music from car stereos, wheels spinning and the potential for drink driving and under-age drinking.
- 4.11 **Mrs and Mrs Haynes of 95 Prestbury Road** have highlighted that they have already experienced disturbance from the premises since it began 24 hour trading, in the form of customers shouting, and that this could potentially increase if their application to extend the hours for alcohol sales and late night refreshment is granted.
- 4.12 **Mr and Mrs Surman of 99 Prestbury Road** have highlighted issues relating to litter, crime and disorder, the potential for increased vandalism and disturbance from people and their cars.
- 4.13 **Nicholas Edwards of 93 Prestbury Road** has alleged that there has already been overnight noise and disturbance since the premises began trading 24 hours a day which he has said is likely to increase if the licence variation is granted.
- 4.14 **Mr and Mrs Garside of 63 Prestbury Road** have said there is already a problem in the area from vandalism and littering which they fear may increase if the licence variation is granted.
- 4.15 Copies of all the residents' representations are attached at **Appendix B**.
- 4.16 **Petition in support of the application.**
The applicant has provided a petition signed by 157 of the service station's customers, of which 149 people (95%) indicated that they were in support of the application, 5 signatories objected to the application and 3 entries were spoilt. A copy of the petition is attached at **Appendix C**.
- 4.17 The locations of the residents' properties and that of the premises are shown on the location plan at **Appendix D**.
- 4.18 An internal layout plan of the premises is attached at **Appendix E**.

5. Local Policy Considerations

- 5.1 The 2003 Act introduces a unified system of regulation through two new types of licences: the premises licence (club premises certificates for qualifying clubs) and the personal licence. The Borough Council, as the licensing authority, is responsible for licensing all outlets in the borough that sell or supply alcohol or carry out any other 'licensable activities': public entertainment, theatre, cinema, or late night refreshment.
- 5.2 The new system is underpinned by four objectives: i) the prevention of crime and disorder; ii) public safety; iii) the prevention of public nuisance; and, iv) the protection of children from harm. The licensing authority must promote these objectives in carrying out its functions.
- 5.3 The Council's adopted licensing policy statement (Council 10th Feb 2012) includes the following:

Page 4

- 5.4 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:-
- (a) The prevention of crime and disorder;
 - (b) Public safety;
 - (c) The prevention of public nuisance; and
 - (d) The protection of children from harm. (Paragraph 4.1)
- 5.5 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (Paragraph 4.2)
- 5.6 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those appropriate to promote the licensing objectives will be imposed. (Paragraph 4.3)
- 5.7 The Council will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure. (Paragraph 4.4)
- 5.8 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (Paragraph 4.5)
- 5.9 Through their operating schedule, applicants will be expected, where necessary, to demonstrate the positive steps taken to promote the licensing objectives. (Paragraph 5.3)
- 5.10 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. (Paragraph 5.4)
- 5.11 Applicants will be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises. (Paragraph 5.6)
- 5.12 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail. (Paragraph 5.7)
- 5.13 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events. (Paragraph 5.12)
- 5.14 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:-
- (a) Underage drinking;
 - (b) Drunkenness on premises;
 - (c) Public drunkenness;
 - (d) Drugs;
 - (e) Violent behaviour; and

Page 5

- (f) Anti-social behaviour. (Paragraph 5.13)
- 5.15 In making their decision, regard should be given to the levels of crime and disorder in and around the venue; the level of compliance with conditions on existing licences; and any available evidence on crime and disorder issues. (Paragraph 5.14)
- 5.16 Annex D part 1 of the Secretary of State's revised Guidance sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. Where relevant representations are received the Council may impose appropriate conditions on premises licences and club premises certificates in accordance with this guidance. (Paragraph 5.15)
- 5.17 Appropriate conditions include:-
- (a) adoption of a 'Challenge 21 or Challenge 25' policy;
 - (b) adoption of best practice guidance including our voluntary code of practice for Reducing Alcohol Related Violence (RARV);
 - (c) agreeing a prescribed capacity for the premises;
 - (d) requirements for an appropriate ratio of tables and chairs to customers, based on capacity, and for areas to be allocated permanently for seated customers in order to prevent overcrowding, which can lead to disorder and violence;
 - (e) a requirement for Security Industry Authority registered door supervisors to control numbers of persons entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime;
 - (f) requirements that drinking vessels be made of toughened glass or plastic or other materials that do not form a sharp edge when broken, and that glass bottles are not passed to customers. This may be a particular concern if drinks are to be consumed outside premises;
 - (g) restrictions on drinking in areas within and outside the premises;
 - (h) limitations on the types of promotions of alcoholic drinks, so as not to encourage excessive drinking, or drunkenness;
 - (i) the maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted;
 - (j) dedicated communications networks between management teams, local police and other licensed premises to provide early warning of disorder;
 - (k) warning signs about crime prevention measures;
 - (l) clear policies and measures to prevent weapons or illegal drugs being brought onto the premises and measures to discourage the use of illegal drugs; and/or
 - (m) the installation and maintenance of appropriately sited closed circuit television cameras (CCTV) to be operational during the period of the licence, and other appropriate times both inside and immediately outside the premises which can provide images of a suitable quality for use as evidence. (Paragraph 5.16)
- 5.18 The Council has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made by "interested parties" or by "responsible authorities"(Paragraph 6.1)
- 5.19 The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Council will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the Council over the next three years. It will also inform elected Members of the parameters within which licensing decisions can be made. (Paragraph 1.3)
- 5.20 Through this policy the Council hopes that residents of and visitors to Cheltenham will be able to enjoy their leisure time safely and without fear of violence, intimidation or disorder while at licensed premises. (Paragraph 1.4)

- 5.21 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder. (Paragraph 1.5)
- 5.22 It should be understood that this policy and the section 182 Guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy. (Paragraph 1.6)

Crime and disorder

- 5.23 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective. (Paragraph 5.11)
- 5.24 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events. (Paragraph 5.12)

Public Safety

- 5.25 The Council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes. (Paragraph 5.17)
- 5.26 Consideration should be given to whether:
- (a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
 - (b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;
 - (c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
 - (d) patrons can arrive at and depart from the premises safely;
 - (e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
 - (f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services, and/or
 - (g) the levels of compliance with conditions on existing licences relating to public safety.
- (Paragraph 5.18)
- 5.27 The Borough-wide Nightsafe network encourages its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the Council, the police and other responsible authorities. The Council actively supports the scheme and is keen to support the development of more schemes where there is a demand. (Paragraph 5.20)

5.28 Best Bar None (BBN) is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night time economy, with premises now competing to participate. The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities. The Council will actively encourage licensed premises to sign up to the BBN scheme. (Paragraph 5.21)

Public Nuisance

5.29 The Council will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises. (Paragraph 5.22)

5.30 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (Paragraph 5.23)

5.31 The role of the Council is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors. (Paragraph 5.24)

5.32 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower. (Paragraph 5.25)

5.33 Where relevant representations are received, the Council may attach appropriate conditions to licences, appropriate to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after midnight the licence holder, will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The Council also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. (Paragraph 5.26)

5.34 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste management program to ensure that the area outside the premises is kept free of litter at all times. (Paragraph 5.29)

5.35 Where the Council receives relevant representations, or where a responsible authority or an interested party seeks a review, the Council may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective. (Paragraph 5.30)

5.36 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies; provision of signs, publicity and dispersal policies. (Paragraph 5.31)

6 National Guidance

6.1 Statutory guidance has been issued under Section 182 of the Licensing Act 2003. The committee must have regard to the guidance when determining this application. Below are relevant extract for the benefit of the committee. Emphasis added.

Licensing objectives and aims

6.2 The legislation provides a clear focus on the promotion of four statutory objectives *which must be addressed when licensing functions are undertaken*. (1.2)

6.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm. (1.3)

6.4 *Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times*. (1.4)

6.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. (1.5)

Legal status

6.6 *Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken*. (1.9)

Licence conditions – general principles

6.7 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;

- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format. (1.16)

Each application on its own merits

6.8 *Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned.* This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (1.17)

Crime and disorder

6.9 *Conditions should be targeted on deterrence and preventing crime and disorder.* For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition. (2.3)

6.10 *Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.* The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety. (2.6)

Public nuisance

6.11 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (2.18)

- 6.12 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (2.19)*
- 6.13 *Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)*
- 6.14 *As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. (2.21)*
- 6.15 *Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave. (2.22)*
- 6.16 *Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues. (2.23)*
- 6.17 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night. (2.24)*

Protection of children from harm

- 6.18 *The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). (2.25)*

6.19 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises. (2.26)

6.20 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. (2.28)

6.21 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. (2.29)

6.22 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when
- particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place. (2.30)

6.23 *Licensing authorities should give considerable weight to representations about child protection matters. (2.32)*

Variations

6.24 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives.

6.25 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation.

They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (9.33)

6.26 *In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy. (9.34)*

7. Licensing Comments

7.1 The committee must have regard to the statutory guidance issued by the Secretary of State and the Council's adopted policy statement when determining this application. In particular, the committee must seek to promote the four licensing objectives when determining the application.

7.2 The committee, having regard to the representations made and the evidence it hears, must take such steps as it considers appropriate for the promotion of the licensing objectives which can include:

- Granting the application as requested;
- Grant the application subject to appropriate conditions; or
- Rejecting all or part of the application.

7.3 This is an application for the variation of an existing premises licence and as such, the scope of the committee's consideration is limited to the variation applied for, not the existing premises licence.

7.4 Members are to note that the premises already trade 24 hours a day although licensable activities are carried out in accordance with the existing issued licence. Due to the fact that the premises already trades 24 hours a day, a number of grounds of objection will be irrelevant:

- **Light pollution** – A number of residents have objected on the grounds of light pollution potentially causing a public nuisance. However, the lights in question are already in existence and the grant or refusal of this application will not affect this because the premises' general trading hours will not be affected by this application.
- **Traffic and parking congestion** – A number of residents have objected on the grounds that the grant of this application is likely to increase traffic and potentially cause parking congestion. In order for the committee to accept this as a valid ground for objection, it must be satisfied that traffic and parking congestion is relevant to one of the licensing objectives and, if so, is likely to cause a sufficiently significant increase to adversely affect the licensing objectives. Members are further to note that there is in existence other primary legislation that can deal with any concerns relating to traffic and parking congestion and in order to avoid statutory duplication, it may not be appropriate for the committee to attach conditions relating to traffic and parking congestion.
- **Litter** – Similarly with litter, in order for the committee to accept this as a valid ground for objection, it must be satisfied that litter is relevant to one of the licensing objectives and, if so, is likely to cause a sufficiently significant increase to adversely affect the licensing objectives. Members are further to note that there is in existence other primary legislation that can deal with any concerns relating to litter and in order to avoid statutory duplication, it may not be appropriate for the committee to attach conditions litter.

- **Delivery vehicles** – Members are to note that due to the existing operation of the premises, it will already be accepting deliveries. Since the scope of Member’s consideration is limited to the merits of the application to vary the existing licence, objections relating to delivery vehicles is only relevant in so much as the grant of the variation is likely to cause an increase in the number of late night deliveries causing a public nuisance.

7.5 For the avoidance of doubt, the committee is advised that this application is *to extend the hours during which licensable activities are authorised* (the sale / supply of alcohol and the provision of late night refreshment), not the opening hours of the premises, which are unrestricted. The committee’s decision should therefore relate to the effects of those licensable activities, rather than the opening times, on the licensing objectives.

Background Papers

Service Records

Report Author

Contact officer: Mr Phil Cooper
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200

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Page 14

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 GLOBAL FUEL (UK) LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 13/01210/PRMVPS

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
BP PRESTBURY ROAD SERVICE STATION 80-86 PRESTBURY ROAD			
Post town	CHELTENHAM	Postcode	GL52 2DJ

Telephone number at premises (if any)	01242 515103
Non-domestic rateable value of premises	£48750

Part 2 – Applicant details

Daytime contact telephone number	01242 515103		
E-mail address (optional)			
Current postal address if different from premises address	519 BASINGSTOKE ROAD		
Post town	READING	Postcode	RG2 0SH

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

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

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

TO EXTEND THE HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES FROM THE EXISTING HOURS TO 24 HOURS A DAY 7 DAYS A WEEK.

TO ADD THE LICENSING ACTIVITY OF LATE NIGHT REFRESHMENT FROM 23.00 HOURS UNTIL 05.00 HOURS, 7 DAYS A WEEK.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all 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) X

Sale by retail of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

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	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> <u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> <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 (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<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)		
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)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	05.00	<u>Please give further details here</u> (please read guidance note 3) THE PROVISION OF HOT PIES, SAVOURIES, SOUP, HOTDRINKS ETC CONSISTENT WITH A TAKEOUT SERVICE FOR CONSUMPTION ON OR OFF THE PREMISES	Both	<input type="checkbox"/>
Tue	23.00	05.00			
Wed	23.00	05.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	05.00			
Fri	23.00	05.00	<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	23.00	05.00			
Sun	23.00	05.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	X
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>None</p>

L

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	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

RESTRICTION IN THE NUMBER OF HOURS ALCOHOL CAN BE SOLD FOR CONSUMPTION OFF THE PREMISES

LATE NIGHT REFRESHMENT NOT PREVIOUSLY APPLIED FOR

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

M

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 and e) (please read guidance note 9)

BETWEEN 24.00 & 06.00 HOURS UNLESS THERE ARE TWO STAFF ON DUTY INSTORE THEN THE ENTRANCE DOORS ARE TO BE LOCKED AND ALCOHOL WILL ONLY BE SOLD VIA THE NIGHT HATCH, SPIRITS LOCATED BEHIND THE COUNTER, APPROPRIATE STAFF ALCOHOL SALES TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. WRITTEN TRAINING RECORDS TO BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY, APPROPRIATE TRAINING MANUAL UTILISED, APPROPRIATELY WORDED NOTICES TO BE DISPLAYED PROMINENTLY INSIDE AND OUTSIDE THE STORE REQUESTING CUSTOMERS TO LEAVE THE SITE QUIETLY AT NIGHT. FORECOURT TO BE SWEEPED REGULARY, FORECOURT BINS TO BE EMPTIED REGULARY

b) The prevention of crime and disorder

BETWEEN 24.00 & 06.00 HOURS UNLESS THERE ARE TWO STAFF ON DUTY INSTORE THEN THE ENTRANCE DOORS ARE TO BE LOCKED AND ALCOHOL WILL ONLY BE SOLD VIA THE NIGHT HATCH, SPIRITS LOCATED BEHIND THE COUNTER,

c) Public safety

APPROPRIATE STAFF ALCOHOL SALES TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. WRITTEN TRAINING RECORDS TO BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY, APPROPRIATE TRAINING MANUAL UTILISED,

d) The prevention of public nuisance

APPROPRIATELY WORDED NOTICES TO BE DISPLAYED PROMINENTLY INSIDE AND OUTSIDE THE STORE REQUESTING CUSTOMERS TO LEAVE THE SITE QUIETLY AT NIGHT. FORECOURT TO BE SWEEPED REGULARY, FORECOURT BINS TO BE EMPTIED REGULARY.

e) The protection of children from harm

APPROPRIATE STAFF ALCOHOL SALES TRAINING TO BE SATISFACTORILY COMPLETED AND RECORDED. WRITTEN TRAINING RECORDS TO BE MADE AVAILABLE FOR INSPECTION UPON REASONABLE REQUEST BY A RELEVANT OFFICER OF A RESPONSIBLE AUTHORITY, APPROPRIATE TRAINING MANUAL UTILISED,

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. 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 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) of the applicant, please state in what capacity.

Signature	
Date	5 TH SEPTEMBER 2013
Capacity	DULY AUTHORISED AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
RICHARD BAKER RB RETAIL & LICENSING SERVICES LIMITED 23 MAGISTER DRIVE LEE ON THE SOLENT			
Post town	PORTSMOUTH	Post code	PO13 8GE
Telephone number (if any)	07771 540066		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Richard@rwr baker.freemove.co.uk			

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 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 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 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

*On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk*

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	ANDREA CLARKE
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	77 PRESTBURY ROAD CHELTENHAM
Post Code	GL52 2DR
Daytime contact telephone number	<input type="text"/>
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP LONDUS GARAGE
Name of Applicant for Licence (if known)	GLOBAL FUEL LTD
Postal Address:	PRESBURY ROAD CHELTENHAM
Post Code:	

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
NOISE, DISTURBANCE, CRIME & DISORDER, SAFETY

Which of the Licensing Objectives does your representation refer to?

(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	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	ACROSS THE ROAD - ABOUT 150ft - 45metres
--	--

Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

MY CONCERNS ARE OUTLINED ON ATTACHED SHEET.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

Signature:	
------------	--

Capacity:	Person living in the vicinity of premises
-----------	---

Date:	31/01/2013
-------	------------

Application 13/01577/PRMV

Global Fuel Ltd, Prestbury Road, Cheltenham

I have highlighted crime and disorder; prevention of public nuisance; and public safety as my particular concerns.

The issues as I see them are that this is a residential area. The notice currently on display by Londis by the hatch from the shop onto the garage forecourt clearly states this – Londis asks that people respect this. Is it appropriate for a shop/garage to be serving alcohol/hot food etc throughout the night in what is recognised by residents and the licence applicant to be a residential area?

If pedestrians, or car passengers, enter the shop (possibly on their way home from a night out) and are refused alcohol they could cause a scene both in and out of the shop causing a nuisance to neighbours and Londis staff members - potentially putting them at risk of harm, and resulting in the need for the Police to attend. This scenario is also relevant should Londis staff refuse to serve any items, eg hot food, because customers are behaving inappropriately.

I fail to see how the selling of alcohol, hot food etc works at all if the shop is only operating via the hatch as opposed to the shop being fully open. How do customers select what they want? Where do they wait whilst the hot food is being prepared? How do Londis staff alert the customer that their hot food is ready? This all seems to me to clearly offer the potential for a lot of disruption/noise to local residents (who are trying to sleep) and could lead to crime and disorder and public safety issues.

The current arrangements are already disturbing residents and this application can, in my view, only exacerbate the situation.

There is the potential for this location to become a focal point for people late at night which would increase both footpath and road traffic and lead to noise and disturbance.

Andrea Clarke



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP, e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	MR. / MRS. J.T. HATTON
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	SELKIRK HOUSE, 73 PRESTBURY ROAD CHELTEMHAM
Post Code	GL52 2BY
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP Prestbury Road Service Station
Name of Applicant for Licence (if known)	Global Fuel (UK) Ltd
Postal Address:	80-86 Prestbury Road Cheltenham, Glos.
Post Code:	GL52 2DJ

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc) Noise, disturbance, discarded rubbish and extra traffic throughout the night in a largely residential area.
--

Which of the Licensing Objectives does your representation refer to?

(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	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	About 200
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

We are dismayed to learn about this extension to the License. It's very disturbing to have to live with various late-people leaving town who come 'swanning' down the road in noisy, disruptive, inconsiderate groups from 11 p.m. until well past 2 a.m. on various nights - particularly at week-ends. To have a "24/7" license for alcohol & hot-food with its obvious implications of the much greater noise and 'litter' problems [late-night drinkers seem to be totally unaware of placing their various cans, bottles, food-trays etc, etc. in litter bins rather than residents frontages and gardens] PLUS the obvious increase in traffic really will be too much.

The current license, with alcohol available every day from early morning until late evening, is perfectly adequate. To increase this to 24 hours and to then add hot-food at night is totally inappropriate for this area.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

Last week we stopped at the premises to fill up with petrol and were amazed to see a large display sign indicating that they would be open "24/7" in October. We did not know the extension to this license had already been granted!!!!

Signature:	
-------------------	--

Capacity:	Resident
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Date:	27th Sept. 2013
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Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

*On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk*

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	MR. & MRS BISTON
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	103 PRESTBURY ROAD CHELTENHAM. GLOS
Post Code	GL52 2DR
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP Petrol Station
Name of Applicant for Licence (if known)	
Postal Address:	80-86 Prestbury Rd, Cheltenham
Post Code:	

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about (eg crime, <u>disorder</u>, <u>noise</u>, disturbance etc)</p>

Which of the Licensing Objectives does your representation refer to?

(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	✓

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	20 metres (approx)
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

- Noise of vehicles
- People making noise buying food + drink at late hours.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

- Food + drink stopped selling at 11 pm
- Only petrol sales.

Signature: _____

Capacity: _____

Date: 4-10-2013

Cooper, Phil

Subject: FW: Application from BP garage, Prestbury Road

-----Original Message-----

From: Penny McCracken

Sent: 30 September 2013 18:27

To: Internet - Licensing

Subject: FW: Application from BP garage, Prestbury Road

Dear Sir/Madam,

I am writing to object to the proposal for the BP garage in Prestbury Road to open 24 hours a day serving hot food and alcohol. This is a residential area and outside normal rush hour there is relatively little traffic. The area is already well served by several small convenience shops which are open between 6am and 11pm and cover the needs of the community. The introduction of this 24 hour service at the garage is of no value to the local residents and can only make sense if it attracts extra transient traffic to the area. The impact will undoubtedly be to generate litter and noise. It may attract undesirable elements to the area threatening our safety and security. The community has a right to the peaceful enjoyment of the area and I ask you to reject this application and preserve our environment.

Yours faithfully,

Penny McCracken and John Mumford
56 Prestbury Road



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: llcensing@cheltenham.gov.uk*

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	MAUREEN ANN EDWARDS (MRS.)
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	93, PRESTBURY RD., CHELTEMHAM
Post Code	GL52 2DR
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP GARAGE PRESTBURY RD
Name of Applicant for Licence (if known)	
Postal Address:	PRESTBURY RD. CHELTENHAM
Post Code:	

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
CRIME DISORDER NOISE DISTURBANCE

Which of the Licensing Objectives does your representation refer to?

(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	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	10-15 METRES
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

NOISE AT NIGHT CAUSING DISTURBED SLEEP + STRESS
HARSH LIGHTING, NEEDING BLINDS OR BLACKOUT
LININGS FOR CURTAINS, MAYBE DOUBLE GLAZING
(EXPENSIVE AS WE HAVE OLD SASH WINDOWS),
DELIVERY LORRIES AT UNSOCIAL HOURS - NOISY
AND THE VIBRATION AFFECTING FABRIC OF HOUSE
LACK OF PRIVACY. UNSOCIAL BEHAVIOUR.
WE HAVE ALREADY MOVED TO A SMALLER BED-
ROOM AT THE BACK OF THE HOUSE AFTER BEING
WOKEN IN THE EARLY HOURS.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

LIGHTING REDUCED GREATLY TO ACCEPTABLE
LEVELS.
OPENING OF SHOP + GARAGE AS BEFORE
FROM 7 a.m. to 9 p.m.
DELIVERIES RESTRICTED TO 7 a.m to 7 p.m.
N.B. THERE IS AN EXISTING OFF-LICENSE
WITHIN 100 YARDS OPENED UNTIL LATE 7 DAYS

A WEEK,

Signature:	
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Capacity:	RESIDENT LIVING OPPOSITE PREMISES
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Date:	27 th Sept 2013
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Comments were submitted at 12:11 AM on 04 Oct 2013 from Mr Colin Hay.

Application Summary

Address: 80 - 86 Prestbury Road Cheltenham Gloucestershire
GL52 2DJ

Proposal: Premises Variation

Case Officer: Mr Phil Cooper

[Click for further information](#)

Customer Details

Name: Mr Colin Hay

Address: 12 York Street, Cheltenham, Gloucestershire GL52 2JT

Comments Details

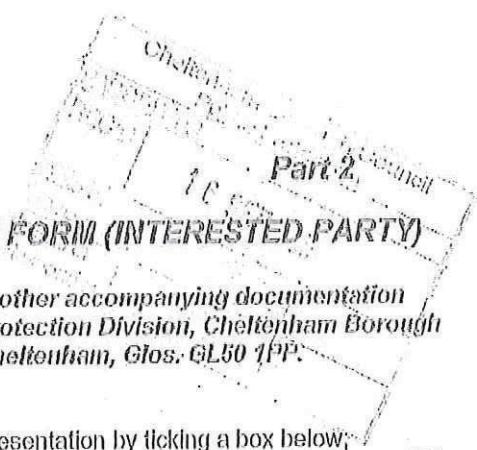
Commenter Type: Other

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 12:11 AM on 04 Oct 2013 I have been contacted by a number of resident in my ward over this application. The objection is based on the view that there may be an increase in anti-social behaviour outside the shop because at night service would be through a kiosk. Whilst I understand why the shop area would be closed at night when only one member of staff is on, it does mean that any ASB would happen outside not inside the shop. This would be a very serious issue for local residents. Already resident have seen occasions where customers have been frustrated by delays in being served at night since it opened 24hrs a day, which has resulted in shouting and noise. I believe this would be exacerbated in the early hours by people walking home at night after drinking in the town centre. If the staff do the right thing and refuse to serve those already having drunk too much, or under-age customers they are most likely to 'kick off' outside. Prestbury Road has a significant footfall at night - this is different from other 24hr alcohol off licences. As the garage has only just opened 24hrs a day - there is little evidence of ASB that the police are aware of, and so could not object. However local police are concerned and the strategic partnership in Cheltenham is agreed that containing the supply of alcohol is a significant issue. This site has local features which mean that a 24hr alcohol licence should not be given.

Cllr Colin Hay Borough Councillor Oakley



LICENSING ACT 2003 - REPRESENTATION FORM (INTERESTED PARTY)

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Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	MARK + HELEN CLAY
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	96 PRESTBURY ROAD CHELTENHAM
Post Code	GL52 2DJ
Daytime contact telephone number	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP PRESTBURY ROAD SERVICE STATION
Name of Applicant for Licence (if known)	GLOBAL FUEL (UK) LTD
Postal Address:	80-86 PRESTBURY ROAD CHELTENHAM
Post Code:	GL52 2DJ

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
DISTURBANCE FROM 24 HOUR TRADING. ALREADY EXPERIENCING INCREASED TRAFFIC LATE AT NIGHT, ALONG WITH GENERAL NOISE AND INTENSE LIGHTING.

Which of the Licensing Objectives does your representation refer to?

(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	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	30m
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

THE EXTENDED TRADING HOURS AND LATE NIGHT ATTRACTION OF ALCOHOL AND HOT FOOD WILL CREATE A SIGNIFICANT DISTURBANCE TO US. WE ARE ALREADY DISTURBED BY THE INCREASED TRAFFIC, ALL NIGHT, AND BY THE SOUND OF CAR DOORS AND VOICES. THE FORECOURT LIGHTS AND BP SIGN, ILLUMINATE THREE OF OUR BEDROOMS, ALL NIGHT LONG.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

Signature:	
Capacity:	NEIGHBOURS
Date:	16 th September 2013



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	MUR STEVE ASHLEY
Name of the organisation/body/person you represent. (If appropriate)	myself and family and friends that visit and stay with us.
Your full Postal Address or that of the organisation or body you represent	87 PRESTBURY ROAD. CHELTENHAM
Post Code	GL52 2DR

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP Prestbury Road service Station ← new Londis shop
Name of Applicant for Licence (if known)	
Postal Address:	94 th Prestbury Road Cheltenham
Post Code:	GL52 2DR

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about
(eg crime, disorder, noise, disturbance etc)

Public nuisance from noise, traffic, car doors banging and an increase in traffic after midnight. There is also the potential for public nuisance from excessive alcohol consumption.

Which of the Licensing Objectives does your representation refer to?

(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	<input checked="" type="checkbox"/>	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	30 metres
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
 (Please continue on a separate sheet if necessary) *in spite of double glazing*

Sleeping in the front bedrooms we occasionally hear shouting from people returning from late night clubs. If they become able to then buy alcohol from the garage shop more noise and trouble are potential outcomes. Also we hear doors slamming and shouting, loud music from cars. And my concern is that all this nuisance is bound to increase - and be sustained throughout the night. The proposal is inappropriate for a quiet residential area.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

I am deeply concerned that I was not notified of the proposal by the applicant or the council. I only found out from local hearsay. As a result I am annoyed that I have been left so little time to address this issue. And that other residents may still be in the dark about it and denied their opportunity to raise concerns.

Signature: _____

Capacity: *Proprietor*

Date: *Sept. 15, 2013.*

We have already suffered a reduction in our residential amenity as the premises are now open 24 hours when previously they were closed at night. Now noise and disturbance can and does happen at any point all through the night. Being woken and then kept awake at 2, 3, 4 in the morning, by engines left running, car doors slamming, shouting, music blaring from stereos, cars revving up and wheel spinning off.

Approving this application will make the situation much worse. Any increase in patronage will of course increase the noise levels and the number of occasions when disturbance is caused, which would be completely unacceptable, but the further change in the clientele the licensee will be looking to attract to make higher profits will create additional problems.

Of course there will be people just wanting to quietly purchase a couple of bottles of vodka at 3am but just as clearly there will be individuals and groups of people the worse for wear or drunk coming home from town and wanting to continue drinking, or people wanting to re-stock their parties. People who have been drinking are naturally louder and more boisterous and even if this is good natured the noise would be even more unbearable and prolonged in the early hours but the possibility of anti social behaviour, sickness, vandalism and fighting is obviously increased with groups of people who have been drinking purchasing more alcohol and hanging around an area.

Serving hot food all night will also encourage people to stay in the area while they consume their purchases making noise all through the night and of course the attendant increase in litter that would undoubtedly follow permission for this application. Once the garage is established as a place to get more alcohol and hot food it will of course attract more people and become a destination for taxi drivers to bring their charges. The obvious potential of increasing the risk of drink driving and under age drinking must also be considered at a location where many people will be driving and at a location well away from any enforcement agencies.

Police are already stretched dealing with town centre issues and will not be able to respond to any potential trouble from a new facility selling alcohol 24 hours.

We feel that this is a ludicrous location and application for this type of area. This isn't a town centre, district centre or a major route. This is a residential area that happens to have a petrol station and shop, which local residents are happy to support during normal opening hours. We don't think that the potential wish to buy alcohol and hot food at any time of the night and the profit of one business should trump the right of hard working, council tax paying, law abiding, local residents to be able to have an undisturbed night, free from noise and nuisance.

We would also like to have the decision to allow 24 hour trading reviewed. We have lived at this address for 13 years and the petrol station and shop have never opened through the night. On hearing that the garage wished to open 24 hours we checked with the council and were told it couldn't be objected to as the garage had always held a 24 hour licence. Even if this was the case for such a detrimental change to have been put into practice should we feel have required a fresh application, providing an opportunity for local people to register their concerns. If this wasn't the case and we had been informed of an application then we would have certainly objected.

Liz Allan
101 Prestbury Road,
Cheltenham,
GL52 2DR



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	MR & MRS. P. HAYNES
Name of the organisation/body/person you represent. (if appropriate)	
Your full Postal Address or that of the organisation or body you represent	95 PROTESTANT ROAD CHELTENHAM
Post Code	GL52 202
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	B. P. SERVICE STATION
Name of Applicant for Licence (if known)	KRIS NAVARATNAM
Postal Address:	B. P. SERVICE STATION 80-86 PRESTBURY ROAD CHELTENHAM
Post Code:	

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
NOISE DISTURBANCE

Which of the Licensing Objectives does your representation refer to?

(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	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	10 METRES APPROX
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
 (Please continue on a separate sheet if necessary)

We have lived at 95 PROSBURY ROAD FOR 26 years
 The garage opposite has new owners and is now trading
 24 hours before the change I had no problems with the garage
 I am concerned that the garage has applied for a licence to
 sell alcohol and hot food, I have already experienced a shop
 night was woken at 11 o'clock in the early hours by a customer
 buying a bunch of flowers, banging, shouting and swearing into
 the night they were also car doors bang bang shut, car alarms
 and the forecourt lit up. The garage does turn the middle
 light off as it was shining into my bedroom, if they start
 selling alcohol and hot food it is going to get worse
 as they be more cars pulling into the forecourt to get drunk
 and food also they could be drinking and eating outside my
 house and dump their rubbish outside in the early hours
~~also passers by are walking past~~ also this applies to
 people who are walking by

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

Signature:

Capacity: Concerned Resident

Date:



CHEL TENHAM
BOROUGH COUNCIL

Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk*

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	Mr + Mrs R. Surman
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	99 Prestbury Rd
Post Code	GL50 2DP
Daytime contact telephone number	0121
Email address - If you would prefer to correspond (optional).	dress.

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP Petrol station
Name of Applicant for Licence (if known)	
Postal Address:	80-86 Prestbury Rd Cheltenham
Post Code:	

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
Crime, disorder, noise, disturbance Litter, vandalism

Which of the Licensing Objectives does your representation refer to?

(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	✓

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	20 metres (approx)
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

- public nuisance
- Litter
- crime and disorder at night
- vandalism to property + vehicles
- disturbance at night from drunks, car engines, doors, driving away etc..

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

None.

Signature:

Capacity:

Live in vicinity

Date:

3rd Oct



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk

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- o A person living in the vicinity of the premises
- o A body representing a person in the vicinity of the premises
- o A person involved in a business in the vicinity of the premises
- o A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	NICHOLAS A EDWARDS	
Name of the organisation/body/person you represent. (If appropriate)		
Your full Postal Address or that of the organisation or body you represent	93 PRESTBURY RD CHELTENHAM	
Post Code	GL52 2DR	
Daytime contact telephone number		
Email address (optional).		

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	AS ABOVE
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BP GARAGE
Name of Applicant for Licence (if known)	
Postal Address:	PRESTBURY ROAD CHELTENHAM
Post Code:	

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
NOISE, DISORDER, DISTURBANCE

Which of the Licensing Objectives does your representation refer to?

(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	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	10-12 metres
--	--------------

(NOT MEASURED ∴ APPROX)

Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

SINCE AUGUST WHEN BP STARTED OPERATING 24/7 THERE HAS ALREADY BEEN NOISE & DISTURBANCE OVERNIGHT. THIS IS LIKELY TO GET (MUCH) WORSE IF 24/7 DRINKS LICENCE ALLOWED. THE LIGHTS ARE VERY BRIGHT. BECAUSE OF NOISE, DISTURBANCE & LIGHTING WE HAVE MOVED FROM FRONT MASTER BEDROOM TO SMALLER BEDROOM AT REAR OF HOUSE. HOWEVER THIS IS NOT A LONG TERM SOLUTION TO THE PROBLEM.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to 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)

RETURN TO 0700-2300HRS TRADING
DELIVERIES ONLY 0700-2200HRS
LIGHTING AT REDUCED LEVELS

Signature:

Capacity: HOME BANNER -

(93 is opposite Garage)

Date: 27 SEPT 2013

From: martin garside
Sent: 19 September 2013 17:43
To: Internet - Licensing
Subject: BP Prestbury Road Service Station - Objection

Dear Sir/Madam

We are resident householders at 63 Prestbury Road and would like to record our strong objection to the application, we understand to have been made, by BP Prestbury Road Service Station for a license to sell alcohol, along with hot food, throughout the night.

There is already a considerable problem in this area from vandalism and littering and this will only exacerbate matters. **We feel you need to consider for what reason anyone needs to buy alcohol in the early hours of the morning and what are the likely effects on the residents living nearby.**

We already have an existing problem with the private rear service lane to our terrace being used for late night drinking and the empty cans/bottles left behind. Also the littering we suffer from with drink containers and fast food cartons disposed of in our front garden.

I sincerely hope that you consult closely with the police in this matter and have due regard to what they say.

Yours concerned

Martin Garside

Mrs. Alison Garside

I, Kris Navaratnam, Director of Global Fuel (UK) Limited, 80-86 Prestbury Road, Cheltenham, GL52 2DJ - have applied to vary our premises licence, as previously granted by Cheltenham Borough Council, in order to sell alcohol for consumption off the premises for the times we are open for business i.e. (24 hours a day - 7 days a week). We currently sell alcohol from 08.00 hours until 23.00 hours Monday to Saturday and 10.00 hours until 22.30 hours on a Sunday.

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
JAMES WOODWARD	28 COMWELL RD.		<input checked="" type="checkbox"/>			25/9/13
Louise Craig	49 Harrow Grove		<input type="checkbox"/>			25/9/13
C. CASBY	179 Prestbury		<input checked="" type="checkbox"/>			25/9/13
Jake Booth	10 Chelt Rd		<input checked="" type="checkbox"/>			25/9/13
M. FRODIPAR	200 Great Road		<input checked="" type="checkbox"/>			25/9/13
M. JONES	PRESTBURY		<input checked="" type="checkbox"/>			25/9
L. PROCTOR	PRESTBURY		<input checked="" type="checkbox"/>			25/9
S. SCOTT	u		<input checked="" type="checkbox"/>			25/9
Michelle Morgan	6 Lynworth Place		<input checked="" type="checkbox"/>			25/9
Di Dave	u		<input checked="" type="checkbox"/>			25/9
(Mrs) David	Flat 2, 134 Prestbury Rd		<input checked="" type="checkbox"/>			25/9
J. B. B. B.	18 Clarendon Way		<input checked="" type="checkbox"/>			25/9
L. D. D.	21 Elm Court		<input checked="" type="checkbox"/>			25/9
M. ORGAN	UPPER FARM 182000 LAN & SWINDON - WYCH		<input checked="" type="checkbox"/>			25/9
M. DIXON	14 Windrush Rd.		<input checked="" type="checkbox"/>			25/9
Josanne	4 Naseby House Cromwell Rd		<input type="checkbox"/>			25/9
GREGORY	42, Oakbrook Drive		<input checked="" type="checkbox"/>			25/9
JAMES GREGORY	32 Swindon Street		<input checked="" type="checkbox"/>			25/9
S. JUAN	26 BOUNCEWELL LANE PRESTBURY		<input checked="" type="checkbox"/>			25/9

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
JESS SAGIN	OAKHURST LODGE, GLOS. GL52 6NL	[Redacted]	<input checked="" type="checkbox"/>			25/9/13
SAMEER MAM	42 Shepherd St Cheltenham GL52 2TU	[Redacted]	<input checked="" type="checkbox"/>			25/9
A. GIBBY	POYERS HOUSE CLONS CHELtenham	[Redacted]	<input checked="" type="checkbox"/>			25/9
J. Jones	181 Prestbury Road	[Redacted]	<input checked="" type="checkbox"/>			25/13
A. Jice	181 Prestbury Road	[Redacted]	<input checked="" type="checkbox"/>			25/13
J. DAVIS	10 THAMES RD	[Redacted]	<input checked="" type="checkbox"/>			25/13
S. Hecce	191 Prestbury Rd	[Redacted]	<input checked="" type="checkbox"/>			25/13
J. Williams	25 Gramling Court	[Redacted]	<input checked="" type="checkbox"/>			25/09
B. Price	67 Whitethorn Dr	[Redacted]	<input checked="" type="checkbox"/>			25/9
S. Smith	2 Millview Villas Cheltenham	[Redacted]	<input checked="" type="checkbox"/>			25/9
C. Dixon	2 Millview Villas Cheltenham	[Redacted]	<input checked="" type="checkbox"/>			25/9
Ashley Keyte	LANSDOWN RD	[Redacted]	<input checked="" type="checkbox"/>			25/9
Dina Buckland	Cycle Crescent	[Redacted]	<input checked="" type="checkbox"/>			26/9
Alex Gjinaji	Tom Price Close	[Redacted]	<input checked="" type="checkbox"/>			26/9
Stacey Mullen	Woudrush Road	[Redacted]	<input checked="" type="checkbox"/>			27/9
Christie Stiff	11 Keppelham St	[Redacted]		<input checked="" type="checkbox"/>		28/9/13
R. Hoskins	17 CHYDE CROSSLANT	[Redacted]	<input checked="" type="checkbox"/>			27-9-13
Jmy Wormald	32 SUCRE ST	[Redacted]	<input checked="" type="checkbox"/>			26/9/13
Charlie Fitzsimmons	1 TAMAR Rd	[Redacted]	<input checked="" type="checkbox"/>			26/9/13

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
SUTTON	83 Prestbury rd		✓			26.9
N GREEN	16 WINDLETON ROAD		✓			26.9
CHRIS HUGHES	72 WALLACE COT RUE CHOLF		✓			26.9
M. JAMES	18 WILKINSON CT		✓			26.9
A BUTT	137 WILKINSON		✓			26.9
M. HARRIS	19 COUNTRY DRIVE		✓			26.9
RASH	1 WILKINSON ROAD		✓			26.9
A. Lloyd	113 New Farm Lane		✓			26.9
N Jolley	67 Roadhouse		✓			26.9
M. Joubert	14, Cheltenham Ct.		✓			26.9
MR	50 ELM ST.		✓			26.9
P. CRANE	PRESTBURY RD		✓			26.9
K. Bennison	Prestbury Road		✓			26.9
J Green	HALE RD.		✓			26.9
J. Lucas	Prestbury Road		✓			26.9
P. Hepworth	Lynwith Court		✓			26.9
R. Clarke	12 ELVE MOUNT RD		✓			26.9

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
Daniel Leahy	31 Evenlode Ave		<input checked="" type="checkbox"/>			26/9/09
S. Franks	125. PRESTBURY RD		<input checked="" type="checkbox"/>			
S. Long	101 FACTORY		<input checked="" type="checkbox"/>			26/9
Steve Smith	100 Prestbury		<input checked="" type="checkbox"/>			26/9
Ryan Griffiths	100 Prestbury		<input checked="" type="checkbox"/>			
E. Goss	12 Oak Road		<input checked="" type="checkbox"/>			26/9
CAROLD	3 COLE AVENUE		<input checked="" type="checkbox"/>			26/9
D HOLDER	11 SOLWAY RD		<input checked="" type="checkbox"/>			26/9
J. Dalke	54 CROWNELL PT		<input checked="" type="checkbox"/>			26/9
A. Case	12 Clewemant Rd		<input checked="" type="checkbox"/>			26/9
J. Dymond	124 Prestbury Road		<input checked="" type="checkbox"/>			
C. Chevely	Unit 5B 53 Prestbury Rd		<input checked="" type="checkbox"/>			26/9
J. Parsons	9. Severn Rd		<input checked="" type="checkbox"/>			26/9
R. Parsons	9 SEVERN Rd		<input checked="" type="checkbox"/>			26/9
A Knight	34 Dill Avenue Cheltenham		<input checked="" type="checkbox"/>			26/9
J. Kirkup	30 PPGANKILL ESLAGEC SQ		<input checked="" type="checkbox"/>			26/9
K. Griffiths	115 WINDYEDGE		<input checked="" type="checkbox"/>			26/9
N. Welch	FLAT 7 43 PERSIMMON HAYWARDS		<input checked="" type="checkbox"/>			26/9
Biff	7 Dog Close		<input checked="" type="checkbox"/>			26/9

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
S. BURGESS	CHELT		✓			26/9
P. T. BURGESS	Chelt		✓			26/9/03
S. Poddles	Chelt		✓			26/9/03
J. FRASE	CHELT.		✓			26/9/03
E. WARD	CHELT (EASTMINSTER)		✓			26/9/03
D. OVERTON	Chelt		✓			26/9/03
A.M. JONES	CHELT		✓			26/9/03
NESAWAN ULLAH	Chelt		✓			26/9/03
B. LAKIN	Chelt		✓			26/9/03
MARILYN MORRIS	CHELT		✓			26/9/03
J. P. DUNN	CHELT		✓			26/9/03
B. BROWN	Chelt		✓			26/9/03
ODDONS	Chelt		✓			26-9
R. NIVISON	Chelt		✓			26-9
R. 202	Chelt		✓			26-9
K. GINLY	Chelt		✓			26/9
M. GINLY	Chelt		✓			26/9
S. P. P. R.	Chelt		✓			26/9
D. WATKINS	Chelt		✓			26-9

(5)

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
A CARPENTER	153 CLYDE CREEK		✓			26/9/13
J Miller	20 Windsor St			✓		26/9/13
J Compton	81 Littlemore Ave		✓			26/9
P. TOWNSEND	85 COURT FARM RD		✓			26.9
S. HARRISON	41, CROMWELL RD		✓			26/9/13
D. Jones	28 G. L. STOR		✓			26/9
D. WILSON	27 Appleton		✓			26/9
J. M. C. WELLS	Wellingdon Rd		✓			26/9
S. H. H. H.	26 COPT Elm rd		✓			26/9
R. THOMAS	90 Mabley Rd.		✓			26/9
D. HAYES	83 DEEVIEW MOUNT		✓			26/9
J. P. P.	MARCHANTS		✓			26/9
Z. B. B.	38 MEISSEY		✓			26/9
S. T. T.	50 PREST. ROAD		✓			
J. H. H.	HARMES RD		✓			26/9
R. K. K.	77 RH AVEN		✓			26/9
J. M. M.	224, PAVON		✓			26/9
Tim	Brasha High. St. Glos		✓			26.9
MIKE STAN	CHELTENHAM.		✓			26/9

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
Kevin	67 Netwon Rd		✓			26/9
Mrs Morris	154 Whaddon Rd		✓			26/9
Mrs Pacey	14 Humber Rd		✓			20/9
MR CLARK	170 CULSTON ROAD		✓			26/9
C. PELLEZ	46 NORTON LANE		✓			24/9/09
T. Jones	Broadway		✓			27/9/09
P. HAYES	130 Prestbury Rd		✓			26/9
J. HAWKES	5 Colne Ave		✓			26/09
E. MAREY	3 TOM PERCE CLOSE		✓			26/09
R. SUMMERS	11 MENDIT ROAD		✓			26/09
Matthew Harris	High Street		✓			26/09
S. TIMBRILL	WYMAN ROAD		✓			26/09
G. PARTRIDGE	117 Prestbury Rd		✓			26/09
C. PEARCE	66 Whaddon Rd		✓			26/09
Neil Brown	9. Matthews Court, Prestbury		✓			26/09
J. Bree	Rushville Green		✓			26/9
J. Bayliffe	Deabere Rd		✓			26/9
D. BEALE	Pittville		✓			26/9
P. Walters	Prestbury		✓			26/9

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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
Dave Parker	H. St. Seagr		✓	✗		27/9/13
ABOTT	144 Oxford		✓	✗		27/9/13
C CARTER	66 Canford			✓		27/9/13
Melland	90 LINDEN AVE		✓			27/9/13
Jon Smith	High St. Glos		✓			27/9/13
R BANTON	Prestbury		✓			
J. Minby	265 Prestbury Rd		✓			27/9/13
M J COO	MENDIP CLOSE		✓			
John	Horizon Lane		✓			27/9/12
John	162 Prestbury Rd		✓			27/9/13
John	79 Prestbury Rd		✓			27/9/13
John	70 Prestbury Rd GL52 2DJ			✓		27-9-13
AD	The Cornway GL52		✓			27-9-13
AR Bell	64 Rosehill St B16 9PL		✓			27-9-13
JH Smith	2 Tolp Row		✓			27-9-13
W Whitt	CULS2 3LL		✓			27-9-13
Carole O.	Tom once close		✓			27/9/13
John	Cheltenham		✓			27/9
J Winner			✓			27/9

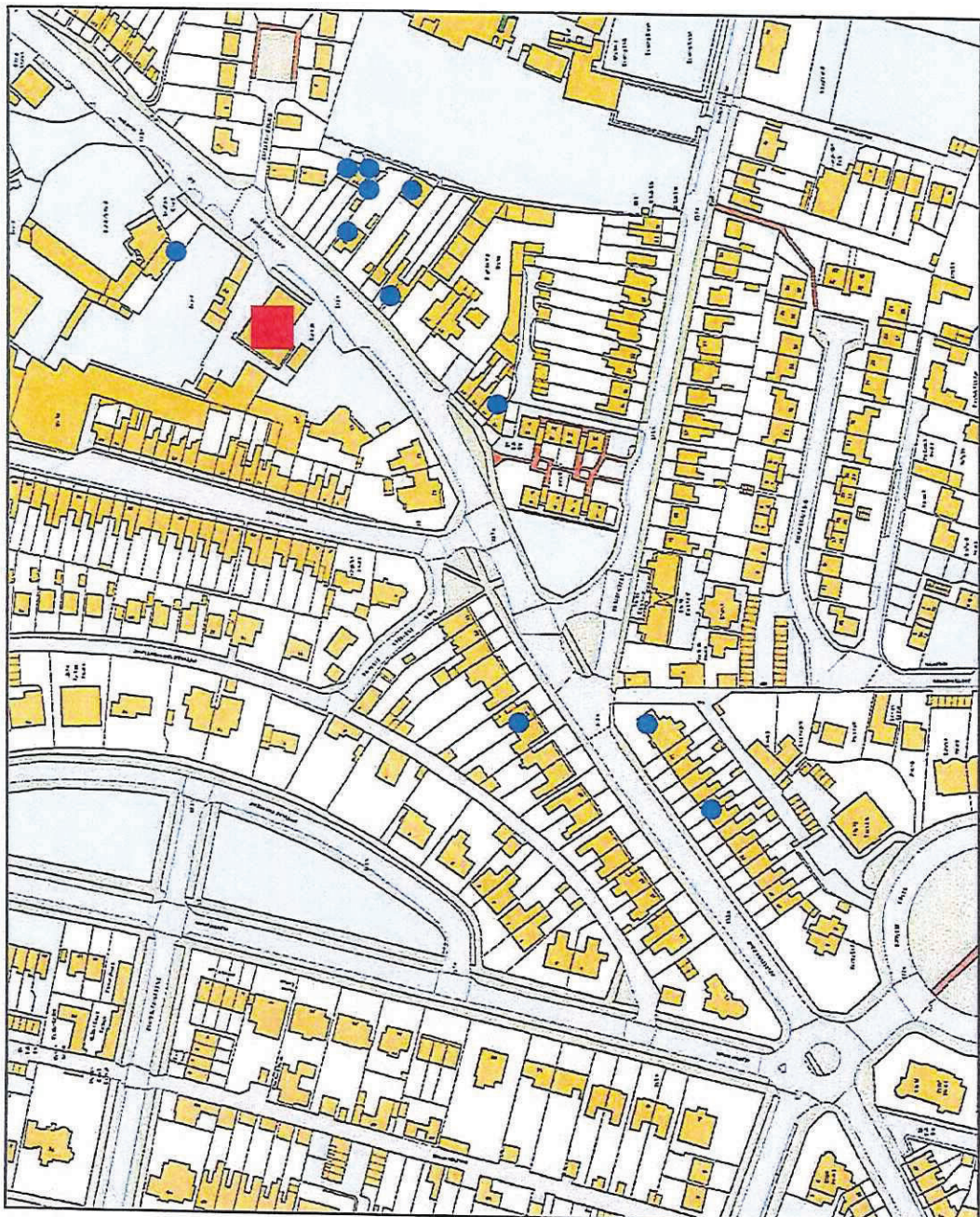
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Name	Address	Signature	I support the application	I oppose the application	No Comment	Date
Arshad Ali	28 CAMBRIDGE RD			✓		28/09/13
N. Richard	174 Prestbury		✓			28/09/13
L. Kichings	21 Overbrook		✓			28/09/13
Jordan Ellis	17 Weymanus Court		✓			" "
L. D. Leighton	21 Overbrook Drive		✓			11 "
C. Salto	153 Prestbury Rd		✓			11/10

BP Prestbury Road Service Station

80-86 Prestbury Road, Cheltenham GL52 2DJ



Legend

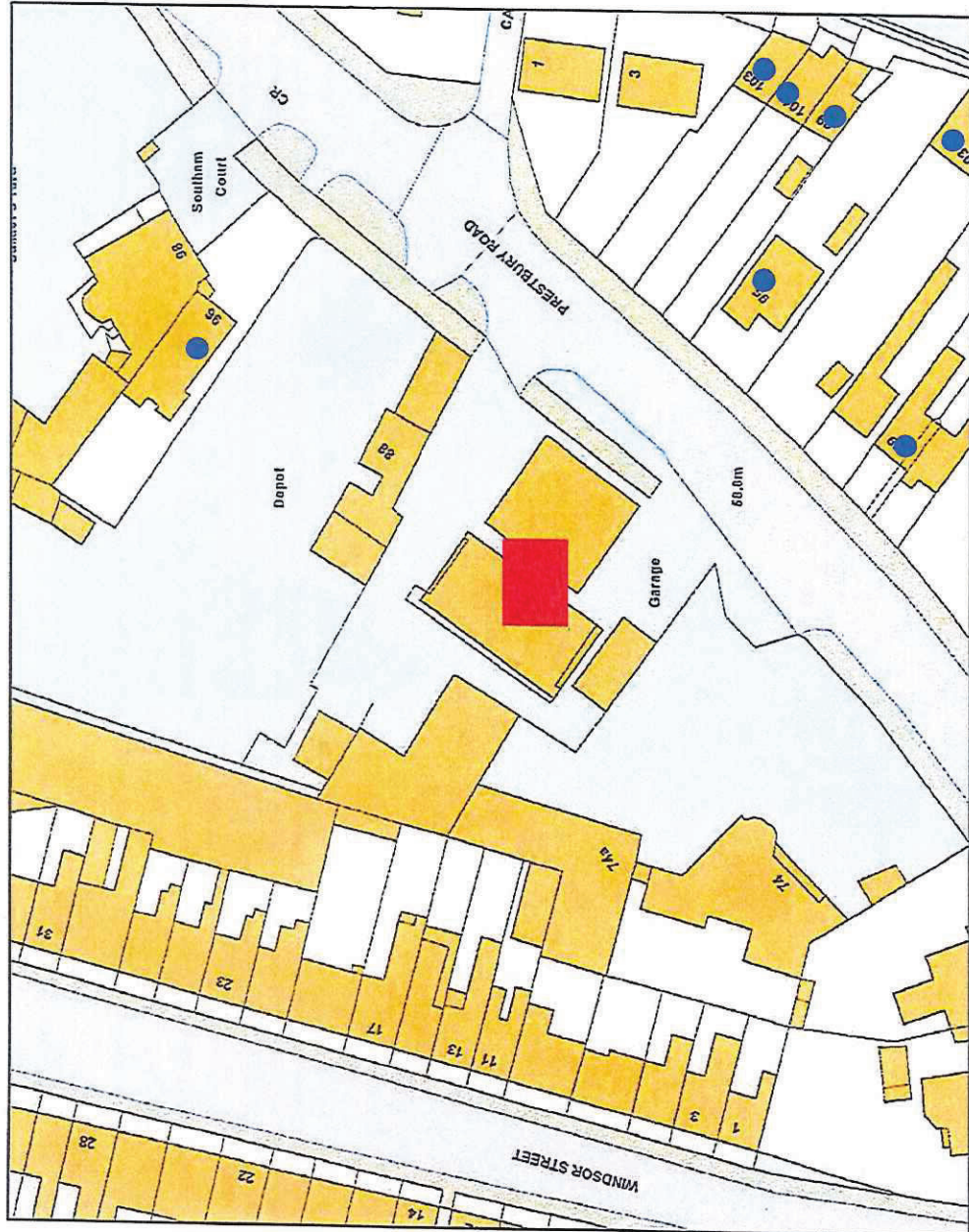
- Locations of residents' homes
- Location of premises

Scale: 1:2500

Organisation	Cheltenham Borough Council
Department	Public Protection
Comments	Licensing Sub-Committee

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BP Prestbury Road Service Station
80-86 Prestbury Road, Cheltenham GL52 2DJ



Legend

Location of premises ■

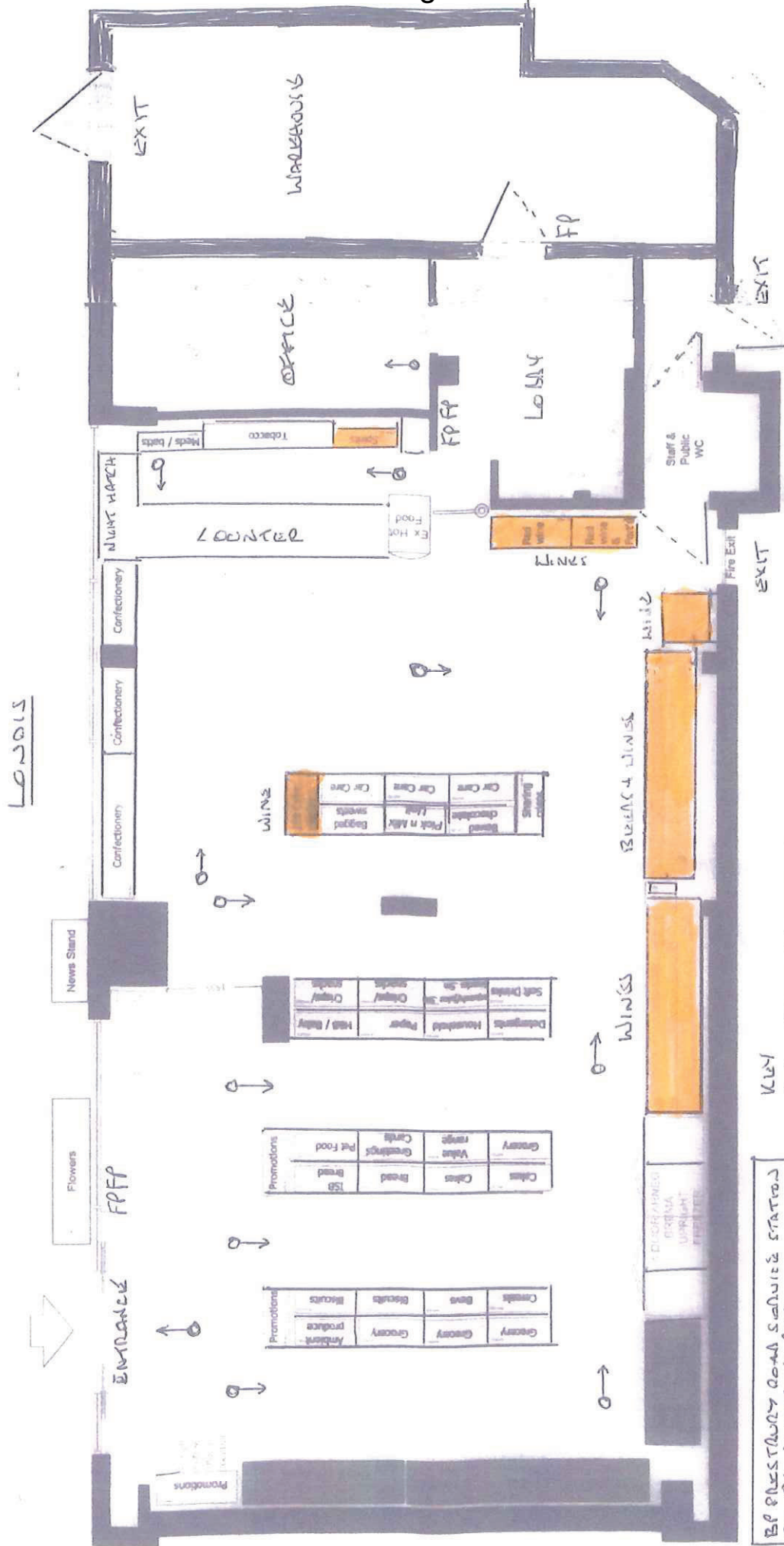
Location of residents' addresses ●

Scale : 1:789

Organisation	Cheltenham Borough Council
Department	Public Protection
Comments	Licensing Sub-Committee

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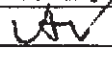







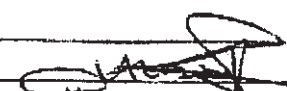


KEY
 D → SECURITY CAMERA
 FP = FIRE EXTINGUISHER

REPLACEMENT AND SERVICE STATION
 20-26 DECKERY ROAD
 CHESTERHAM
 GL52 2BS
 STAKE 1:100
 DRAWN BY DRAGAL
 DATE 15/01/2013

LODOLIS

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Page 90

①

INCIDENT & REFUSAL LOG		
DATE: 4.9.13	TIME: 12.10	PRODUCT: Fuel
REASON FOR REFUSAL: Looked underage!		
ID shown (Passport) The young man was old enough to put his mother's name on it.		
DESCRIPTION OF PERSON: MALE DARK HAIR		
TILL OPERATOR: Steve	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	
DATE: 05/09/13	TIME: 9.43	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: The man came in in bar He looks like over 30 years old. white man. He wore a T shirt.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	
DATE: 06/09/13	TIME: 1.27	PRODUCT: wine
REASON FOR REFUSAL: The man who asked some wine because out of licence hour I have refused. He looks like 40 years old.		
DESCRIPTION OF PERSON: He looks like 40 year old, white man.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	
DATE: 06/09/13	TIME: 5.32	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Two man came together. I think they just finished from work. (look like road workers), 35 years old		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

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INCIDENT & REFUSAL LOG		
DATE: 06/09/13	TIME: 23.12	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: TAXI MAN no has put Fuel as well LOOKS 35 years old		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	
DATE: 6/9/13	TIME: 23.20	PRODUCT: wine
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: Lady who has walking to buy the goods LOOKS like 50 year old		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	
DATE: 07/09/13	TIME: 2.48	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: women who was came in taxi brought some tobacco well dressed. LOOKS like 40 years old.		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	
DATE: 08/09/13	TIME: 1.26	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: Two man came together one black one white man age 20 (age 30)		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	

INCIDENT & REFUSAL LOG		
DATE: 10/01/13	TIME: 12-20	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: lady come in a alcohol only well dressed age 40,		
TILL OPERATOR: KABILAN	SUPERVISOR: Amir	
MANAGER: Amir	AREA MANAGER: Amir	
DATE: 10/04/13	TIME: 2-35	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: The man come in Taxi well dressed. age 35		
TILL OPERATOR: KABILAN	SUPERVISOR: Amir	
MANAGER: Amir	AREA MANAGER: Amir	
DATE: 11/09/13	TIME: 4-15	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour one lady come in bicycle age 45 white lady.		
DESCRIPTION OF PERSON: lady who come in bicycle. age 45.		
TILL OPERATOR: KABILAN	SUPERVISOR: Amir	
MANAGER: Amir	AREA MANAGER: Amir	
DATE: 11-9-13	TIME: 12-10	PRODUCT: Futer Tips
REASON FOR REFUSAL: I D Show was old enough !! Ledy very petite - brown hair and short dress		
DESCRIPTION OF PERSON: ↓ Aged 29. but said "she always get I.D."		
TILL OPERATOR: Amir	SUPERVISOR: Amir	
MANAGER: Amir	AREA MANAGER: Amir	

INCIDENT & REFUSAL LOG Page 94 (4)

DATE: 12/9/13	TIME: 14.10	PRODUCT: Fags
REASON FOR REFUSAL: 10 not acceptable		
DESCRIPTION OF PERSON: Red top, cap, Age 18-20		
TILL OPERATOR: James Lucas	SUPERVISOR: _____	
MANAGER: _____	AREA MANAGER: _____	













DATE: 12/09/13	TIME: 23.05	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: The man came in white van, age 25, wear T shirt, worker.		
TILL OPERATOR: KABILAN	SUPERVISOR: _____	
MANAGER: _____	AREA MANAGER: _____	

DATE: 13/09/13	TIME: 00.20	PRODUCT: BEER.
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: The man came in car used on 'Eash machine, worker, age 30		
TILL OPERATOR: KABILAN.	SUPERVISOR: _____	
MANAGER: _____	AREA MANAGER: _____	

DATE: 13/09/13	TIME: 1.15	PRODUCT: Alcohol.
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: man came in car, shorts, T shirt. age (30) buy some goods in shop.		
TILL OPERATOR: KABILAN.	SUPERVISOR: _____	
MANAGER: _____	AREA MANAGER: _____	

INCIDENT & REFUSAL LOG		
DATE:	TIME: 5.20	PRODUCT: CIDER
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Man come in car put fuel in. age (35)		
TILL OPERATOR: KABILAN.	SUPERVISOR:	_____
MANAGER: <i>AW</i>	AREA MANAGER:	_____
DATE: 14/09/13	TIME: 00.04	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: age 19, T shirt he has put fuel in and buy some tobacco came in Red car.		
TILL OPERATOR: KABILAN.	SUPERVISOR: <i>AW</i>	_____
MANAGER: <i>AW</i>	AREA MANAGER:	_____
DATE: 14/09/13	TIME: 00.10	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: The man came in car he looks like 45 - grey cap. Blue car, buy some tobacco		
TILL OPERATOR: KABILAN	SUPERVISOR: <i>AW</i>	_____
MANAGER: <i>AW</i>	AREA MANAGER:	_____
DATE: 14/09/13	TIME: 00.20	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Black man looks like 45 years old. come in car put some fuel in.		
TILL OPERATOR: KABILAN.	SUPERVISOR: <i>AW</i>	_____
MANAGER: <i>AW</i>	AREA MANAGER:	_____

(6)




INCIDENT & REFUSAL LOG		
DATE: 14/09/13	TIME: 00:29	PRODUCT: Alcohol Wine
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: two men came here ask about licence hour. looks like 50 year old, T shirt.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	
DATE: 14/09/13	TIME: 00:48	PRODUCT: wine s
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: two one lady came in car looks like 40 year old. too many times she asked I've refused.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	
DATE: 14/09/13	TIME: 23:10	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: mechanic, came in car put some fuel in by some gods.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	
DATE: 14/09/13	TIME: 23:30	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: the man looks like painter. 45 year old came in car buy some tobacco.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




INCIDENT & REFUSAL LOG		
DATE: 15/09/13	TIME: 3.58	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: man came in came buy some food and put some fuel in. looks like 40 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




DATE: 15/09/13	TIME: 20.55	PRODUCT: Alcohol
REASON FOR REFUSAL: man boy came in bicycle as looks like 20 years old. out of licence hour.		
DESCRIPTION OF PERSON: boy came in bicycle. looks 20 year old, T-shirt.		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




DATE:	TIME: 23.00	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: man came in cafe to-day is sun day. so I have explain about our licence hour.		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	



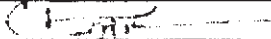
DATE: 15/09/13	TIME: 23.50	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: man came in car put some fuel in buy some goods in shop. looks like 40 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




INCIDENT & REFUSAL LOG		
DATE: 17/09/13	TIME: 00.20	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: The man came in car buy some Tobacco looks like: 40 year old.		
TILL OPERATOR: Kabilan	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 17/09/13	TIME: 00.50	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Two boys came together, T shirt, looks 25 year old.		
TILL OPERATOR: KABILAN.	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 17/09/13	TIME: 1.20	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: old man walk down to shop looks like 60 year old.		
TILL OPERATOR: KABILAN.	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 17/09/13	TIME: 02.10	PRODUCT: alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Taxi man, looks like 45 year old,		
TILL OPERATOR: KABILAN.	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 18/09/13	TIME: 12.20	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: man came in bycicle buy some food in shop looks like 35 years old		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: KABILAN 18/09/13	TIME: 1.05	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: The man came in car buy some tobacco looks like 40 year old. T shirt		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 18/09/13	TIME: 2.30	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: old man walk down to buy Tobacco looks like 55 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 18/09/13	TIME: 23.25	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: man walk down to shop buy some tobacco look like 45 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 19/09/13 TIME: 12.30 PRODUCT: Alcohol

REASON FOR REFUSAL: no out of licence hour

DESCRIPTION OF PERSON: Two young boys locate down together to shop buy some tobacco

TILL OPERATOR: Kabilan SUPERVISOR: [Signature]
MANAGER: [Signature] AREA MANAGER: [Signature]

DATE: 19/09/13 TIME: 12.50 PRODUCT: B&B R

REASON FOR REFUSAL: Out of licence hour

DESCRIPTION OF PERSON: boy came in buy cycle to buy some tobacco, 20 years old

TILL OPERATOR: KABILAN SUPERVISOR: [Signature]
MANAGER: [Signature] AREA MANAGER: [Signature]

DATE: 19/09/13 TIME: 2.25 PRODUCT: BEER

REASON FOR REFUSAL: out of license hour

DESCRIPTION OF PERSON: The lady came to the shop for buy some food and tobacco she looks like 50 year old




TILL OPERATOR: KABILAN SUPERVISOR: [Signature]
MANAGER: [Signature] AREA MANAGER: [Signature]




DATE: 19-9-13 TIME: 7.55 PRODUCT: Alcohol




REASON FOR REFUSAL: out of hours




DESCRIPTION OF PERSON: Pete regular 65 years

TILL OPERATOR: [Signature] SUPERVISOR: [Signature]
MANAGER: [Signature] AREA MANAGER: [Signature]

DATE: 19/09/13	TIME: 23.05	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: young boy came in car put some fuel		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 19/09/13	TIME: 1.23	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: came in car with his friend.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 20/09/13	TIME: 2.35	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man came in car put some fuel. buy some food books 35 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 20/09/13	TIME: 2.50	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: one lady came in car to buy some goods have looks like 45 year old		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 20/09/13	TIME: 23.25	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: came in car to buy some goods looks like 50 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	

DATE: 21/09/13	TIME: 00.05	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: out of license hour. man came in car put some fuel looks like 35 years old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	

DATE: 21/09/13	TIME: 00.10	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: came in red car to buy some Tobacco young boy looks 25 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	

DATE: 21/09/13	TIME: 23.45	PRODUCT: Alcohol
REASON FOR REFUSAL: out license hour.		
DESCRIPTION OF PERSON: Lady came in car to buy some tobacco looks like 55 years old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




DATE: 21/09/13	TIME: 23.50	PRODUCT: BEER
REASON FOR REFUSAL: out license hour		
DESCRIPTION OF PERSON: TA young boy walk down to shop buy some tobaccoes looks 20-25 years old		
TILL OPERATOR: KASLAN	SUPERVISOR: <i>[Signature]</i>	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	




DATE: 22/09/13	TIME: 00.12	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: out of license hour Lady walk down to shop buy some food with side bag looks like 45		
TILL OPERATOR: KASLAN	SUPERVISOR: <i>[Signature]</i>	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	




DATE: 22/09/13	TIME: 00.23	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man come in silver car looks like 40 year old		
TILL OPERATOR: KASLAN	SUPERVISOR: <i>[Signature]</i>	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	




DATE: 22/09/13	TIME: 3.12	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: Man come in car look like 40 red shirt		
TILL OPERATOR: KASLAN	SUPERVISOR: <i>[Signature]</i>	
MANAGER: <i>[Signature]</i>	AREA MANAGER: <i>[Signature]</i>	

DATE: 22/09/13	TIME: 23.35	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: The lady came in early. looks like 50 year old. buy some tobacco.		
TILL OPERATOR: KABLAN	SUPERVISOR: ✓	
MANAGER: ✓	AREA MANAGER: <u> </u>	
DATE: 23/09/13	TIME: 00.09	PRODUCT: BEER
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Two men came together. to buy some goods to shop looks like 45 years old.		
TILL OPERATOR: KABLAN	SUPERVISOR: ✓	
MANAGER: ✓	AREA MANAGER: <u> </u>	
DATE: 23/09/13	TIME: 1.07	PRODUCT: WINE
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: man walk down to shop looks like 40 year old		
TILL OPERATOR: KABLAN	SUPERVISOR: ✓	
MANAGER: ✓	AREA MANAGER: <u> </u>	
DATE: 23/09/13	TIME: 1.18	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: two boys came together buy some Tobacco looks like 20 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR: ✓	
MANAGER: ✓	AREA MANAGER: <u> </u>	

DATE: 23/09/13	TIME: 01:35	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: Lady walk down to shop with dog look like 50 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 23/09/13	TIME: 23:04	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: Lady come to shop		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 23/09/13	TIME: 23:50	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man come in car with kid buy some goods looks like 25 year old		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 24/09/13	TIME: 08:06	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: Two men come in bicycle to buy some tobacco look like 35, 40 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




(16)

DATE: 24/09/13	TIME: 1.50	PRODUCT: BEAR
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: TAXI MAN, LOOKS LIKE 50 year old. put some fuel for car.		
TILL OPERATOR: KABILAN	SUPERVISOR: <input checked="" type="checkbox"/>	
MANAGER: <input checked="" type="checkbox"/>	AREA MANAGER: <input checked="" type="checkbox"/>	
DATE: 24/09/13	TIME: 23.25	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: man walk down to shop by some goods looks like 35 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: <input checked="" type="checkbox"/>	
MANAGER: <input checked="" type="checkbox"/>	AREA MANAGER: <input checked="" type="checkbox"/>	
DATE: 24/09/13	TIME: 23.46	PRODUCT: BEAR
REASON FOR REFUSAL: out of licence hour		
DESCRIPTION OF PERSON: young man came in car to buy some tobacco looks like 30 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: <input checked="" type="checkbox"/>	
MANAGER: <input checked="" type="checkbox"/>	AREA MANAGER: <input checked="" type="checkbox"/>	
DATE: 25/09/13	TIME: 00.05	PRODUCT: Alcohol
REASON FOR REFUSAL: out of licence hour.		
DESCRIPTION OF PERSON: Lady came with man in car to buy some tobacco looks 25 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: <input checked="" type="checkbox"/>	
MANAGER: <input checked="" type="checkbox"/>	AREA MANAGER: <input checked="" type="checkbox"/>	

DATE: 25/09/13	TIME: 2.10	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: man came in car to buy some tobacco looks like 40 years old.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 25/09/13	TIME: 23.10	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: two guys walk down to shop buy some goods look like 25 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 25/09/13	TIME: 23.23	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man came down to shop buy some tobacco look like 30 year old.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 26/05/13	TIME: 00.02	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: Two guys walk down to shop and used cash machine.		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	


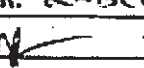

18




DATE: 26/09/13	TIME: 00:34	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: couple came in car buy some goods looks, 30, 25 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




DATE: 26/09/13	TIME: 23:43	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: taxi man came in to shop buy some tobacco looks like 50 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




DATE: 26/09/13	TIME: 23:56	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: man came in silver car buy some tobacco, looks like 40 year old.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	

DATE: 27/09/13	TIME: 2:54	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: security man look like 45 year old. Finish his work.		
TILL OPERATOR: KABLAN	SUPERVISOR:	
MANAGER:	AREA MANAGER:	




DATE: 27/09/13	TIME: 23.03	PRODUCT: BBR
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: Man came in car, black cap, black car looks like 25 year old young boy.		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 27/09/13	TIME: 23.14	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: two boys came in bicycle looks like 25 year old		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 28/09/13	TIME: 1.20	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: two boys walk down to shop buy some food looks like 20-25		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	




DATE: 28/09/13	TIME: 23.14	PRODUCT: BBR
REASON FOR REFUSAL: out of license hour.		
DESCRIPTION OF PERSON: man came in car buy to put some fuel in looks like 35 year old		
TILL OPERATOR: KABLAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

20

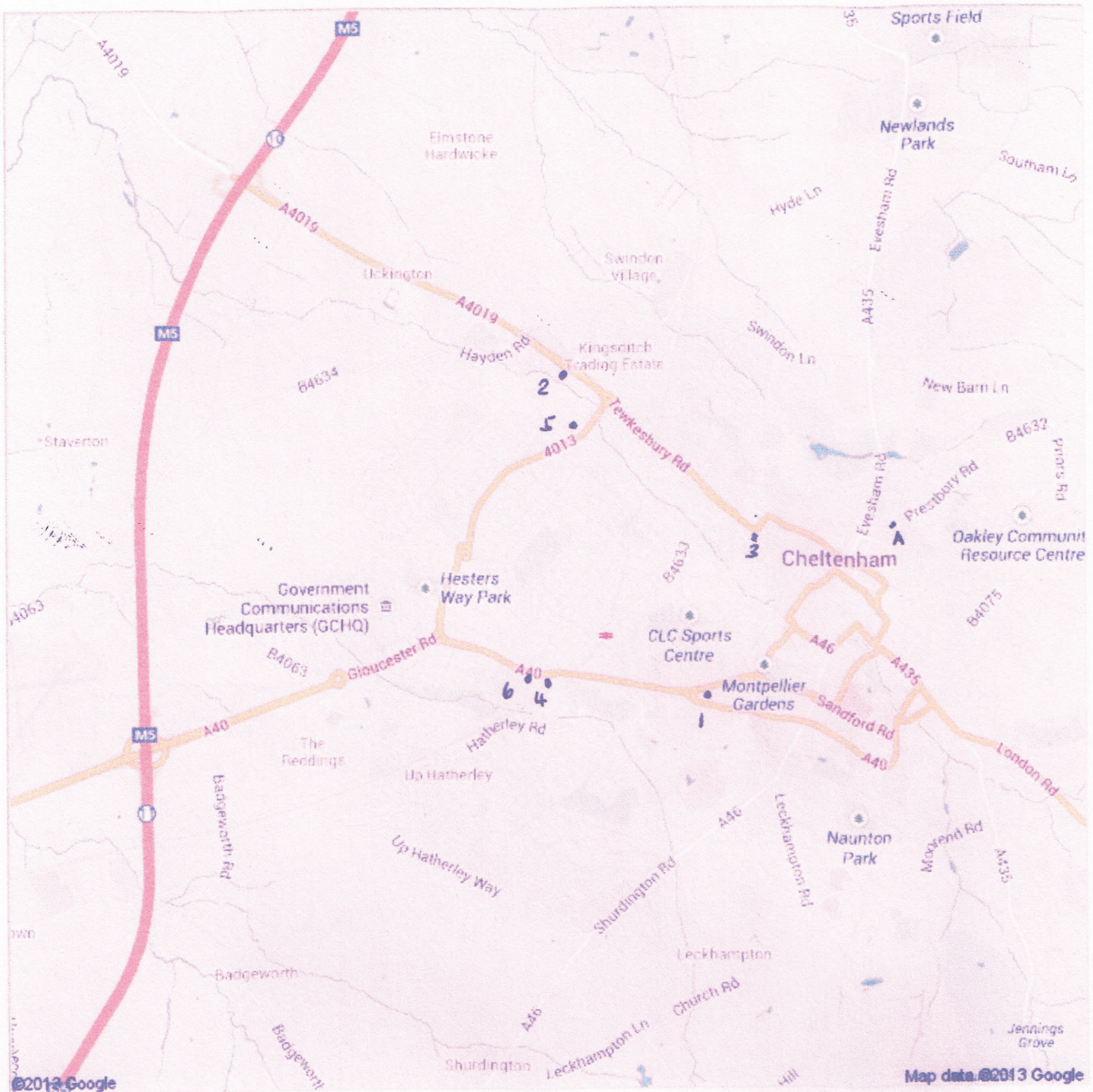
DATE: 28/09/13	TIME: 23.41	PRODUCT: Alcohol
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man walk down to shop. looks like 40 year old well dressed		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 29/09/13	TIME: 12.30	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man came in car to put some fuel looks like 35 year old		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 29/09/13	TIME: 1.00	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: Two man came in taxi looks like 40+		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

DATE: 29/09/13	TIME: 22.50	PRODUCT: BEER
REASON FOR REFUSAL: out of license hour		
DESCRIPTION OF PERSON: man came in car put some fuel in. but today is Sunday license close at 22.30 looks like 40 year		
TILL OPERATOR: KABILAN	SUPERVISOR: 	
MANAGER: 	AREA MANAGER: 	

Map of Cheltenham identifying locations of other retail premises open 24 hours for the sale of alcohol and other grocery products.



- A** APPLICANT PREMISES
1. WESTALL COWEN SERVICE STATION - LANSDOWN ROAD
 2. CHELTENHAM FILLING STATION - TEWKESBURY ROAD
 3. LOWER HIGH STREET FOOD LIVING - LOWER HIGH STREET
 4. SHELL PRODUCTION ROAD - GLOUCESTER ROAD
 5. SHELL APPLE - PRINCESS ELIZABETH WAY
 6. RED APPLE - GLOUCESTER ROAD

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Page 112

Subject: RE: BP Prestbury Road Service station - draft premises licence variation application
From: "Simner, Jaine" <Jaine.Simner@gloucestershire.pnn.police.uk>
Date: 05/09/2013 10:00
To: 'Richard Baker' <richard@rwrbaker.freeserve.co.uk>

Perfect thankyou very much

Jaine Simner
Force Licensing Manager
Licensing Unit
Gloucestershire Constabulary

: Direct: 01452 75(2816) Group: 01452 75(4482)
Ø: jaine.simner@gloucestershire.police.uk
#: <http://www.gloucestershire.police.uk/>
/: Licensing Unit, Community Engagement, Police HQ,
No. 1 Waterwells, Quedgeley, Gloucester, GL2 2AN.

-----Original Message-----

From: Richard Baker [<mailto:richard@rwrbaker.freeserve.co.uk>]
Sent: 04 September 2013 16:27
To: Simner, Jaine; Thompson, Kingsley
Subject: BP Prestbury Road Service station - draft premises licence variation application

Hi Kingsley/Jaine

Lovely to meet up with you both last week at the above named site.

May I again thank-you for sparing the time at such short notice to come and discuss with us the proposed licensing variation to sell alcohol for consumption of the premises 24 hours a day plus the introduction of late night refreshment (limited to heating up pies/pasties and offering hot tea/coffee).

I have as promised prepared a draft copy application for your kind consideration and would be grateful for any comments as soon as possible. I had hoped to try and submit by post tomorrow subject to Police agreement.

Speak to you later.

Kindest regards

Richard

Richard Baker
Director
RB Retail & Licensing Services Limited
Mobile: 07771 540066

--
Richard W R Baker -- RB Retail& Licensing Services Limited - Telephone: 07771 540066, Facsimile: 02392 556886, All correspondence to: RB Retail & Licensing Services Limited - 23 Magister Drive, Lee on the Solent, Portsmouth, Hampshire, PO13 8GE. This email and any attachments or files transmitted with it are strictly confidential and intended solely for the named addressee. It may contain privileged and confidential information and if you are not the intended recipient you must not copy, distribute or use the communication in any other way. If you receive this email in error please contact the sender as soon as possible and

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**RB Retail & Licensing
Services Limited**

Mobile: **07771 540066**

Email: **richard@rwr baker.freemove.co.uk**

Fax: **02392 556886**

www.alcohol-licence-services.co.uk

**PREMISE
LICENCE
SITE
OPERATIONS
MANUAL**

Store Name:

Address:

.....

.....

Issued:

FOREWORD

The Licensing Act 2003 came into force on the 24th November 2005, significantly changing the licensing regime for permissions to sell alcohol for consumption either on or off the premises and regulated entertainment. The Act also introduced a new late night refreshment regime. The penalties for failure to follow the rules have become far more stringent and the possibility of onerous conditions, suspension of the licence or indeed permanent revocation is a very likely possibility for those who operate a slack regime within their place of business. The cost of defending a licence in danger through poor management procedures is far greater than doing the job properly from the start.

Since enactment, many changes and amendments have altered and updated the Act to reflect both government initiatives and new case law as the Act is tested in the higher courts. This has required continued re-interpretation of specific areas of the Act as reflected in the written guidance produced by the government department responsible for alcohol licensing - until recently the Department for Culture Media and Sport (DCMS) but since 2010 the Home Office.

Changes occur as successive governments respond to political pressures and endeavour to keep the law current, relevant and fit for purpose - balancing the interests of the various sectors of the licensed trade, the authorities charged with the enforcement and day-to-day housekeeping required by statute against the communities which may be affected by the operation of licensed premises.

For retailers the provision of alcohol to their customers for consumption on or off their premises is a crucial part of their business; in many cases underpinning a viable business and without which the business may struggle to survive. Over the years government attitudes to the sale and availability of alcohol have differed. Until recently the culture has been favourable and permissive towards the retailer of alcohol but the last ten years has seen increased regulation with more attention paid to the views of local people and the police in both applications for, and in the running of, licensed premises.

Momentum continues to build towards a far more regulated and controlled market place. There is a growing view in government, and among those charged with running the licensing system, that the licensed retailer, via regulation, has a greater responsibility towards the local community. While a premise licence gives a retailer the right to sell alcohol to support a more profitable business they will be held accountable for the repercussions of irresponsible selling.

It is essential that businesses are properly run with effective due diligence procedures in place. This includes regular training and guidance for their staff, adequate written records of compliance with appropriate day-to-day in-store precautions. Responsible retailing is a basic but crucial requirement for all of those who are licensed to sell alcohol. This manual is designed to assist your business in ensuring that it is operating to the best standards.

The last five years have seen many statutes and regulations introduced. They cover the various processes of applying for a licence as well as the running of the licence once granted together with the consequences of breaches of the rules. Some of the most important are listed below.

This manual provides guidance for site operators to assist them in acquiring a firm footing with regard to alcohol sale compliance procedures. The manual should only be used by businesses who have acquired this Licensing Guidance Manual direct from RB Retail & Licensing Services Limited and have the received necessary instruction on how to use this manual.

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Information and guidance contained within this manual does not constitute legal or other professional advice.

It should be noted that this manual only takes account of matters connected with the Licensing Act 2003 up to the issue of the manual in October 2012.

This manual should be used as a guide only and cannot replace legal advice.

Error and omission excepted.

Introduction

- This Premise Licence Operation Manual contains instructions and guidance covering policies and procedures for various premises licence applications and the subsequent use of the premises for licensable activities.

- To assist staff training awareness a pamphlet called 'Licensing Rules & Procedures' which mirrors section 3 is included.

- The Manual is for the use of staff who currently are or will be offering licensable activities. Uses include:
 - Making an application and/or variations for the premises licence.

 - Applying policies and procedures correctly and consistently.

 - Establishing and maintaining retail operations standards for the sale of alcohol and other licensable activities.

 - Referencing important information quickly and easily.

 - Providing guidance to staff as part of their on-going training and development.

 - Additionally, important and relevant licensing documents specific to your business, can be filed in this manual within section 8.

Manual Contents

Section 1 - Licensing Applications

- 1.1 Preparing a new licence application
- 1.2 Application form and notice
- 1.3 Licence applicants to give greater consideration to local area
- 1.4 New powers following the passing into law of the Police Reform & Social Responsibility Act 2011
- 1.5 Premises licence conditions
- 1.6 Licensing committee hearing etiquette
- 1.7 The Premises licence
- 1.8 Premise scale plan
- 1.9 Designated premise supervisor
- 1.10 DPS Variation
- 1.11 Premises Licence Variation Guidance
- 1.12 Transfer of a Premises Licence
- 1.13 When a licence lapses
- 1.14 Personal Licenses

Section 2 - Operational guidance

- 2.1 Alcohol strengths and effects
- 2.2 Legal matters / best practice
- 2.3 Theft
- 2.4 Right of entry to premises
- 2.5 Staffing
- 2.6 Prosecution
- 2.7 New mandatory conditions
- 2.8 Growing Police concern regarding pre-loading
- 2.9 Legal / best practice requirement, regarding display material / notices
- 2.10 Statutory / best practice notices

Section 3 - Training

- 3.1 The training regime
- 3.2 Business licensable hours
- 3.3 Consumption off the premises
- 3.4 Staff authorisation
- 3.5 Under age sale
- 3.6 Training guidelines regarding the sale of age restricted products
- 3.7 Checking Proof of Age
- 3.8 How to recognise and deal with false I.D.
- 3.9 What to watch out for regarding the identification of a person possibly under the influence of alcohol
- 3.10 Duty to refuse service
- 3.11 Test Purchasing
- 3.12 Refusals Book
- 3.13 Reviews
- 3.14 Conflict Management - practical steps
- 3.15 Staff Training - Revision

Section 4 - Due diligence records

- 4.1 Initial test and answer papers
- 4.2 Refresher 1, test and answer papers
- 4.3 Refresher 2, test and answer papers
- 4.4 Refresher 3, test and answer papers
- 4.5 Training Statement
- 4.6 Authorisation to sell alcohol
- 4.7 Annual DPS refresher training planner
- 4.8 DPS monthly checklist
- 4.9 Alcohol staff training pamphlet & log sheet
- 4.10 Premise licence nominated keeper
- 4.11 Blank refusal sheet & store header
- 4.12 Staff training pamphlet
- 4.13 Consent of individual to being specified as premises supervisor

Section 5 - Product knowledge

- 5.1 Wine production / classification
- 5.2 Alcohol strengths

Section 6 - Other licensable activity

- 6.1 LNR
- 6.2 Regulated entertainment

Section 7 - Staff training records

Section 8 - Licence Documents

SECTION 1: Licensing Applications

1.1 Preparing a new licensing application

To make an application for a premises licence or to subsequently vary it notices must be served on the Licensing Authority (generally the local authority) for the area in which the premises are located as well as on the responsible authorities.

At the same time the application must be advertised on the premises itself by way of blue A4 notices displayed on the boundary every 50 meters for the next 28 days from the day after service on the licensing authority.

The site notices must be on display 24/7 for the whole 28 day period and care should be taken to ensure that they are not obscured by shuttering at night or other obstructions at any time thereby offering a clear view to passers by.

An advertisement must also be placed in a local paper within the first ten working days of that 28-day period.

These notices are required under the Licensing Act 2003 in order that as many people as possible get to know about the application and those that object to it can make their views known by making representations, as they are known, to the licensing authority within the 28 day period.

Once the 28-day period is complete, if there are no representations, the licence must be granted as applied for.

Where representations have been made by any of the responsible authorities these can sometimes be dealt with by way of negotiation. For example, all parties may agree to a condition that can be applied to the new licence, removing the need for the hearing and allowing the grant of the licence.

There are three groups of people who can make representation:

- Responsible authorities e.g. police, trading standards etc.
- Other persons which includes people resident in the locality and local businesses / organisations.
- Local Councillors.

Any of the above can also request any of the following to speak on their behalf: Local Councillors, local representative, friend, Member of Parliament, Members of the Welsh Assembly, local Ward or Parish Councillors.

Representations must be made on one or more of the four licensing objectives:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

If representations have been received and agreement cannot be reached, a hearing must be held in the next 20 working days from the end of the period of notice.

The hearings are usually held in the Council Chamber or a committee room in the Council Offices.

At the hearing before the local authority Licensing Authority sub-committee there are usually three councillors supported by a legal advisor, often a solicitor or a barrister and another officer who is also responsible for the process and procedures of the committee. One of the councillors is nominated as chairperson for the meeting and there is a Licensing Officer from the Authority who will normally set out the application and is also responsible for checking that all the required documentation has been completed satisfactorily.

Representatives from the police, Fire & Rescue Service and the other responsible authorities will not normally attend unless they are making representations. It is often the case that the interested parties who have made representations do not attend leaving their representations to be dealt with in writing by the Licensing Sub-Committee.

Representations at a hearing can be made, in person, or by a representative or spokes person, often a ward councillor, but the representations can only be made on the initial written notification and other matters should not be raised or added to at the hearing.

Applications before the licensing committee may be put by the applicant who may be represented by a solicitor or a barrister presenting the documentation and the facts to the committee.

Depending on the representations received it may not be necessary for the proposed premises licence holder or proposed designated premises supervisor to attend as RB Retail & Licensing Services Limited can attend on their behalf but we will obviously liaise with the applicant on this point. However, it is good practice to have one or more present should questions arise that require local or specific knowledge.

The hearing takes the form of a discussion led committee meeting with a panel usually made up of three councillors who assess the application, listen to the representations and then decide whether to grant the licence as applied for, apply conditions or refuse it entirely, or to grant a part of the application (if more than one licensable activity is applied for).

Any decision reached can be appealed to the local Magistrates' Court if either the applicant or those opposing the application are aggrieved at the decision reached by the committee. The appeal must be lodged within 21 days of the date of the letter notifying the applicant of the committee's decision.

It should be noted however that the Magistrates' Court has power to award costs against a party to the appeal, usually the loser; although it may not be easy to secure costs against an authority even if the appeal is successful.

1.2 Application form and notices

Since the introduction of the Police Reform & Social Responsibility Act 2011 which came into force on 25th April 2012 applicants must give greater consideration to the local area when setting out the steps they will take to promote the licensing objectives and to provide responsible authorities and the licensing authority with fuller information on which to make informed representations or determinations.

How will this change be made?

The application form must first be completed and served on the licensing department of your local authority plus a copy sent to the responsible authorities in your area.

The date of service of the notice then puts into motion the application process.

There is a 28 day period in which representations may be made in respect of the application.

During this period the site notice must also be displayed on the premises in accordance with the Licensing Regulations.

If there are representations the application can be expected to go to a committee hearing, although it will be prudent to seek to negotiate with those making the representations to reach agreement and thereby avoid the cost and delay of a hearing, if there are no representations the licence must be granted as applied for.

The guidance for applicants and statutory guidance for licensing authorities has been amended to prompt licence applicants, when outlining the steps they will take to promote the licensing objectives, to provide contextual information to support the steps they intend to take and demonstrate an awareness of the local community in which the premises would be based. This may include contextual information on issues such as the local areas's social-demographic characteristics, specific local crime and disorder issues and an awareness of the local environment.

1.3 Licence applicants to give greater consideration to local area

What is the policy aim?

As part of its commitment to re-balance the Licensing Act 2003 in favour of local communities, the Government is keen that licence applicants give greater consideration to the local area when making their application.

Currently, as part of the licence application process, applicants are required to set out in the operating schedule accompanying their application the steps they intend to take to promote the licensing objectives. Some licensing authorities have reported that this section of the application is often poorly completed, providing licensing authorities with very little information on which to make their determination.

What are the benefits to the local area?

The additional information will hopefully ensure that greater consideration is given to local issues when determining licence applications. The additional information will be of value to licensing authorities, responsible authorities and other parties who if dissatisfied are able to make representations with regard to licence applications to ensure the promotion of the licensing objectives in the local area.

How will licence applicants be required to demonstrate that they are considering the interests of the local community when setting out the steps they will take to promote the licensing objectives?

Applicants will be required to provide information as part of the licence application form on issues such as the local area's social-demographic characteristics, specific local crime and disorder issues and an awareness of the local environment which will be of benefit to the licensing authority when determining the application. Specific local issues, such as crime and disorder issues, are likely to influence the steps that applicants will need to take to promote the licensing objectives in their own premises and applicants will therefore be required to demonstrate an awareness of such issues when setting out why particular steps will be taken to promote the licensing objectives.

What information are licence applicants currently required to provide on the steps they will take to promote the licensing objectives?

When preparing an operating schedule applicants are required to set out the steps necessary, if any, for the promotion of the licensing objectives. In doing so, applicants are expected to have regard to the statement of licensing policy for their area and to be aware of the expectations of the licensing authority and responsible authorities in terms of the steps that are necessary to promote the licensing objectives.

1.4 New powers following the passing into law of the Police Reform & Social Responsibility Act 2011

Early Morning Alcohol Restriction Orders

Early Morning Alcohol Restriction Orders (EMRO) due to come into force in October 2012 will enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specific period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives.

Late Night Levy - What is the late night levy?

The late night levy ('the levy') will enable licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It will be a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6 am and decide what exemptions and reductions should apply from a list set out in regulations. The levy if adopted is unlikely to come into force before June 2013.

- *Who will the late night levy affect?*

If a licensing authority chooses to introduce the levy in their area, all licensed premises which are authorised to supply alcohol in the levy period will be affected. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced.

Increase the weight licensing authorities will have to give to relevant representations and objection notices from the Police

- *What is a relevant representation?*

These are written representations, about the likely effect of the grant of an application for, or variation to, a premises licence or club premises certificate, on the promotion of the licensing objectives. Responsible authorities and interested parties, such as residents, make representations regarding licensing functions. To be considered relevant, representations must have regard to the potential impact of the licensing determination on the promotion of the licensing objectives.

The four licensing objectives are:

- *The prevention of crime and disorder*
- *Public Safety*
- *The prevention of public nuisance*
- *The protection of children from harm*

For a representation to be relevant it must be centred around the likely effect of the application on the promotion of one or more of the four licensing objectives.

- *What is the policy aim?*

When determining an application for a premises licence, an application for a licence review or the granting of a personal licence, the licensing authority must have regard to relevant representations or objection notices (in the case of personal licence applications) from the police.

This act strengthens the weight that licensing authorities must give to police representations (**including those voiced by the police at a hearing**) and objection notices by amending the statutory guidance to require licensing authorities to accept all representations and notices and adopt all recommendations from the police, unless there is clear evidence that these are not relevant.

Reducing the burden of proof on licensing authorities

- *What is burden of proof?*

When making decisions on new and existing licences, and fulfilling their licensing responsibilities, licensing authorities are currently required under the Licensing Act 2003 to demonstrate that these decisions are 'necessary' for the promotion of the licensing objectives (as above) in their local area.

The requirement to demonstrate that their actions are 'necessary' places a significant evidential burden on the licensing authority to prove that no lesser steps would suffice for the promotion of the licensing objectives in the local area. This is a consequence of statutory reference to actions having to be 'necessary' and which is therefore reflected in statutory guidance, and has become custom and practice. This guidance states that licensing authorities should ensure that any conditions that they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

- *What are the changes to be made in the new act?*

The wording has been amended throughout the Licensing Act 2003 to highlight the new evidential threshold which licensing authorities must meet when making licensing decisions by requiring that they make decisions which are 'appropriate' rather than necessary for the promotion of the licensing objectives. This will, for example, give licensing authorities greater power to tackle irresponsible premises.

Enable licensing authorities to suspend licences due to non-payment of fees

- *Purpose*

The government is committed to reducing the burden and bureaucracy of licensing and will strike the right balance between the requirements on businesses against the cost to the taxpayer and helping the police and other enforcement agencies address alcohol related crime and disorder. This policy will ensure that licensing authorities do not face additional costs as a result of licence holders not paying their annual fees.

- *What changes are made in the new Act?*

Licensing authorities will be able to suspend licences due to non-payment of fees therefore providing a much stronger incentive for businesses to pay their fee in a timely manner and save licensing authorities the time and cost of pursuing non-payment. This measure will not impact on responsible businesses that pay their licence fees on time.

There will be a grace period of 21 days for licence holders to pay their fee. The licence will be reinstated as soon as the fee is paid and the licensing authority must notify the licence holder when their licence has been reinstated.

1.5 Premise licence conditions

Conditions can be added to your premises licence either voluntarily by way of your operating schedule, or by negotiation or applied at the hearing.

Once on the licence conditions can only be removed by seeking a variation to the licence so if they are applied at the time of the grant you should consider whether they are so onerous as to require an appeal to be made to remove them.

1.6 Licensing committee hearing etiquette

If you are required to attend a committee hearing please accept the following guidance:

- Wear smart business attire if possible.
- When entering or leaving the committee room, do so as quietly as possible.
- Mobile phones must be switched OFF AT ALL TIMES, not just left on silent.
- Never walk across a committee room or in front of the committee whilst it is conducting business.
- Be ready to stand when the councillors enter or leave the committee room but be guided by your advisor as to whether it is necessary or not.
- Do not talk or make comments whilst the committee is dealing with business.
- Pay attention and listen carefully to what is being said.
- Answer all questions honestly and succinctly.
- Be ready to stand when addressing the Committee but be guided by your advisor as to whether it is necessary or not.
- When addressing individual committee members use the title Councillor and if possible their surname which is usually on display.
- Always look at the committee when answering questions, even when the questions are being asked by someone else and speak clearly.
- No eating or drinking is allowed in the committee room except for water made available to you.
- At the close of your business, please say 'thank you' to the committee.

1.7 The premises licence

Your premises licence is in two parts :

The licence - part A

The summary - part B

It is a legal requirement that the summary part B or a certified copy - a copy made by a solicitor - is prominently displayed at the premises for customer inspection at all times when the premises are open.

It is also a legal requirement that the original licence certificate part A or a certified copy is kept at the premises, displayed clearly within the shop floor area and is available for inspection at any time upon request by a police constable or a local authority licensing officer.

Further, it has to be confirmed in writing by the licence holder who at the premises is responsible for the licence or the certified copy of it.

It is our recommendation that you obtain certified copies of your licence summary part B, and display these in the premises keeping the master copies in the enclosed plastic wallets or a more secure location with your premises licence part A.

You will need to surrender your master licence and summary with your application to the licensing authority if you are making any variations, including changing the DPS.

Your premises licence does not have to be renewed but there is an annual licence fee that has to be paid to the issuing authority, on the anniversary of the date of issue. The premises licence lasts for the life of the business.

1.8 Premises scale plan

Your premises plan normally drawn at a scale of 1:100 should be kept in section 8 of the manual for reference.

This is the approved plan and the layout should be adhered to as closely as possible.

Any proposed refit may have to be preceded by an application for a variation to the plans as they form part of your licence.

Please feel free to notify RB Retail & Licensing Services Limited of any changes required enclosing copies of both the existing and the new plan in order that we can advise on the action you should take.

Please also keep any amended plans in this manual.

1.9 Designated premises supervisor (DPS)

For the site to sell alcohol there must be a designated premises supervisor (DPS) who must hold a personal licence. If the DPS ceases to carry out that role at your site or their personal licence is suspended or forfeited you are legally required to

STOP SELLING ALCOHOL IMMEDIATELY

until a replacement DPS is formally notified by way of variation to the Licensing Authority which issued your premises licence.

You can either notify RB Retail & Licensing Services Limited straight away or apply yourself with the details of the person you wish to replace the existing DPS and provide a signed DPS consent form from that person in order that the DPS variation can be applied for. The applicant must be a personal licence holder in order to be able to commence trading immediately having made the variation application. If the applicant is not, you can still complete the variation in their name but you cannot commence trading until the the applicant holds a personal licence.

If the applicant does not hold a personal licence he/she must be in possession of an accredited qualification such as the **APLH Award for Personal Licence Holders** in order to apply for a personal licence. A personal licence will not be issued without such a qualification. Please contact RB Retail & Licensing Services Limited for the next available APLH course dates in your area. Within this manual at 4.13 is a copy of the DPS consent form that needs to be completed and signed by the applicant in order for RB Retail & Licensing Services Limited to make the necessary variation application - if the applicant has a personal licence we will complete all the other documentation as necessary.

1.10 DPS Variation

An application to vary the DPS is made to the licensing authority which issued your premises licence and is supported by payment of a fee plus the variation application form and the consent form signed by the proposed DPS, who must be a personal licence holder for the variation to take effect.

If the new DPS is not a personal licence holder alcohol sales cannot be made at the premises until the personal licence has been issued.

In order to vary the DPS the enclosed form (section 4.13) **MUST** be signed by the applicant otherwise the application will be rejected - it cannot be signed by a third party on the applicant's behalf.

The variation cannot take place unless and until the applicant has been granted a personal licence.

The application can be deemed to have immediate effect upon receipt by the licensing authority, providing the forms have been filled in correctly and the full payment made. It is always advisable to obtain a proof of posting should a query arise.

Sales of alcohol must be suspended if there is not a current DPS or that person is not a personal licence holder. It is not enough to have a Personal Licence Holder if there is not a DPS in place.

You do not need a DPS if you do not sell alcohol.

1.11 Variation guidance

• FULL VARIATIONS

Other than the re-issue of the plan as part of the summary with minor detail changes, or the inclusion of pre-agreed conditions many other variations are dealt with almost as though they were a new application.

Plans have to be provided marked to show the relevant requirements at a scale of 1:100.

The variation application form and payment based on the rateable value as with the full application must be sent with the plans to the licensing department of your local authority together with a copy of the blue A4 notice that you display on your premises for 28 days from the first day after receipt of this application by the local authority. The application also must be advertised in a newspaper circulating locally within 10 working days of the date of submission and proof of publication has to be sent to the licensing department.

The whole of the variation application pack must be copied to all the responsible authorities in the area in which the premises is situated, the list being available from the licensing department of your local authority.

Once the 28 days are up, if there have been no representations, you have the grant.

If there are representations the application is dealt with in exactly the same way as though it were a new application, as covered elsewhere in this manual.

• THE VARIATION

The meaning of the word 'variation' in this process covers changes made to your premises licence. This can be to change the hours you trade your licensable activity - alcohol sales or late night refreshment - or indeed changes to add a licensable activity or major change to the structure of your premises. Some can be made via a minor variation others will require a full variation application to be made.

• OPENING HOURS

Once a premises licence has been issued you should only trade the opening hours specified on it or within those opening hours - you potentially commit an offence if you trade for longer hours than those shown on the schedule of your licence. Interpretation can differ from local authority to local authority, please call RB Retail & Licensing Services Limited for further guidance.

The hours may be varied or extended by making an application to your licensing authority to vary them - contact RB Retail & Licensing Services Limited for further details.

• LICENSABLE HOURS

You must seek to vary your premise licence if you wish to extend your hours for any licensable activity. If you wish to trade fewer hours then you do not have to apply or advise the local authority.

• LICENSABLE ACTIVITIES

The premises licence specifies the licensable activities granted for the premises named which can include :

Sale of alcohol for consumption either on, off or on and off the premises.

Provision of regulated entertainment, which includes performance of a play, exhibition of a film, indoor sporting event, boxing or wrestling, entertainment, performance of live music, playing of recorded music and performance of dance.

Provision of late night refreshment - only required if you trade hot food or drink between 23.00 hrs and 05.00 hrs.

The precise details, and in particular the hours of the licensable activities you are licensed to provide, are set out on your premises licence and summary. You commit a criminal offence if you allow licensable activities to occur on your premises either without a licence, outside of your permitted hours, or if you breach a licensing condition.

Should your circumstances alter and you wish to change these hours or licensable activities this is done by making an application to vary your licence - contact RB Retail & Licensing Services Limited for further details.

• **CHANGES TO THE PREMISES LAYOUT OR STRUCTURE**

If you wish to refit or change your premises, dependant on the amount of work you intend to carry out you may have to seek a variation before you start work or, under certain circumstances, even make an all new application.

If you supply RB Retail & Licensing Services Limited with a set of your proposed plans before you are committed to commencing any changes we will advise on the best route to take to secure the appropriate permissions for them.

These could vary from a simple submission of a plan for reissue as part of the licence summary to an all new application - it all depends on the size of the project and the impact on the licence.

• **MINOR VARIATIONS**

As of 29/07/09 it has been possible to make small changes to your premises licence or club premises certificate through the Minor Variation process. This process is cheaper, easier and quicker than the full variation process.

The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm).

The expectation is that the process will be used for changes such as:

- small changes to the structure or layout of a premises
- the addition of authorisation for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions)
- small changes to licensing hours (but see below on changes that relate to alcohol)
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

The Minor Variations process **cannot** be used to:

- add the retail or supply of alcohol to a licence
- extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am
- increase the amount of time on any day during which alcohol may be sold by retail or supplied
- extend the period for which the licence or certificate has effect
- transfer the licence or certificate from one premises to another, or vary substantially the premises to which it relates
- specify, in a premises licence, an individual as the premises supervisor
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate; or
- dis-apply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this).

A licensing authority upon receipt of an application for a minor variation needs to consider whether the application if granted will impact adversely on the four licensing objectives.

Generally if the authority thinks it may the application will not be accepted, the applicant will therefore have to submit a full variation / new application.

It is important to note that the notice period advertising this application is shorter than a full application at 10 working days and does not need to be advertised in a newspaper. There is no automatic right to a hearing should representations be received by the local authority as there is with full variations and new applications, however the licensing authority must take relevant representation into account before making their decision no more than 15 working days after receipt of the minor variation application.

Should you require assistance regarding variations please contact RB Retail & Licensing Services Limited.

1.12 Transfer of premises licence

The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police. The responsibility to notify the DPS is with the applicant.

Should the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

1.13 When a licence lapses

Where the premises licence lapses (because of death, incapacity or insolvency of the holder etc.) contact RB Retail & Licensing Services Limited who will then seek legal advice on your behalf.

1.14 Personal Licence

A “personal licence” means a licence which - (a) is granted by a licensing authority to an individual, and (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

The licence is granted after an application is made to the local authority area that in which the applicant normally resides.

Should the applicant have a relevant conviction for an offence committed in the UK or abroad then the police can object to the application. The local authority licence sub-committee would convene a hearing to decide upon the application.

The licence lasts for 10 years and can be renewed upon payment of a fee to the local authority.

A personal licence can be revoked should a licensing/or other relevant offence be committed.

In order to be a Designated Premises Supervisor (DPS) an individual must hold a Personal Licence.

Should a Premises Licence holder who is not a Personal Licence holder wish to trade alcohol they must have at least one Personal Licence Holder who is normally in day-to-day charge of the premises who is also the DPS.

In order to sell alcohol for consumption on or off the premises, an operator must ensure the premises have a premises licence and at least one individual working at these premises (ideally in day-to-day control) who holds a personal licence and is the Designated Premises Supervisor (DPS).

The person must be named on the premises licence as the Designated Premises Supervisor (DPS).

SECTION 2: Operational Guidance

2.1 Alcohol strengths and effects

- All members of staff should have a basic understanding of how alcoholic drinks such as wine are classified and labelled according to their strength, as well as the effect alcohol has on people
a staff copy of the product guide should be made available at all times to aid staff in assisting customer selection and boosting their confidence in knowledge of the product - see section 5
- The strength of an alcoholic drink is measured by its percentage (%) alcohol by volume (abv)
abv is shown on labels as alc. %vol or just %vol
- An alcohol-free drink is one with an abv of no more than 0.05%
drinks just under 0.5% abv are not covered by licence control and may be freely sold - anyone can buy an alcohol free drink and they are not subject to licensing law
- An intoxicating drink is one that contains more than 0.5% abv
low-alcohol drinks are still intoxicating drinks and the licensing laws apply to their sale
- A low alcohol drink is one that contains no more than 1.2%abv
packaged drinks with an abv of more than 1.2% must be labelled with their abv
- One unit of alcohol is 10 millilitres of alcohol (or 8 grams in weight)
it takes about 1 hour for 1 unit of alcohol to be lost from the body
- The speed of take up of alcohol in the body is effected by different things
 - **how much you drink**
 - **your weight**
 - **your sex**
 - **what you have eaten**

2.2 Legal matters / best practice

There are legal requirements covering licensable activities including the sale of alcohol that have serious penalties if not adhered to and this part of your business needs to be effectively controlled at all times.

It is imperative that should an alleged breach of the law occur you obtain legal advice **immediately** which RB Retail & Licensing Services Limited can arrange for you.

Legal requirements

- The sale of alcohol can only be made from premises with the benefit of a premises licence, temporary event notice (TEN) or club certificate allowing that licensable activity

- Sales of alcohol can only be made by personal licence holders or those staff authorised to do so by a Personal Licences Holder/Designated Premises Supervisor

- It is an offence for somebody under 18 to sell alcohol unless authorised by a personal licence holder, however best practice dictates that no under 18 should sell alcohol

- The premises licence is granted in perpetuity unless the licence holder dies or is made bankrupt but it can be transferred to a new owner who can be a company, partnership or individual

- The premises licence can cover several licensable activities

- Are there any annual charges?

- You do not need a licence to sell liqueur chocolates as long as they meet legal requirements

- All staff should read the training pamphlet, a copy of which is in this manual, in order to better understand their basic responsibilities

- If your licence has the condition that you use door supervisors they must hold an SIA (Security Industry Authority) licence

even then sales can only be made if there is a personal licence holder named as the Designated Premises Supervisor (DPS) for those premises

records should be kept of all staff authorised to sell alcohol and details of their initial and ongoing refresher training

should the previous premises licence holder die or become insolvent the new owner should take immediate legal advice.

the sale of alcohol and the provision of regulated entertainment & late night refreshment.

there is an annual fee payable to the issuing authority on the anniversary of the initial grant which if not paid could lead to the suspension of your Premises Licence.

it is an offence to sell liqueur chocolates to anybody under 16

a staff copy should be available at all times to help avoid underage and illegal sales and to provide support for staff

the same requirement applies to any security staff used - contact RB Retail & Licensing Services Limited for further details and training courses

• The concept of permitted hours no longer applies under the Licensing Act 2003.

24 hour sales can be applied for within England and Wales for consumption on & off the premises

• Each premises licence is issued individually based on the licensable activity applied for and the hours that that activity may be carried out.

all staff should be aware of the terms and conditions on the licence summary including whether consumption is allowed on or off the premises

• The detail of what activity is licensed, is to be found on the licence summary which must be displayed at the premises in such a manner that the public can inspect it at all times the premises are open.

the A4 pages of the original summary should be displayed near the door or in the alcohol area in a prominent position allowing public scrutiny at all times

• Premises Licences can be applied to permit consumption of alcohol on and/or off the premises

ensure all staff are aware of the activities allowed including whether consumption is allowed on the premises or not, and if it is, any specific areas in which it is not

• Where the condition only allows for consumption off the premises the licence does not permit the consumption of alcohol on the premises

ensure all staff are aware of the activities that are allowed and not allowed

• Anyone observed attempting to drink alcohol on premises where it is not allowed or in areas where it is not allowed must be stopped from doing so

ensure staff are properly trained in how to deal with these situations, including removing customers from the premises and police involvement if necessary

With the introduction of the Violent Crime Reduction Act 2006 which came into force on the 6.04.07 a new offence was created of 'persistently selling alcohol to children'

This offence would apply when the same premises sold alcohol to children three times or more in a three month period, this was later amended to two offences in a three month period from the same premises. The maximum penalty is a £10,000 fine and suspension of the premise licence for up to three months, there is no defence of due diligence.

- It is an offence to sell alcohol to anyone under the age of 18.

variable punishment from fixed penalty notices up to a £5000 fine or a £10,000 fine if convicted of selling alcohol twice in a three month period

- It is also an offence for any person under the age of 18 to buy, or attempt to buy alcohol.

punishable by fixed penalty notices and £1000 fine

- All businesses selling alcohol should be adopting and operating either **Challenge 21** or **Challenge 25**. The customer must be asked for proof that they are over 18. Please speak to RB Retail & Licensing Services Limited regarding which scheme to adopt.

CHALLENGE 21 or CHALLENGE 25 - always ask for the appropriate proof of age.

- If you have any doubts about how old a customer is, you must ask for proof of age.

- **passport**
- **photo driving licence**
- **PASS accredited ID card e.g.**
- **Citizen Card**

- It is an offence for an adult to buy or attempt to buy alcohol for somebody under 18 (proxy purchasing).

be aware that an offence can be committed when an adult requests an identical product after a refusal of a sale to somebody under 18 as it may be a proxy purchase.

- Notices advising the offence of selling to an under 18 and selling to an adult purchasing alcohol on behalf of an under 18 (proxy purchasing) should be displayed throughout the premises.

ensure in-store signage is used effectively

- If proof of age is not provided you must refuse to serve the customer and make a note of this in the Refusals Book.

staff should check the refusals book at the commencement of each shift and ensure it is used for each refusal

- Challenge 21 or Challenge 25 requires all staff to seek evidence that customers who look under 21 or 25 (If unsure check with RB Retail & Licensing Services Limited) are aged over 18 or refuse the sale.

- Challenge 21 or 25 Builds in either a three or eight year buffer in judging customers ages and must be applied at all times - no id no sale.

disciplinary procedures should be instigated by the store management if Challenge 21 or 25 is not applied in all relevant cases

- Other than age issues customers must also be refused service or even asked to leave the premises if they:

- All members of staff have a responsibility not to allow drunken or disorderly behaviour on the premises.

- If the customer refuses to leave then the police should be called

- The Refusals Book should be kept so that it is readily available to all members of staff at all times

2.3 Theft

- Shoplifting is mostly an opportunist crime so vigilance by you & your staff can be the biggest deterrent

- Watch out for suspicious behaviour and use eye contact to let customers know you have seen them

- Ensure that your CCTV system is functioning correctly and is sited for optimum effectiveness

- We recommend that spirits are located behind the counter

- Ensure that alcohol and other high value items are in secure storage and that the keys are also safely secured

- Security arrangements to prevent shoplifting are essential because of the desirability of alcohol due to the legal restrictions governing its availability

- **appear to be intoxicated**
- **are violent**
- **are quarrelsome or disorderly**

ensure staff are properly trained in the procedure of how to deal with this situation

do not get involved in any associated arguments or brawls

refusals books should be maintained in any areas where alcohol is provided keeping a log of payment made for proper control

ensure that staff are fully aware of the potential for shoplifting

involve other staff members if you are suspicious of somebody or a group of people

check the system regularly and complete any logs if required by conditions on the licence

for control and security

all back up stock to be locked away to help prevent opportunist thefts

ensure employees are aware that theft is a possibility once a person is denied service by staff via either a direct attempt or by proxy (an adult trying to buy on behalf of an under 18)

2.4 Right of entry to premises

- Both the police and HM Revenue & Customs officers have the right of entry to any premises to carry out their enforcement duties

police and local authority licensing officers have the right to ask for sight of the premises licence on demand

- HM Revenue & Customs officers may enter in order to check that the required tax on goods that you sell has been paid - excise duty for alcohol and tobacco products and VAT

normally HM Customs and Revenue will be accompanied by a police officer at all times of the day when visiting premises especially outside of normal opening hours

2.5 Staffing

- Under normal circumstances staffing levels are not dealt with by the Licensing Act

a condition may be attached to the licence specifying staffing levels in order to satisfy the licensing objectives - these must be adhered to as they are conditions of the licence - contact RB Retail & Licensing Services Limited

2.6 Prosecution

- If you do sell alcohol to a person under the age of 18 years you are liable to:

- **a fixed penalty notice or**
- **a substantial fine and a possible premises licence revision as well as possible revocation of your personal licence**

- Be aware that enforcing authorities can and will conduct test purchases using underage children

always use Challenge 21/25

- In cases of underage sales the only evidence needed for a prosecution is that:

- **an actual sale was made**
- **the buyer was under 18**

- The person selling the alcohol has only limited potential defences:

'... where he believed that the person was over 18; and that either he had taken all reasonable steps i.e asked for acceptable identification to establish the person's age or that nobody could reasonably have suspected from his appearance that the person was under 18'

The person charged by reason of the act or default of another has a defence if he can prove he

'... exercised all due diligence to avoid the commission of an offence...'

All legal requirements and restrictions referred to must be fully complied with by you and your staff to avoid prosecution and the associated penalties

properly train your staff, carry out regular refresher training and maintain comprehensive records of all of your training to sell alcohol

Late Night Refreshment

- You must have a premises licence specifying LNR as a licensable activity if you sell hot food or hot drink after 23.00 hours and before 05.00 hours

it is a criminal offence to provide hot food or hot beverages between 23.00 & 05.00 hours without a licence - see section 6.1

Regulated Entertainment

- You must have a premises licence specifying the entertainment you are providing

it is a criminal offence to provide regulated entertainment without the appropriate provision on your licence - see section 6.2

2.7 New mandatory conditions

In April 2010 a new mandatory code was issued by the Home Office for all alcohol retailers in England and Wales.

Schedule 4 of the Police and Crime Act 2009 amends the Licensing Act 2003 giving the Secretary of State the power to impose up to nine mandatory conditions in relation to the supply of alcohol.

The new mandatory licencing conditions apply to all existing and future premises licences which authorise the supply of alcohol and came into force in April 2010, two further conditions became law in October 2010.

These conditions override any conditions already included in a Premises Licence or Club Premises Certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every Licence and Certificate authorising the sale and supply of alcohol from the date this provision came into force.

As the new conditions are mandatory licencing conditions, any breaches are dealt with in the same way as breaches of existing conditions. Failure to comply with any condition 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.

As from 6th April 2010 the new conditions were:

- Ban irresponsible promotions
- Ban the dispensing of alcohol directly into the mouth.
- Ensure that customers have access to FREE tap water.

These conditions do not apply to Temporary Event Notice (TENS) or premises permitted to sell alcohol for consumption off the premises.

As from 1st October 2010

- Require an Age Verification Policy to be in place.
- Ensure that customers have the opportunity to choose small measures of beer, ciders, spirits and wine.
[does not apply to TENS]

All the above conditions will apply to the on-trade whilst for shops and supermarkets (the off-trade) only the age verification conditions will apply to them.

2.8 GROWING POLICE CONCERN REGARDING PRE-LOADING

Pre-Loading is a term used to describe drinking at home before visiting town for a night out.

A recent Liverpool John Moore's University study on pre-loading surveyed 380 young people aged 18 to 35 on a night out in a large city centre in the north-west of England. Over a quarter (26.5%) of women and one in five (15.4%) men questioned had pre-loaded before going out. Those who drank before going out were over four times more likely to drink more than 20 units on a usual night out. To put that amount into context, the government advises that women should not regularly exceed 2-3 units which is equivalent to a 175ml glass of 13% wine <http://www.drinkaware.co.uk/facts/alcohol-facts-and-information/wine>) and that men should not regularly exceed 3-4 units (equivalent to a pint and a half of 4% ABV [alcohol by volume] beer).

- Beware if your premises are located near nightclubs or nite spots and groups of customers arrive to purchase alcohol.

Particularly during the evening, be alert for the tell tale signs of intoxication see section 3.9 on Page 3.19

2.9 Legal / best practice requirements regarding display material and notices

- The Licensing Act 2003 requires that you prominently display the original copy of your Part B Summary of your Premises Licence on the premises at all times the premises are open for business

so that it can be readily inspected by members of the public at any time - see section 1 for full details

- The Act requires that the original licence itself - Part A - is available for inspection by licensing officers of the authority or a police constable at any time on demand

do your staff have access in your absence for compliance?

- The notices endorsed by the Home Office and provided by the Retail Alcohol Sales Group - RASG - should also be displayed throughout the premises

examples are enclosed (at Section 2.12, Page 2.14) and we strongly recommend their use

- Many licensing authorities require that other notices are displayed on the premises

check with your licensing authority to ensure compliance

- These may include

- ***their own age verification scheme notices***
- ***Pass accredited Proof of Age Scheme***
- ***hours for licensable activity***
- ***staff notices & reminders***

- You must display an A3 notice indicating it is illegal to sell tobacco products to anyone under 18

must be displayed at the point of sale to ensure compliance

- Other legislation may apply to your premises which requires notices to be displayed

ensure compliance with all statutory requirements

2.10 Statutory / best practice notices

SECTION 3: Training

3.1 The Training Regime

All on-site staff must read the training material provided and then satisfactorily pass the subsequent written test before being allowed to sell alcohol.

It is important that Section 3 is fully understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand Section 3 then the DPS should not authorise that staff member.

THEY AND YOU ARE AT RISK OF PROSECUTION FOR MAKING UNAUTHORISED SALES.

Refresher training must be undertaken at least on an annual basis before staff are re-authorised to sell alcohol and a number of refresher quizzes have been included to help in testing your staff's knowledge.

DUE DILIGENCE PROCEDURE

- Read Section 3.
- Staff to satisfactory undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

If felt appropriate, you may also wish to put your staff member forward to sit the APLH Award for Personal Licence Holders exam if there is a likelihood of them becoming a DPS in the future.

For further details please contact RB Retail & Licensing Services Limited.

All staff training must be recorded as well as individual staff authorisations to sell alcohol. You should complete both the enclosed alcohol training statement sheet and the authorisation record sheet (at 4.5 & 4.6). All staff should be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records.

All your current staff should be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorized to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol.

New staff should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher.

The alcohol training and authority sheets are designed for quick reference by any of the authorities which may visit your store, and for you to identify and maintain all training requirements. As such they should be filed in the appropriate section in this manual (at section 7).

3.2 Business licensable hours

You can carry out the sale of alcohol during the following period:

Write in book your hours / licensable activities

Note: the penalty for selling outside permitted hours is substantial - max £20,000 fine and/or six months imprisonment plus a possible licence review.

3.3 CONSUMPTION OFF THE PREMISES

A condition of your premises licence is that sales are made for consumption off the premises only. This means that customers **MUST NOT** consume alcohol on the premises. Therefore you must ensure that customers **DO NOT DRINK ANY ALCOHOL:**

- **In the shop**
- **On any forecourt the business operates**
- **In their car whilst parked on any premises forecourt**

3.4 STAFF AUTHORISATION

Under the terms of the grant of the premises licence:

It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder
It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

3.5 Under-age sales

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18.

It is an offence for any person under the age of 18 to buy or attempt to buy alcohol.

It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person. A responsible person is defined as:

- The holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. If a Challenge 21 or Challenge 25 scheme is adopted as a condition of the licence then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked then the cashier may be committing an offence should the condition wording be specific in this regard.

If a customer looks under 21 (or under 25) they **MUST** be challenged to prove that they are over 18 by producing photographic proof of age which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as:
the Citizen Card

DO NOT ACCEPT ANY OTHER FORMS OF ID UNDER ANY CIRCUMSTANCES

Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine.

You must ensure that you are completely satisfied as to the customer's age BEFORE you make the sale.

Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE 21 / CHALLENGE 25.

There are only limited defences if an under-age sale is made and the impact on the DPS or personal licence holder is dependant on who made and who authorised the sale; remember, the only evidence required to prove an under-age sale was made is the actual age of the child and proof that the sale was made.

If a member of staff makes an under-age sale they may be offered a fixed penalty notice of either £50 or £80 by which they admit their guilt. That is the end of the matter as far as the authorities are concerned with that individual; although disciplinary action could well follow from management as well as the premises licence being reviewed by the licensing authorities and/or the premise licence holder prosecuted if there are any underage sales.

Should the staff member deny this offence then contact RB Retail & Licensing Services Limited for further assistance.

3.6 Training guidelines regarding the sale of age restricted products

If you work somewhere that sells age restricted products such as cigarettes and alcohol, please read these notes.

Responsible authorities such as Trading Standards understand it can be very difficult for you to judge the age of a young person, but if you sell age restricted products to someone underage you may commit a criminal offence.

The Licensing Act requires anyone selling alcohol to take steps to check a customer's age.

The following guidance is about the importance of making sure you always get proof of age when supplying or selling goods to young people who may not be old enough to legally buy the goods they want.

You must take all reasonable steps to comply with this law. This is called due diligence.

DUE DILIGENCE PROCEDURE

- Read Section 3.
- Staff to satisfactory undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

Age restricted products and proof of age are inseparable!

SECTIONS

- i Introduction**
- ii Test purchasing**
- iii Age restricted products**
- iv How to check proof of age**
- v Follow the guidelines**
- vi What the law says**
- vii Due diligence procedure**

i. Introduction

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. Unfortunately, the few who don't often receive bad publicity, which affects the whole trade. There can be serious consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the responsible authorities who are consulted on licence applications under the Licensing Act 2003. If a licensee and the staff are not following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of under age sales can also trigger a review which could lead to loss of the Licence.

ii. Test purchasing

Trading standards and the Police (sometimes together) check that the law is followed and can carry out test purchases of all age restricted products as part of their enforcement duties.

The test purchases are made with volunteer young people who are to look their age.

These test purchases follow procedures supported by the government. They are allowed as evidence of under age sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you don't make an illegal sale.

Samples of 'proof of age' are shown on the photocards poster in the support material (at 2.10).

iii. Age restricted products

These are some of the more common age restricted products and the age your customer must be to buy or get access to them:

AGE RESTRICTED PRODUCT	AGE RESTRICTION
Alcohol Products	18
Cigarettes and tobacco products including from vending machines	18
Fireworks	18
Knives, blades and axes (not including folding knives with blades under 3 inches long	18
Glue, Solvents and lighter fuels, Butane & Refills	18
Liqueur Chocolates	16
Lottery tickets and scratch cards	16
Petrol/Diesel	16
Adult Magazines	18
Spray paints	16
Video/DVD/Games	As shown on certificate e.g. 12, 15, 18
Analgesics & Medicines	Up to the discretion of the retailer

By following the rules regarding age related products it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

iv. How to check proof of age ?

If a customer who looks under 21 (or under 25 dependent on which scheme you use) asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced you must refuse the sale and make an entry in the refusals register.

You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.

• ***Always follow these checks***

1. Check that the PASS hologram is genuine and flush with the body of the card.
2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
4. Check that the card has not been tampered with in any way.
5. Check the person. If you are unsure about any of the above you must, and have the right to, refuse the sale.

• ***Acceptable proof of age includes***

- 10 year passport
- Photo driving licence
- Citizencard
- "PASS " accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends.

Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

REMEMBER - IF IN DOUBT REFUSE THE SALE

v. **FOLLOW THESE GUIDELINES**

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow either the 'Challenge 21 or Challenge 25 Rule' and ask for proof of age from anyone who does not look over 21 or over 25. Remember, if you guess wrong you could end up in court!
- Make sure notices (e.g. 'It is an offence to sell cigarettes to persons under 18') are on display.
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' (at 4.11) each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Be careful should young people wearing school uniforms request to purchase age related products.

- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is called proxy purchasing.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

PLEASE SEE SECTION 3.8, Page 3.10 FOR INFORMATION ON HOW TO RECOGNISE AND DEAL WITH FALSE ID

vi. What the law says

Alcohol

The age at which product alcohol can be legally served and bought is 18.

Do not sell to over 18s who you think may be purchasing for under 18s. (proxy purchasing)

Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18.

If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol.

Always ask for proof of age before you serve and check the details.

You can face prosecution and a criminal record or alternatively the police can issue on the spot fines of either £50 or £80 if under age sales are made.

Cigarettes and tobacco products

The age at which cigarettes can be legally bought is 18.

Under 18s who say they are buying for an adult must be refused.

It is illegal to split packets of cigarettes or to sell singly.

Do not sell to adults who you think may be purchasing on behalf of under 18s (proxy purchasing).

A notice must be displayed about sales to under 18s.

Always ask for proof of age before you sell.

Fireworks

The age which most fireworks can be legally bought is 18.

Do not sell to adults who think may be purchasing for under 18s (proxy purchasing).

If you hold a year round licence for the sale of fireworks, this could be at risk if sales are made to under 18s from your premises.

Notices must be displayed about sales to under 18s.

Always ask for proof of age before you sell.

Knives, blades etc.

The age at which these can be legally bought is 18.

It applies to knives, blades, unsealed razor blades, axes and other articles that are sharp and can cause injury.*

Do not sell to adults who you think may be purchasing on behalf of under 18s (proxy purchasing).

Always ask for proof of age before you sell.

**Not including folding knives with blades under 3 inches long*

National lottery tickets and scratch cards

The age at which these can be legally bought is 16.

Your lottery terminal may be removed if you sell to under 16s.

Do not sell to adults you think may be buying on behalf of under 16s (proxy purchasing).

Under 16s cannot legally claim any prizes.

Always ask for proof of age before you sell.

Petrol

The age at which petrol can be legally bought is 16.

Petroleum licence conditions may state that people under 16 must not access petrol.

Do not sell to adults you think may be buying on behalf of under 16s (proxy purchasing).

If in doubt ask for proof of age before you authorise the pump.

Glue, Solvents and lighter fuels

The age which these can be legally bought is 18.

It is an offence to sell substances to people who you think may be likely to inhale them for the purpose of intoxication. Be wary of customers who make multiple purchases.

Do not sell to adults who may be buying on behalf of under 18s (proxy purchasing) if you suspect misuse.

Always ask for proof of age before you sell.

SOLVENT ABUSE CAN KILL INSTANTLY

Spray paints

The age at which spray paints can be legally bought is 16.

Do not sell to adults who you think may be purchasing on behalf of under 16s (proxy purchasing) if you suspect misuse.

Always ask for proof of age before you sell.

Videos/DVDs/Games

The age at which these can be legally supplied depends on their classification always check this.

It is illegal to supply an 'R18' video/DVD except in a licensed sex shop.

Refuse the sale if you suspect an adult is attempting to obtain a product on behalf of a young person (proxy purchasing).

Challenge customers and ask for proof of age.

3.7 CHECKING PROOF OF AGE

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you check it correctly: Only accept -

- a valid passport
- a european style photo driving licence
- a PASS accredited cars such as a Citizen card

Always ask for the identification to be handed to you for authentication purposes

Check that

i. **Passport**

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

ii. **European style driving licence**

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iii. **PASS cards**

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo - **reject the card if it is not flat**
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

vi. **The customer**

- matches the photograph on the card
- is not acting suspiciously
- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification

you MUST refuse the sale and record the details in the refusals book (see example at Page 3.30)

3.8 How to recognise and deal with false ID

Young people are understandably keen to experiment and test their limits of consumption. This coupled with the disinhibitory effects of alcohol, can lead to risky and anti-social behaviour. For all of these reasons, the protection of children from harm is the licensing objective that many licensing authorities view most seriously.

Since 2010 a mandatory licence condition has required all premises to have in place an age verification policy. That policy must require that customers who appear to staff to be under 18 years of age are asked to show valid ID. This, coupled with increased sanctions for premises persistently selling to under-18s, has led to many premises taking age verification much more seriously.

It has also led to a growing market for false ID. False ID is a problem in a number of areas around the country and staff who serve alcohol are sometimes uncertain about how to deal with this issue.

The fake ID cards which can be ordered on the internet often do not replicate existing documents. Examples include the UK national identification card and a provisional motorcycle licence. It is an offence under section 1 of the Forgery and Counterfeiting Act 1981 to make a false instrument or ID with the intention to use it to induce a person to accept it as genuine, and by reason of accepting this ID as genuine, the customer then commits an offence as does the seller albeit unknowingly, by their failure to properly check its validity.

TYPES OF FALSE ID

There are five types of false document:

- Genuine document which is being used by someone else,
- Genuine document which has been altered,
- Genuine document which has been fraudulently obtained,
- Fake document which is a copy of a genuine document, and
- Fake documents which is a form of ID that does not exist.

IDENTITY DOCUMENTS ACT 2010

This legislation contains a number of offences relating to the possession and use of false identity documents. For the purposes of legislation, the definition of 'identity document' includes (but is not limited to) a passport (whether a UK passport or a passport issued by the authorities of another country) and a driving licence. A full list of what items fall within the definition of 'identity documents' is found in the extracts of the Identity Documents Act 2010 in Annex A.

Two offences under the Identity Documents Act 2010 are relevant.

A person commits an offence if he or she has in their possession an identity document which is false, and which they know or believe to be false, with the intention of using

it to establish personal information about him or her to induce another to ascertain personal information about him or her, e.g. providing a date of birth that is false. A person guilty of this offence is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine (or both).

A person commits an offence to have, without reasonable excuse, in his or her possession a false identity document which relates to another person. A person guilty of an offence under this section on conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both).

i. Proof of Age Standards Scheme (PASS) Approved Cards

The Proof of Age Standards Scheme (PASS) is the UK's national guarantee for proof of age card and has the backing of the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute (TSI). The scheme delivers a common standard through its easily recognised logo, which is backed by a robust audit and accreditation process to help protect retailers of age restricted goods, and their employees, against being taken in by the many forms of false ID in use.

Accepting a card with the PASS hologram which carries the bearer's image and acceptable date of birth is a means of demonstrating due diligence. Examples of all PASS accredited schemes can be found on the PASS website:

www.pass-scheme.org.uk

Read how to check I.D. at Section 3.6 (iv) Page 3.5



ii. **Passports introduced in 2006**



New UK passport designs are introduced through a phased roll-out. Older style passports were issued after the introduction of this design. These will continue to be valid until their stated expiry date.

Key Information

Validity

- Adults, normally 10 years up to a maximum of 10 years 9 months
- Children, normally 5 years up to a maximum of 5 years 9 months

Size

- Approximately 125 x 88 mm

Number of pages

- Standard issue book is 32 pages
- Business book is 48 pages

Location of the data page

Page 31

Laminate

- Page 31 and 32, sewn in, clear laminate with UV visible printing and holograms on page 31

Photograph

- Digitally printed

Numbering

- 9 digits, printed on page 1. These are entered on the biodata page in the same style as the personal details. The serial number is perforated through pages 1-30 (1-46 in business book)

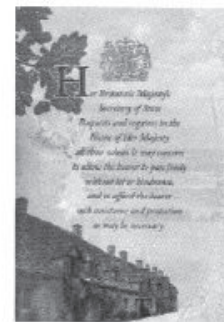
Observations

- An electronic chip and antenna is visible on page 32 (48)

Extra Checks

- The holograms are on three patches attached to the underside of the laminate on page 31
 - The stitching thread is red, white and blue and fluoresces yellow and red in UV light
 - The front and rear endpapers are printed in green, burgundy and blue intaglio (raised printing)

PASSPORTS INTRODUCED IN 2010



New UK passport designs are introduced through a phased roll-out. Older style passports were issued after the introduction of this design, and these passports will continue to be valid until their stated expiry date.

Key Information

Validity

- Adults, normally 10 years up to a maximum of 10 years 9 months
- Children, normally 5 years up to a maximum of 5 years 9 months

Size

- Approximately 125 x 88 mm

Number of pages

- Standard issue book is 32 pages
- Business book is 48 pages

Location of the biodata page

Page 2

Laminate

- Page 2 contains a thin film patch that is clear in colour but has UV visible printing and holograms contained within it. Page 3 is not laminated

Photograph

- Digitally printed on pages 2 and 3

Numbering

- 9 digits, printed on page 1. These are entered on the biodata page (page 2) in the same style as the personal details
- The serial number is perforated from page 1 through to the rear of the cover of the passport
- The thin film patch contains a unique serial number which consists of 3 alpha characters and 4 numeric followed by a check symbol. This number is located beneath the holder's image should not be confused with the 9 digit passport number

Observations

- Passport visa pages feature a cross-page printed design
- A secondary image of the passport holder is located on page '3' of the passport
- Additional information about the passport holder is written on page '3' of the passport
- A check symbol is included within the laser perforated passport number. This symbol is not replicated within the printed serial number of the book on pages 1 and 2 and differs to the check symbol that is present for each thin film patch
- Observation data is bounded above and below by lines consisting of a unique character
- The passport stitching method utilises a process that is different to any previous UK passport
- The gold foil on the front cover is more lustrous than that of the previous UK passport
- Where the passport holder does not require any additional data to be inserted into the passport, the passport observations page (page 3) will read "There are no official observations."

Laminate

- Page 2 contains a thin film patch that is clear in colour but has UV visible printing and holograms contained within it. Page 3 is not laminated.

Note

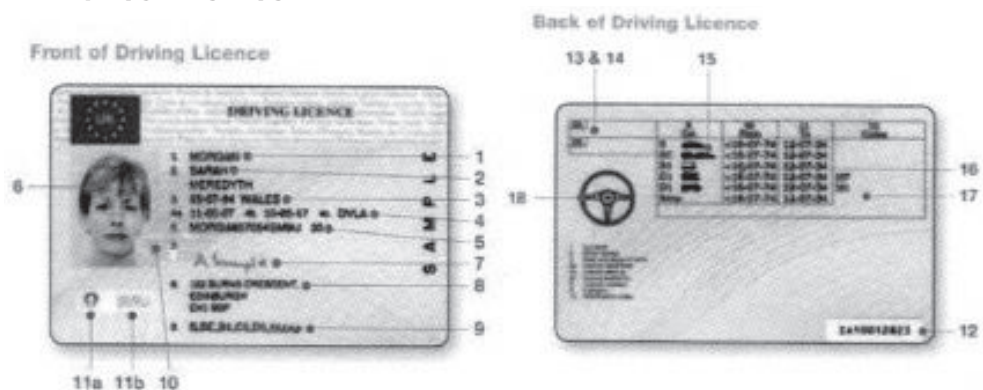
- The biodata (personal details) page is at the front of the passport and located on page 2
- The passport chip is located in the cover of the passport
- The invisible printing of the laminate fluoresces strongly
- The laser perforated number consists of variable hole shapes (circle, square and triangle)

PASSPORTS FROM FOREIGN STATES

Space limitations do not allow images of the passports of foreign states to be reproduced in this guidance. Machine readable passports (MRP) were first introduced in the 1980s and most passports worldwide are now MRPs. To assist anyone presented with a foreign passport, set out below are features that can be detected by the naked eye or by using an ultraviolet light, that are required in all MRPs by International Civil Aviation Organisation standards:

- paper that does not reflect ultraviolet light or whose fluorescence is easily distinguishable from the blue used in commonly available fluorescent materials;
- watermarking on the biographical data and visa pages;
- an intricate, repetitive pattern as the background design on each page;
- a background design on the biographical data page that is different to the design(s) on other pages in the passport;
- ultra-violet fluorescent ink on the biographical data page;
- MRPs issued since 2010 should have a unique number on all pages except the inside covers; and
- many passports include optically variable features on the biographical data page. An optically variable feature (most commonly a hologram) changes appearance in colour or design as the page is tilted. However, the standards allow devices offering equivalent protection to be used instead.

iii DRIVING LICENCE



Your personal details (1, 2 and 3)

Fields 1, 2 and 3 of your photocard licence record your surname, first names, date and place of birth.

Date of licence issue, photo expiry, issuing authority (4)

The date shown in 4a is the date the photocard was issued. 4b shows either the date the photo expires (driving entitlement is valid until 70th Birthday) or the date entitlement expires (medically restricted and over 70 licences). The authority that issued the licence is shown in 4c i.e. DVLA.

Driver number (5)

A	B	C	D	E
MORGA	657054	SM	91J	**

A - First five characters of surname. If the surname is less than five characters the remaining spaces will be made up using the figure 9 (e.g. MAN99).

B - The first and last numbers are the year of birth. The second and third numbers are the month of birth. If you are a women, '5' is added to the second number and the total used as the second digit e.g. if you were born in October the second and third numbers would be 60. The fourth and fifth digits show the day of your birth.

C - The first two initials of your forenames. If you have only one initial then the second will be a '9'.

D - Computer check digits.

E - Licence issue number.

Holder's Photograph (6)

The new photocard licence has a black and white photo. This is because the laser technology used to burn the image onto the card producing a black and white photo is more secure. A colour photo will still need to be provided with your application to be stored on your driver record.

Holder's signature (7)

this is digitally reproduced and burned into the photocard from the signature you produced on the application form.

Holder's address (8)

This shows the driver's permanent address in Great Britain.

Entitlement categories (9)

The letters in capitals show the categories of entitlement covered by the European Community Directive. National categories are shown in smaller letters.

Holographic feature (10)

This feature is similar to a hologram but is clearer because it has definite lines and brilliant colours. It contains a steering wheel that appears to turn as you tilt the card in different directions.

Changing images (11a and 11b)

a. This security feature is an image that changes both shape and colour depending on how you tilt the licence. On full (pink) licences it's a blue road sign changing to a black triangle, on a provisional (green) it's a red road sign changing to a black triangle.

b. This security feature is personalised according to the data on the card. It contains the last five characters of the driver number changing to the month and year of the photo expiry which appear and disappear depending on how you tilt the licence.

Unique identifier (12)

Cards are to pre numbered by the card manufacturer. This number is laser engraved onto the card prior to delivery to DVLA and is unique on every card.

Not used (13 and 14)

Pictograms (15)

These illustrations are representations of types of vehicles in those categories shown.

Category validity periods (16)

These are the dates when entitlement to drive each category begins and ends.

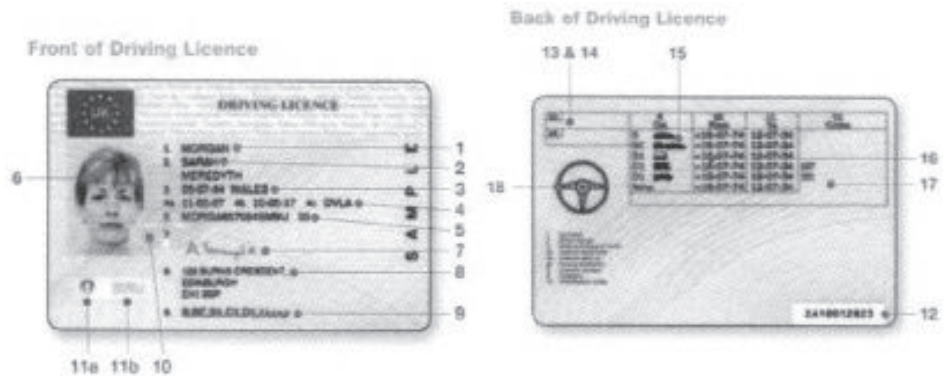
Information codes (17)

The code numbers printed in this area indicate what (if any) restrictions to which the entitlement is subject.

Steering wheel security feature (18)

This is a security feature in the shape of a steering wheel. The colour of the wheel changes from green to gold depending on how you tilt the licence.

Security features



1 & 2. Changing Images

- 1. This is an image that changes both shape and colour depending on how you tilt the licence. On full (pink) licences it is a blue road sign changing to a black triangle, on a provisional (green) it is a red road sign changing to a black triangle.
- 2. This security feature is personalised according to the data on the card. It contains the last five characters of the driver number changing to the month and year of the photo expiry which appear and disappear depending on how you tilt the licence.

3. Holographic Feature

This feature is similar to a hologram but is preferred as it can be seen much more clearly due to its definite lines and brilliant colours. It contains a steering wheel which appears to turn as you tilt the card in different directions.

4. Tactile Engraving

This process involves burning the data into the card for a longer period than normal, and results in the text raising up above the surface of the card. The driving licence has 'Field 1 (Surname)' and 'Field 9 (Categories)' printed in raised characters as part of the laser engraving process.

5. Complex Background Pattern

A design made up of an interlocking pattern of small irregular shapes, printed in two colours and requiring very close register printing in order to preserve the integrity of the image.

6. Tactile Feature

Raised tactile steering wheel placed in the centre of the card. It can be felt when a finger is run across the card and can be seen when viewed at an angle. It also contains the words "Driving Licence" in microlettering

7. Laser Engraved Photograph

Laser engraving technology is highly secure as the image is burnt into different layers of the card and it can not be changed without serious damage to the card. This results

in a highly secure black and white photograph. Note: DVLA will still require a full colour photograph be provided by customers to keep on our records.

8. Security Background Design Overlapping With Photograph

This security feature has the rainbow print lines and the complex background pattern converging over the area where the photograph is engraved. This further protects the photo image by the integration of security elements.

9. Optically Variable Ink (OVI)

Optically Changing Colours is a printing feature that changes in colour depending on the angle of inspection. When the card is tilted, the element printed with Colour Change Printing will show deviations in colour tone clearly visible to the naked eye i.e. gold to green.

10. Unique Number

Cards are to be pre numbered by the card manufacturer. This number is to be laser engraved onto the card prior to delivery to DVLA and is unique on every card.

PROVISIONAL DRIVING LICENCE



The security features of the provisional licence are identical to the full driving licence.

QUESTIONS THAT CAN BE ASKED TO CHECK THE IDENTITY

Staff should ask customers questions once ID is given to verify ownership and on this basis compiled the following list of questions that may be used:

- Ask the person for their date of birth - this can lead to them mixing their own with the one on the ID or not being able to recite the date on the ID on the spot.
- Ask the person for their star sign - a young person may have memorised the date of birth on the ID which they are using but are unlikely to know the corresponding star sign.
- Ask for another form of ID, such as a bank or student card. If someone steals or borrows another person's ID, they are unlikely to take other forms and their purse/wallet will have their own ID in it.
- Ask for the postcode on the ID; a person using borrowed ID may know the first line of the address but may have difficulty remembering the postcode under pressure.
- Ask for their age - someone with borrowed ID may accidentally give their own age or 18 as this is the legal drinking age.

How false ID should be stored and recorded

It is advisable that premises have an incident book to record those occasions on which there has been the use or attempted use of false ID at or on entry to the premises. If false ID is handed in, this should be recorded in the book along with the names of staff involved, the name on the ID and the name of the manager in overall charge of the premises. A description of the person using the ID and the time of the incident may also be useful to the police.

Once the false ID has been recorded, it should be stored, along with the police half of the bailment form (where in use), in the same way that a premises handles confiscated drugs. It should be locked away in a secure place until the police are ready to collect it or the manager takes it to the police station.

How and when to contact the police

The police should consider setting up a single point of contact in the licensing team whom licenced premises may contact to deal about false ID issues. Local arrangements should be made between the police and licensed premises to outline how and when the police should be informed of incidents involving false ID.

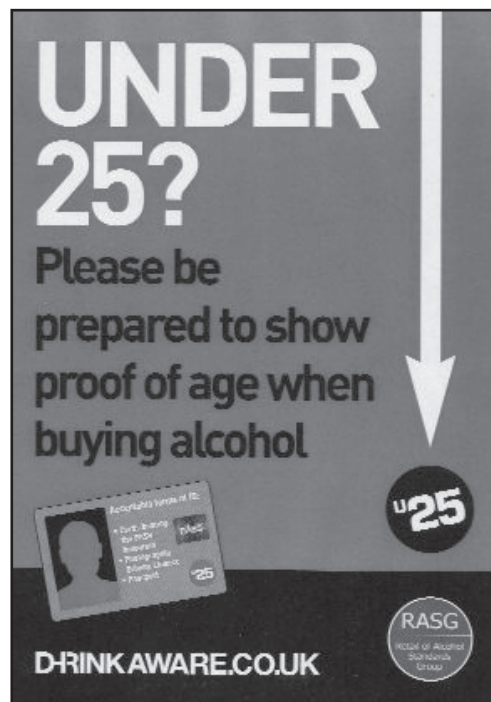
It is good practice that false ID should be held at premises for a period not greater than 72 hours after it was handed over. This means that ID handed over on Friday evening can be held until Monday morning before being given to the police.

What to do if a person complains after handing over their ID

If someone complains that their ID has been retained, the premises manager (if available) should take the person to one side and explain why this has happened. If this person is still unhappy call the police and ask for guidance.

Signs that can be placed at entrances

Signs placed at the entrances to premises can deter young people who intend to use false ID from entering the premises, and are a means of diffusing anger towards door staff. Such signs could set out the ID policy and inform individuals that anyone using false ID will be asked to hand it over and, if they fail to do so, the police may be called. An example of wording for these signs is below, or a common example is:



“These premises operate a Challenge 25 policy. You may be asked to show ID if you appear to be under 25. If the ID that you present is suspected to be false or belonging to someone else, you may be refused entry to these premises and you may be asked to hand over the ID so that it can be given to the police. If you fail to do so, the police may be called. Gaining entry to these premises using fake ID or ID that doesn't belong to you may be a criminal offence.”

3.9 What to watch out for regarding the identification of a person possibly under the influence of alcohol

Signs of Intoxication

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise, differences can be noticed in coordination, appearance, speech and behaviour.

AN INTOXICATED PERSON MAY TYPICALLY SHOW SOME OF THE FOLLOWING SIGNS:

i. Behaviour and Physical Signs

- Becoming loud, boisterous and disorderly
- Dropping possessions, rambling conversation
- Becoming argumentative
- Fumbling and difficulty in picking up change
- Loss of train of thought e.g. forgot to pay for goods
- Annoying other customers and staff
- Swaying and staggering
- Difficulty in paying attention
- Becoming incoherent, slurring or making mistakes in speech
- Difficulty walking straight
- Not hearing or understanding what is being said
- Becoming physically violent
- Bumping into fixtures/other customers
- Drowsiness, dozing or sleeping while in premises
- Becoming bad tempered or aggressive
- Glassy/bloodshot eyes and lack of focus
- Observe customers in difficulty lighting cigarettes whilst outside the premises
- Using offensive language. Falling down. Vomiting
- Exhibiting inappropriate sexual behaviour
- Flushed face
- Dishevelled clothing
- Person smells of alcohol

ii. Other ways of determining if someone is intoxicated

Interaction with the person and their friends will help to determine whether someone is intoxicated and their level of intoxication, i.e. a friend laughs and says that 'Bill is well ***** (insert slang phrase for intoxication).

Talk with the person and ask them questions such as:

- How much alcohol have they consumed?
- When did they last eat and how much?
- Whether they consider themselves intoxicated?
- What type of alcohol has been consumed?
- How much has the person been witnessed drinking? If it is difficult getting a reasonable response from the person, talk to the people the customer is with.

Be sensitive to a person's right of privacy.

THESE SIGNS ARE NOT EXHAUSTIVE AND NOT ALWAYS NECESSARILY CONCLUSIVE PROOF OF INTOXICATION

3.10 DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and also you must refuse to serve a person if they are or appear to be drunk.

How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

Ask for proof of age. This helps the situation as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only if you are happy it is correct.

Refuse politely. If necessary repeat your refusal clearly.

Keep calm. Don't get into an argument.

Explain briefly why you cannot sell. Try saying

- 'I'm sorry, if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s or sell other age restricted products.

Offer an application form for an approved proof of age scheme.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.

Report incidents where you have felt threatened and/or intimidated.

Remember, ***you commit an offence*** if:

- You sell alcohol to a person who is under 18
- You allow alcohol to be sold to someone who is under 18 when you could have prevented that sale
- You sell alcohol to a person who is drunk
- You sell alcohol to a companion of a person who is drunk for the drunken person's consumption
- You allow alcohol to be sold to someone who is drunk when you could have prevented that sale

On the spot fixed penalty notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the police must assist if requested to do so - if you think a customer should be ejected please ensure that you seek assistance from a colleague and follow your company procedures in order to deal with the incident properly and safely.

3.11 TEST PURCHASING

Police and Weights & Measures officers may send under 18s in to your premises to attempt to buy alcohol to check compliance with the law. Under some circumstance the test purchaser may not tell the truth when asked if they are over 18 or if they have ID you **MUST** ask for approved proof of age and check it.

When an attempt is made to purchase alcohol you must either Challenge 21 or Challenge 25 (depending on the scheme used) and ask for acceptable proof of age identification from any customer who appears to be under 21 or 25 years old and is unknown to you as a person over 18 years old, if in doubt - ask for identification if you fail in this duty you may commit a criminal offence.

If you have any doubt about someone's age even, if they have produced proof of age, do not serve them with alcohol and note the refusal in the site refusal book.

3.12 Refusals book

If you have to refuse a sale of alcohol (or any other age restricted products such as cigarettes, tobacco, lottery tickets etc.) you **MUST** enter the details of the refusal in the **REFUSALS BOOK**. This will help you maintain evidence that under-age sales are being refused and also act as a training tool for your staff.

You have the right to refuse to sell any alcohol product, provided that the reasons for refusal are not based on discrimination on the grounds of sex, race or disability and you have a duty not to sell age restricted products to anybody under age.

Always keep letters of third party test purchases such as tobacco checks by trading standards and lottery ticket sales by Camelot.

3.13 Reviews

The review provisions in the Act, added to ensure an element of balance under the new regime, allow residents and businesses in the area and the regulatory authorities to voice concerns subsequent to the grant of a licence if they feel that there are relevant problems being generated at or by the premises.

Reviews are important because premises licences are not renewed (they are granted for the life of the business, subject to the annual fee paid to the local authority) so an objection can no longer be made as with the old system at renewal of the Justices' licence.

3.14 CONFLICT MANAGEMENT - some practical steps staff can take

Experienced Staff

An experienced and well trained member of staff will contribute to good standards of a premises and help create the right atmosphere, so customers are aware that bad behaviour will not be tolerated.

Cashiers should at all times enforce their legal responsibilities and consider the consequences of allowing alcohol into the hands of under age or intoxicated people.

In refusal of service or conflict situations, you will need a lot of patience. Try to learn from your more experienced colleagues and observe what they do and say in different situations. Practice also helps you to get it right. Reading this information is a good first step, but putting it into practice and learning from your successes and mistakes is what this section is really about!

Summary / Action Points

1. Write down 3 key phrases you can use when refusing service to someone who is underage.
2. Write down 3 key phrases you can use when refusing service to someone who is drunk.
3. Speak to friends and colleagues about their experience of situations that they gotten out of hand and how they dealt with them. Would you deal with them differently now that you have read this guide?
4. Set up an incident book for your workplace or make sure you know where the current one is kept.

Keep calm. Don't get into an argument.

Explain briefly why you cannot sell. Try saying

- 'I'm sorry, if I serve you I might be breaking the law.'
- 'We have a policy of `no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s or sell other restricted products.

Offer an application form for an approved proof of age scheme. E.G. PASS

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

Call your supervisor or manager for support if necessary/available.

Reacting to Trouble

Most conflict can be prevented or controlled in the early stages. However, if a situation has deteriorated to a heated stage before you arrive, it can be much more difficult.

Remember your own and others' safety:

- Keep calm and try to slow things down
- Try to find out what the problem is, making sure you listen

A good way to keep in mind all the essential stages is to use the word REACT.

REACT

R Request - ask the conflicting parties to calm down or leave

E Explain - that their behaviour is unacceptable and list any rule or law that has been broken

A Appeal - say "please," turn it around and say things like, "You don't want me to get into trouble" or "if you keep this up, I won't be able to serve you" or "I don't want to call the police but I will have to if you don't back down"

C Confirm - if the customer still refuses to abandon the confrontation, repeat any potential consequences and ask them if there is still anything you can do to get them to stop misbehaving

T Take Action - here you will have to ask them to leave again. If they refuse to do so, you will have to call the police. Physical force is the last resort and should never be used if you are on your own. Unless you are alone in the shop you may wish to lead the misbehaving customer towards the door, but be careful about using any level of physical force or coercion and be aware of your own safety. If all else fails call the police.

Once trouble is over, it is important to apologise to other customers for any disruption and reassure them that everything is back to normal. Recognise that you have been through a difficult situation and take a break, if possible, to regain your composure.

It is also good practice to record the incident accurately, while information is still fresh in your mind.

Recording Incidents

You should record all incidents for a variety of reasons:

- It can be used as a learning tool and can assist in communication between staff and management
- It provides an accurate record for police, company or insurance purposes
- It can help to prevent similar incidents from happening again

The record should include the following:

- Date
- Time
- What happened
- Who was involved
- How it was dealt with
- Whether police were called
- You may also wish to record the names of any witness and their contact information.

Body Language

Understanding body language can be very helpful in seeing trouble and dealing with it effectively. The table below shows the signs to look out for if someone is getting aggressive. You also need to think about your own body language. When dealing with the situation, you need to be assertive if you want people to do as you say.

BODY LANGUAGE			
	AGGRESSIVE (angry)	ASSERTIVE (in control)	PASSIVE (weak)
Positive	Leaning forward	Upright / straight	Shrinking
Head	Chin jutting out	Firm, not rigid	Head down
Eyes	Strongly focused, staring, often piercing or glaring eye contact	Good, regular eye contact	Glancing away or downwards, little eye contact
Face	Set or firm	Expression fits the words	Smiling even when upset
Voice	Loud and emphatic	Well modulated to fit content	Hesitant or soft, trailing off at ends of words or sentences
Arms/Hands	Hands on hips, fist, sharp gestures, pointing, jabbing	Relaxed / moving easily, open palms	Aimless / still
Movement /Walking	Slow and pounding or fast, deliberate	Measured pace suited to the situation	Slow and hesitant or fast and jerky

How to get it right

It's not easy to get it right. You must try to be assertive, not aggressive or passive.

Don't give up. If you think carefully about your voice, your movements and being calm, everything else tends to follow.

Distance

You'll probably be aware that each person has a certain amount of "personal space". If a stranger stands too close, it is uncomfortable. In conflict situations, standing too close may be seen as a threat, so keep a comfortable distance from the person you're speaking to. Remember also that a person from a different country or culture may prefer a different amount of personal space (e.g. they may like to stand closer or further away than you do).

A barrier of some kind, such as a table, can help to keep this distance. The counter itself is a barrier. You may have found that you feel more comfortable speaking with people when you are behind the counter than when you are out on your own. This is because the physical barrier acts as a psychological barrier as well.

Last Word

- However hard you work at preventing violence there is a possibility that you will be confronted by a violent customer at some stage on your premises **avoid situations if at all possible. A conflict management course for you and your staff would help avoid confrontation because you would identify earlier the key signs and take steps to defuse this problem**
- Ensure that you and your staff know the company procedure for dealing with violent customers and follow it if faced with such a situation **do not hesitate to involve the police if you are concerned for your own or your staff or customers' safety**

3.15 STAFF TRAINING - Revision

The Licensing Act 2003 introduced a single integrated system throughout England and Wales to regulate the sale and supply of alcohol, the provision of entertainment to the public and the provision of late-night refreshment - the sale of hot food and hot drinks between the hours of 11pm and 5am.

Under the Act there is a statutory requirement that retail sales of alcohol can only be made from premises that have been granted a premises licence.

In addition all premises licensed for the sale of alcohol must have a designated premises supervisor (DPS) appointed for those premises who must be a personal licence holder.

Sales of alcohol can only be made or authorised by a personal licence holder.

UNDERSTANDING THE LICENSING LANGUAGE

The licensing objectives - these are the governing principles of licensing law in England and Wales. Everyone involved with any of the licensable activities including the sale of alcohol must be aware of and actively promote these objectives at work.

The four licensing objectives, all of which are of equal importance, are as follows:

- ***The prevention of crime and disorder***
- ***Public safety***
- ***The prevention of public nuisance***
- ***The protection of children from harm***

LICENSABLE ACTIVITIES

For a business to carry out any of the following activities, a premises licence is required. The licensable activities are defined as:

- sale of alcohol by retail
- supply of alcohol in club premises
- provision of regulated entertainment
- provision of late night refreshment 11pm - 5am

The penalties for carrying out a licensable activity without a licence or failure to comply with the conditions on a premises licence are severe:

**A MAXIMUM FINE OF £20,000
AND/OR 6 MONTHS IMPRISONMENT**

Make yourself aware of the hours and any conditions on the premises licence

Premises licence

The licence required by a business to allow it to carry on any of the licensable activities listed above.

The premises licence will usually be held in the name of the owner of the business or the operator and can be a company or an individual person or persons.

Personal licence

The licence needed to be held by a person to allow that person to sell alcohol from premises that hold a premises licence (that allows the sale of alcohol) and to authorise others who do not hold personal licences to do so. There must be at least one personal licence holder at your site but there can be more than one.

Designated premises supervisor

Usually the person in day-to-day control of the premises named to the Licensing Authority as the person responsible for the sale of alcohol at the premises by the premises licence holder. A person must have a current personal licence to hold this position and there can only be one named DPS for each site.

Understanding your duties with regard to the sale of alcohol

The sale of alcohol is a licensable activity controlled by law and carrying penalties that reflect the important social responsibilities that apply to people who sell it.

These penalties only relate to those people who break the law, committing what is a criminal offence punishable by measures varying from a fixed penalty notice of either £50 or £80 to a £20,000 fine and/or six months imprisonment and forfeiture of the premises licence.

When selling alcohol it is your responsibility to ensure that you carry out this action lawfully. Remember you can only sell alcohol when you have been authorised to do so and then only to customers who it is lawful for you to sell it to.

Authorised sales

Regardless of your age or training you are only legally allowed to sell alcohol when you have been authorised to do so by your DPS or another personal licence holder at the site. You will only receive this authorisation when you have demonstrated to the DPS that you understand your responsibilities and the law controlling these sales. You will have to be re-authorised on a regular basis and this would normally follow refresher training in the sale of alcohol.

Do not sell alcohol unless you are sure that you have been authorised to do so.

Do not accept authorisation if you are unclear on the law and/or your responsibilities involved in these sales.

SALE OF ALCOHOL

It is a criminal offence for any person to sell or supply alcohol to a person under the age of 18.

THERE ARE NO EXCEPTIONS TO THIS

It is an offence to sell alcohol to someone under 18.

It is an offence to deliver alcohol to someone under 18.

It is an offence for anyone under 18 to purchase or attempt to purchase alcohol.

It is an offence to obtain alcohol for someone under 18.

It is an offence to sell alcohol if you are under 18 unless you are authorised to do so and the individual sale is supervised by somebody over 18 who is also authorised by a responsible person defined as:

- The holder of the Premises Licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

You must not sell alcohol to someone you believe to be buying for a person under 18 (proxy purchasing).

It is an offence to allow another person to sell alcohol to somebody under 18 where you could have prevented that sale.

Those who commit such offences could be fined up to £5000.

There is also a range of fixed penalty notices ranging from £50 or £80 that may be applied to the person selling the alcohol.

The holder of the relevant premises licence may also have their licence reviewed which could result in the alcohol sales at the premises being suspended for up to three months or in serious cases removed permanently.

Our rules for the sale of alcohol

In order to avoid under age sales and committing an offence we have twelve basic rules which must be obeyed at all times. These basic rules for the sale of alcohol are simple and straight forward and once a member of staff has been properly trained there can be no excuse for not obeying them at all times, please refer to Page 3.30 for Rules.

SUMMARY OF AGE RELATED PRODUCTS TYPICALLY SOLD IN RETAIL STORES

You must not sell liqueur confectionery (chocolates with alcohol inside) to a person under the age of 16.

Your site may have other age-restricted products that you must know about, including:

PRODUCT GROUP	Minimum age to purchase
Liqueur confectionery	16
Cigarettes, tobacco and tobacco products	18
Lottery tickets/Scratch Cards	16
Knives and blades	18
Glue, Lighter fluids, butane, refills and solvents	18
Alcohol products	18
Spray Paints	16
Adult magazines	18
Petrol/Diesel	16
Fireworks	18
DVDs & videos/Games	dependant on classification e.g.: 12, 15, 18.
Analgesics & Medicines	Up to the discretion of the retailer

Please speak to your supervisor about the products you have on sale at your site and the age restrictions that relate to them.

Weights & measures inspectors may also send under 18 test purchasers to attempt to purchase cigarettes, tobacco or tobacco products from any premises to check compliance with the law.

**Remember, you commit an offence
if you sell age-related products
to somebody who is under age.**

MY 12 BASIC RULES FOR SELLING ALCOHOL

- 1. I can only be authorised to sell alcohol for the hours stated on our licence summary and once authorised will not do so outside of those hours.**
- 2. Alcohol sales are only for consumption off the premises and I must be aware of customers actions at all times & not allow consumption on the premises.**
- 3. I will not sell alcohol to anybody under the age of 18.**
- 4. I will challenge anybody attempting to purchase alcohol who appears to be under the age of 21/25 (delete one) to prove that they are over 18 by producing acceptable proof of age.**
- 5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age such as the Citizen Card.**
- 6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18 (proxy selling).**
- 7. I will not sell alcohol to anybody who I believe is, or appears to be drunk.**
- 8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk.**
- 9. If I am in any doubt at all on numbers 3, 6, 7 and 8 as written above I will refuse the sale.**
- 10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of (and name of) the person (if known) together with a note of the product refused.**
- 11. I will advise my supervisor of the refusal as soon as possible and certainly no later than the end of my shift.**
- 12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times.**

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Page 174



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back to se.

[Full Text] - Judgment Approved - 17 pages

DANIEL THWAITES PLC (Claimant) v WIRRAL BOROUGH MAGISTRATES' COURT (Defendant) & SAUGHALL MASSIE CONSERVATION SOCIETY (First interested party) & WIRRAL MBC (Second interested party) (2008)

[2008] EWHC 838 (Admin)

QBD (Admin) (Black J) 6/5/2008

HOSPITALITY AND LEISURE - LOCAL GOVERNMENT

JUDICIAL REVIEW : LICENSING AUTHORITIES : LOCAL AUTHORITIES

Counsel:

For the claimant: David MW Pickup

For the defendant: No appearance or representation

For the first interested party: David Flood

For the second interested party: Matthew Copeland

Solicitors:

For the claimant: Naphens Plc

For the first interested party: Kirwans

For the second interested party: In house solicitor

LTL 6/5/2008

Document No. AC0117188

Approved Judgment

Double-click to enter the short title



Neutral Citation Number: [2008] EWHC 838 (Admin)

Case No: CO/5533/2006

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 06/05/2008

Before:

THE HONOURABLE MRS JUSTICE BLACK

Between:

Daniel Thwaites Plc	<u>Claimant</u>
- and -	
Wirral Borough Magistrates' Court	<u>Defendant</u>
- and -	
The Saughall Massie Conservation Society	1st Interested Party
- and -	
Wirral Metropolitan Borough Council	2nd Interested Party

David MW Pickup (instructed by **Naphens plc**) for the **Claimant**
The Defendant did not appear and was not represented
David Flood (instructed by **Messrs Kirwans**) for the **1st Interested Party**
Matthew Copeland (instructed by **Wirral MBC**) for the **2nd Interested Party**

Hearing date: 10th March 2008

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

Black J :

1. This is an application by Daniel Thwaites Plc (“the Claimant”) for judicial review of a licensing decision made by the Wirral Magistrates’ Court (“the Magistrates’ Court”) on 5 April 2006 and that court’s decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Mr Justice Pitchford on 2 November 2006.

The factual background

2. The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises (“the premises”). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral (“the licensing authority”) for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.
3. In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 p.m. and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 p.m., with the doors closing one hour after the last alcohol sale every night.
4. The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society (“the First Interested Party”) and other Saughall Massie residents.
5. The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later “on special occasions” This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.
6. The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays. Special arrangements were also permitted for New Year’s Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 p.m., that the premises must promote the use of taxi firms which use a call-

Approved Judgement

back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.

7. The Saughall Massie Conservation Society and “others” appealed against the licensing decision to the Magistrates’ Court on the ground that the licensing authority’s decision “was not made with a view to promotion of and in accordance with the licensing objectives pursuant to Section 4, Part 2 of the Licensing Act 2003”.
8. The appeal occupied the Magistrates’ Court from 3 – 5 April 2006. The respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority’s decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.
9. The justices granted the appeal. Their Reasons run to 3 pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 p.m. and alcohol sales until 11.30 p.m. on all nights except Friday and Saturday when entertainment would be permitted until 11.30 p.m. and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1 a.m.. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year’s Eve and the conditions of the licence remained unaltered.
10. The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates’ Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices’ Reasons make no reference at all to these matters. As to the statements of the “Witnesses of the Appellant”, they say simply that they have read and considered them but attached little or no weight to them.
11. The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal advisor), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such

Approved Judgment

as R v Westminster City Council ex p Ermakov [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

The broad nature of the claim in relation to the licensing decision

12. The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

The legal background

13. The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.
14. Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

"12. In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives."

15. Section 1 of the Act provides:

"S1(1) For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment."

Approved Judgment

16. To carry on a licensable activity, a premises licence granted under Part 3 of the Act is generally required, section 2. Application for a premises licence must be made to the relevant licensing authority, section 17(1).
17. By virtue of section 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the “licensing objectives”. These are set out in section 4 as follows:

“S 4(2) The licensing objectives are—

 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.”
18. In carrying out its licensing functions, by virtue of section 4(3) the licensing authority must also have regard to its licensing statement published under section 5 and any guidance issued by the Secretary of State under section 182.
19. Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 (“the Guidance”). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.
20. The Foreword says that the Guidance

“is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not mean we are intent on eroding local discretion. On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice.”
21. As the Guidance says in paragraph 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

“Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”
22. An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in section 17(4) which are as follows:

“(a) the relevant licensable activities,

Approved Judgment

- (b) the times during which it is proposed that the relevant licensable activities are to take place,
 - (c) any other times during which it is proposed that the premises are to be open to the public,
 - (d) where the applicant wishes the licence to have effect for a limited period, that period,
 - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
 - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
 - (g) the steps which it is proposed to take to promote the licensing objectives,
 - (h) such other matters as may be prescribed.”
23. Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.
24. Section 18(2) provides that, subject to subsection (3), the authority must grant the licence in accordance with the application subject only to:
- “(a) such conditions as are consistent with the operating schedule accompanying the application,
 - and
 - (b) any conditions which must under section 19, 20 or 21 be included in the licence.”
25. Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.
26. Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal “relevant representations” are defined in section 18(6) as follows:
- “(6) For the purposes of this section, “relevant representations” means representations which—
 - (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
 - (b) meet the requirements of subsection (7),
 - (c)”
27. Subsection (7) provides:
- (7) The requirements of this subsection are—
 - (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

Approved Judgment

28. Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of section 18(3)(b), the authority must also:
- “(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.”
29. Section 18(4) provides:
- “(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 necessary for the promotion of the licensing objectives, and
- (ii) any condition which must under section 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.”
30. Conditions are modified for the purposes of subsection (4)(a)(i) if any of them is altered or omitted or any new condition is added.
31. During the currency of a premises licence, by virtue of section 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc.) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of section 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.
32. The Act makes provision in Part 5 for “permitted temporary activity” which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.
33. Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates’ court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

The detail of the claim

34. The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates’ Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the

Approved Judgment

approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.

35. There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, section 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:

"10.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."

36. Mr Pickup submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.
37. Mr Flood for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in J. D. Weatherspoon plc v Guildford Borough Council [2006] EWHC 815 (Admin), he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".
38. There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to *ignore* the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As paragraph 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:

“When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a magistrates’ court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.

39. In this case, Mr Pickup submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.
40. The foundation of the Claimant’s argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in section 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, section 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must “take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives” (the steps in subsection (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example paragraph 7.5 and also paragraph 7.17 which includes this passage:
- “Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.”
41. The Guidance also refers a number of times to the need for regulation to be “proportionate”. This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being “necessary”, it must in my view be confined to that which is “proportionate” and one can understand why the Guidance spells this out.
42. Mr Pickup submits, and I accept, that the Act anticipates that a “light touch bureaucracy” (a phrase used in paragraph 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr Pickup says that such a light touch is made possible, as

the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

“7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.”

43. The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with paragraph 6.1 which reads:

“This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply.”

44. It continues:

“6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions.”

45. The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.
46. The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated

without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the new revised licence. This was in line with the oral evidence of Police Sergeant Yehya (as recorded in the rather truncated notes of the legal advisor):

“I reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises.”

47. To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to “make hay while the sun shines” and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of “little evidential value” in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises’ past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.
48. It is plain that the magistrates’ particular concern was “migration” rather than problems generated by those coming directly to the premises for their evening out. Under the heading “The Four Licensing Objectives”, they say that they accept that there have been no formal or recorded complaints against the premises “but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority”. Under the heading “Migration/Zoning” they begin:
- “The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]”
- and end:
- “We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality.”
49. They reiterate their concern under the heading “Nuisance (Existing/Anticipated)” saying that they “feel that public nuisance will be inevitable”.

Approved Judgment

50. The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.
51. Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spencer who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.
52. Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said,

"We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00 a.m. to 1.00 a.m.. 1.00 a.m. closing at 2. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue.*" [my italics]

53. I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting:

"We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms."

In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.

54. It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the

Approved Judgment

magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

55. It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be trouble.
56. The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.
57. Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at paragraph 6.8:
- "The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times."
- It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.
58. I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.
59. What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours

Approved Judgment

sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading “Flexibility” under which the magistrates say simply:

“We have considered the concept of Flexibility.”

In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in paragraph 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

60. The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, “the application for extended hours was to allow *flexibility* to open later on certain occasions”. As the First Interested Party would submit, the magistrates may have inferred from Mr Miller’s comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.
61. The magistrates’ comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.
62. There is no consideration in the magistrates’ decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed) would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

My overall conclusions

Approved Judgment

63. It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was “necessary” to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be “an inevitable consequence” of leaving the hours as granted by the Local Authority. However, in my view their approach to what was “necessary” was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.
64. I have said little so far about what appears in the magistrates’ response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates’ decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellant. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, “....there is also the question of Police resources

Approved Judgment

- and their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake”.
65. Reference is made in the response documents to the court feeling that the Brewery’s proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is “a village pub and not a night spot in the centre of town”. For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates’ response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.
66. Mr Beere’s statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, “I believe that this statement was indicative of the Brewery’s attitude to local residents and to the general management of the premises.”. Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.
67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in section 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also “any other times during which it is proposed that the premises are to be open to the public”. On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of

Approved Judgment

closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

The costs argument

68. In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

Petition and representation analysis Page 19
Prestbury Road Service Station, 80-86 Prestbury Road, Cheltenham, GL52 2DJ.

People living/working within approx 200 metres of the applicant premises who signed the applicants petition in support of the application:

Prestbury Road: 50, 79, 5b/83, 83, Marchants Coaches, 100,100,101, 119,125,130,F2/134,155,162,174.

Whaddon Road: 1,16.

Cromwell Road: 4,28,40,41,54

Total = 25

Additionally a further 124 people signed the applicants petition who live outside of 200metres from the premises and include 3 people who live in Prestbury Road who did not write down a house number.

Total = 124

Total signatures in support of the application = 149

People living/working within approx 200 metres of the applicant premises who oppose the application and who also wrote to the Local Authority Licensing Department:

Prestbury Road: 56,63,73,77,87,93,93,95,96,99,103, Coun Hay of Oakley & All Saints ward.

People living/working within approx 200 metres of the applicant premises who signed the applicant petition opposing the application:

Windsor Street: 20

Prestbury Road: 70

Additionally a further 3 people signed the applicant petition who live outside of 200metres from the premises

Keynsham Street: 1

Cakebridge Road: 28,44

Total signatures opposing the application = 17

