

LICENSING ACT 2003 SUB-COMMITTEE

FRIDAY 15 MAY 2015
10.30 AM

Council Chamber - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Application for Premises Licence - Co-operative Food, Oundle Road, Peterborough, PE2 7DF** 3 - 50



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: P Thacker (Chairman), P Hiller (Vice Chairman) and M Jamil.

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@peterborough.gov.uk

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
15 MAY 2015		PUBLIC REPORT
Contact Officers:	Peter Gell, Head of Regulatory Services Darren Dolby, Licensing Regulatory Officer	Tel: 453419 Tel. 453540

APPLICATION: NEW PREMISES LICENCE

APPLICANT: Co-operative Group Food Ltd

REFERENCE NO: 071103

PREMISES: Co-operative Food, (formerly Texaco Petrol Filling Station), Oundle Road, Peterborough, PE2 7DF

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 7**

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a new premises licence for Co-operative Food, Oundle Road, Peterborough taking into account the representations received from 2 local residents in opposition of the application.

2. BACKGROUND INFORMATION

2.1 There has been no previous premises licence application for this premises.

3. AUTHORISATIONS AND TIMES APPLIED FOR

- **Sale of alcohol for consumption off the premises**

Monday to Sunday 06.00 to 23.00

- **Hours premises are open to the public**

Not declared on application

4. APPLICATION

4.1 Please refer to the application attached at **Appendix B – Pages 11 - 32** The applicant is being represented by their agent, Mr Richard Arnot of Ward Hadaway, Sandgate House, 102 Quayside, Newcastle, NE1 3DX

4.2 Representations against the application have been received from 2 local residents in their capacity as ‘other persons’. These are attached at **Appendix C on Page 33**.

4.3 Part P of the application sets out the applicant’s proposed conditions under the licensing objectives, these being, ‘The Prevention of Public Nuisance’, ‘Public Safety’, ‘Prevention of

Crime and Disorder' and 'The Protection of Children from Harm'. These are also contained within the body of this report (in section 7) and in accordance with section 10.5 of Guidance have been interpreted into enforceable conditions. Only those appropriate and proportionate for the promotion of the licensing objectives have been included in the Operating Schedule. Additional conditions have also been agreed by the applicant as a result of a mediation meeting and are contained within this section.

- 4.4 No representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Peterborough City Council Trading Standards, Public Health Authority, Cambridgeshire Fire and Rescue Service, Licensing Authority, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Environmental Pollution Team, or Children's Services.
- 4.5 A 'Notice' was displayed in the newspaper in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42 – The licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.6 The applicant has submitted documents which include a photograph of the premises as it looks at present and two drawings of what the proposed building and site layout will look like when completed. These documents can be found at **Appendix D on Page 37**. The applicant has submitted copies of The Co-operative Food's training guide which will be provided as background information to members for the committee hearing. The applicant has further provided a copy of an opinion obtained from Suzanna Fitzgerald QC which explains the irrelevance of deliveries to the Licensing Act. This document can be found at **Appendix E on Page 41**.

5. REPRESENTATIONS

- 5.1 Summary of issues raised by persons objecting to the application:
- Residents believe that granting an alcohol licence in the residential area and near to a children's play area would lead to street drinking in the area and associated anti-social behaviour;
 - If a licence is granted there would be an increase in alcohol related incidents which the overstretched Police resources would have to deal with; and
 - An increase in littering in the vicinity of the premises.
- 5.2 There were no representations in support of the application.

6. MEDIATION

- 6.1 Mediation has been attempted between the applicant and the two local residents. The applicant had offered an additional condition as part of a mediated agreement by all parties but there has been no response from either of the residents to this offer.

7. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES :

7.1 Crime and disorder

- The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
-

- There shall be 'CCTV in Operation' signs prominently displayed at the premises.
- An incident log (whether kept in written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
- The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
- The premises will be fitted with a burglar alarm system.
- The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

7.2 **Prevention of Public Nuisance**

- A complaints procedure will be maintained, details of which will be made available in store and upon request.

7.3 **Protection of children from harm**

- All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
- An age till prompt system will be utilised at the premises in respect of age restricted products.
- A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

7.4 **Public Safety**

- The premises licence holder shall ensure that the appropriate fire safety and health and safety regulations are applied at the premises.

8. **POLICY & GUIDANCE IMPLICATIONS**

8.1 The following sections/paragraphs are applicable to this application:

8.2 **Council's Statement of Licensing Policy**

- Objectives, Section 4 on Page 5 and 6
- Fundamental Principles, Section 6 on Page 6
- Licence Conditions, Section 14 page 14 and 15
- Delegation / Decision Making / Administration, Section 17 on Page 16 and 17

8.3 **Guidance Issued under Section 182 of the Licensing Act 2003 October 2014**

- The Licensing Objectives – Section 2 pages 7 to 16
- Applications for Premises Licences – Section 8 pages 49 to 58
- Determining applications – Section 9 pages 71 to 81
- Conditions Attached to Premises Licences – Section 10 page 82 to 96

9. **LICENSING OFFICER'S COMMENT (FOR INFORMATION)**

- 9.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to the application.
- 9.2 Members should note that the letters and emails attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what ‘weight’ they attach to these areas.

10. LEGAL OFFICER’S COMMENTS

- 10.1 The Licensing Authority (hereafter referred to as “the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a new licence made under Section 17 of the Licensing Act.
- 10.2 In this case, the application was received at these offices on 19 March 2015.
- 10.3 The application before this committee will be treated on its own merits, and the Licensing committee will make its decision based upon:
- The merits of the application;
 - The promotion of the four licensing objectives;
 - The statement of policy of the Licensing Authority; and
 - The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 – October 2014.
- 10.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:
- Decide to grant the licence in the same terms as it was applied for;
 - Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
 - Exclude from the scope of the licence a licensable activity; and
 - Decide to refuse to grant the licence.
- 10.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

APPENDIX A

LICENSING ACT 2003

GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

'Child'

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

'Designated Premises Supervisor' means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

'Other Persons':

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

'Late Night Refreshment' means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

'Licensable Activities' means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

'Licensing Authority': - is the licensing function of Peterborough City Council

'Licensed Premises' includes club premises and events unless the context otherwise requires.

'Licensing Objectives'

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

'Operating Schedule' means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

'Challenge 25' means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

'Rateable Value': as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

'Regulated Entertainment' (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

'Relevant Licensing Authority': is the Authority in the area the premises are situated.

'Responsible Authority' means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

'Supply of alcohol':

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

'the Act': means the Licensing Act 2003

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

PETERBOROUGH CITY COUNCIL

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

19 MAR 2015

I/We Co-operative Group Food Ltd

(Insert name(s) of applicant)

LICENSING

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Co-operative Food (Formerly Texaco Petrol Filling Station), Oundle Road,			
Post town	Peterborough	Postcode	PE2 7DF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	New Build - £315.00 fee provided

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Co-operative Group Food Ltd
Address Dept 10227 1 Angel Square Manchester M60 0AG
Registered number (where applicable) IP26715R
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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

DD	MM	YYYY

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

Proposed convenience retail store, to trade 7 days a week, selling groceries, sundry items and alcohol for consumption off the premises only.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

C

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

D

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			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

E

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

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

G

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

I

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

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) None		
Mon	06:00	23:00			
Tue	06:00	23:00			
Wed	06:00	23:00			
Thur	06:00	23:00			
Fri	06:00	23:00			
Sat	06:00	23:00			
Sun	06:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

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

Name Jason Paul Staples	
18 Hartington Close Grantham Lincs	
Postcode	NG31 7FX
Personal licence number (if known) PA0818	
Issuing licensing authority (if known) Rushcliffe Borough Council	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) No opening hours prescribed.
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

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

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate.

b) The prevention of crime and disorder

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

5. The premises will be fitted with a burglar alarm system

6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

A complaints procedure will be maintained, details of which will be made available in store and upon request.

e) The protection of children from harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

Checklist:

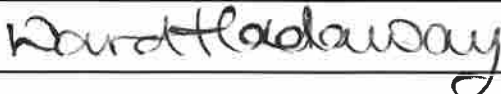
Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	18 March 2015
Capacity	Solicitor acting on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Miss Suzanne Blewitt Ward Hadaway Sandgate House 102 Quayside			
Post town	Newcastle	Postcode	NE1 3DX
Telephone number (if any)	0191 204 4491		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) suzanne.blewitt@wardhadaway.com			

Notes for Guidance

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

Licensing Act 2003

Notice of application for a New Premises Licence

Name of applicant: Co-operative Group Food Limited
Address of Premises: (Formerly Texaco Petrol Filling Station), Oundle Road, Peterborough, PE2 7DF

The licensable activities will be for the sale of alcohol for consumption off the premises between Monday-Sunday 06:00-23:00. Conditions will apply.

Anyone wishing to make a representation to this application may do so by **Thursday 16 April 2015**.

A record of the application made to the Licensing Authority will be kept on a register at the address given below and the register may be inspected during normal office hours.

All representations regarding this application MUST BE IN WRITING and sent to:

The Licensing Team,
Peterborough City Council,
1st Floor Bayard Place,
Broadway,
Peterborough,
PE1 1FD

Or

www.peterborough.gov.uk

It is an offence knowingly or recklessly to make a false statement in connection with an application and is subject to a maximum fine of £5000 on summary conviction for the offence.

Ward Hadaway



x

PART A

Consent of individual to being specified as premises supervisor 19 MAR 2015

I, Jason Paul Staples

LICENSING

Of, 18 Hartington Close, Grantham, Lincs, NG31 7FX

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for THE PREMISES by Co-operative Group Food Ltd relating to a premises licence for

(store address) Former Texaco Petrol Filling Station, Oundle Road, Orton, Peterborough, PE2 7DF

and any premises licence to be granted or varied in respect of this application made by Co-operative Group Food Ltd concerning the supply of alcohol at

(store address) Former Texaco Petrol Filling Station, Oundle Road, Orton, Peterborough, PE2 7DF

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

Personal licence number PA0818

Personal licence issuing authority Rushcliffe Borough Council

[Signature]signed

JASON STAPLES.name (please print)

7/8/14dated

PART B

(Head Office use only)

I/We [full name of premises licence holder(s)] the premises licence holder of premises licence number [insert premises licence number] relating to [name and address of premises to which the application relates] hereby give my consent for the transfer of premises licence number [insert premises licence number] to [full name and transferee]


.....signed
.....name (please print)
.....dated

M/71103

PETERBOROUGH CITY COUNCIL

14 APR 2015

LICENSING

 OUNDLE ROAD
 ORTON LONGUEVILLE
 PETERBOROUGH
 PE2 7DQ

13 . 4 . 15

Ref application for Alcohol licence made
 by Co-op food group at Ex Texaco site
 on Oundle Rd.

To whom it may concern I view with dismay
 the above application for an alcohol licence
 at a possible new store on the said site.

I cannot see why we need another outlet
 for alcohol on Oundle Road. We already have
 the Garden Arms and Batalph arms pubs
 close by as well as Budgens food store
 selling Alcohol.

I also note that the store wishes to open
 at 6 am to 11 pm. This will only serve to
 encourage the drinking of alcohol in the
 bus shelter opposite thus causing nuisance
 to local inhabitants

I also fail to see why we need another
 store of any sort in the area.

I appreciate the site is an eyesore at present

a store would only serve to provide more litter as was the case when Texaco ran the site. We also hope and pray that if the store is built there is no ATM cash machine outside the store.

I would have thought it was common sense to build houses, not a store where delivery vehicles would add to the twice daily traffic deadlock on Aundler Rd especially during school term time.

I realise I have wandered from the alcohol license request but pedestrian and childrens safety ought to be paramount.

Yours sincerely

GSA Smith

71103

From: Janet turner [REDACTED]
Subject: No Subject
Date: 30 March 2015 07:17
To: Janet turner [REDACTED]

Dear Sir. I am objecting to planning application for an alcohol license at the site of the proposed Co op store on the Oundle Road. There is a grassed area opposite where children play ball games and within a 3min. 400yard walk a children's playground which has an alcohol banning order displayed.

In the past there were a lot of problems with the drinking of alcohol at the playground and the police were called regularly to remove people from the playground and confiscate the alcohol.

Local residents on an almost daily basis had to clear broken bottles, fast food rubbish and even human faeces from the area.

The council had to repair play equipment and replace fencing on many occasions. Since there has been no nearby alcohol outlet the problems have disappeared and the playground is enjoyed by many children.

It is of great concern that with the granting of this license there will again be problems and with police resources stretched to the limit nobody available to be called on in the event of trouble sincerely

Janet Turner

[REDACTED] Oakleigh Drive
Orton Longueville
PE2 7BD

Sent from my iPad

PETERBOROUGH CITY COUNCIL

01 APR 2015

LICENSING

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Darren Dolby
Licensing Regulatory Officer
Governance Directorate
Peterborough City Council
1st Floor, Bayard Place
Broadway
PETERBOROUGH
PE1 1FD

Your Ref:
Our Ref: (L)RXA.AS.COO238.172
Document No: wh11032862v1
Date: 20 April 2015
Direct Line: +44 (0) 191 204 4342
Direct Fax: +44 (0) 191 204 4385
Email Address: richard.arnot@wardhadaway.com

Dear Darren

Co-operative Group Food Limited
Application for New Premises Licence, Oundle Road

Further to the hearing now scheduled for 15 May, I enclose five copies of my client's Citrus training document to which I will refer the Committee.

I have also enclosed a photograph of the site as it currently is and elevation drawings of the proposed building, as well as a site layout plan

Please accept this letter as Regulation 8 Notice of my intention to attend. I anticipate being accompanied by my client's Local Operations Manager Mark Walker who will assist with any operational issues that might arise.

I would be grateful if you could acknowledge receipt.

Yours sincerely

Richard Arnot

Richard Arnot
Partner

Enclosure(s)

Ward Hadaway Solicitors

Sandgate House, 102 Quayside, Newcastle upon Tyne NE1 3DX
Tel: +44 (0)191 204 4000 Fax: +44 (0)191 204 4001 DX: 730360 Newcastle upon Tyne 30
Email: legal@wardhadaway.com Web Site: <http://www.wardhadaway.com>

Also at: Leeds and Manchester

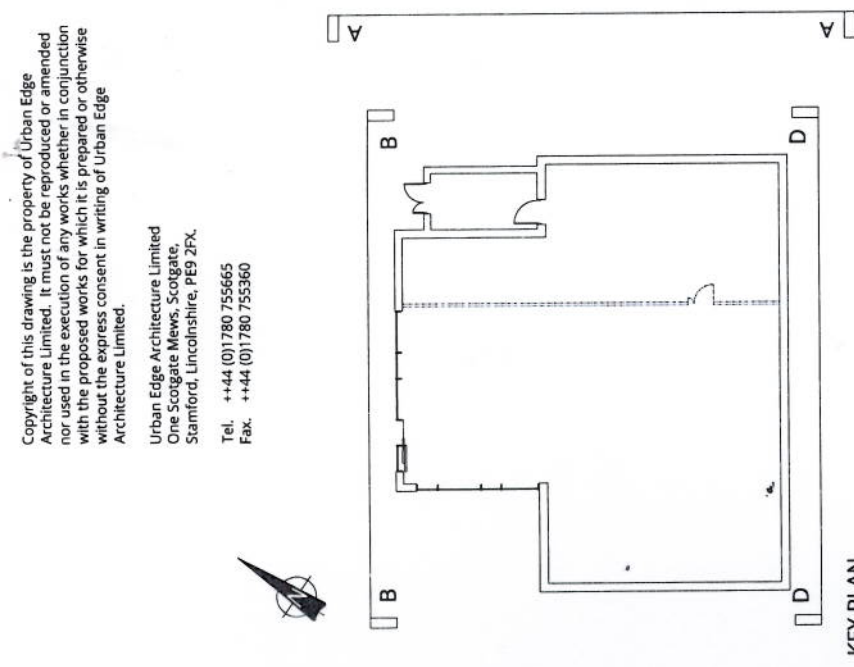
Authorised and Regulated by the Solicitors Regulation Authority (Registration Number 204387)
A list of Partners is available at all offices.



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Urban Edge Architecture Limited
One Scotgate Mews, Scotgate,
Stamford, Lincolnshire, PE9 2FX.

Tel. +44 (0)1780 755665
Fax. +44 (0)1780 753360



KEY PLAN
SCALE 1:250

LEGEND:

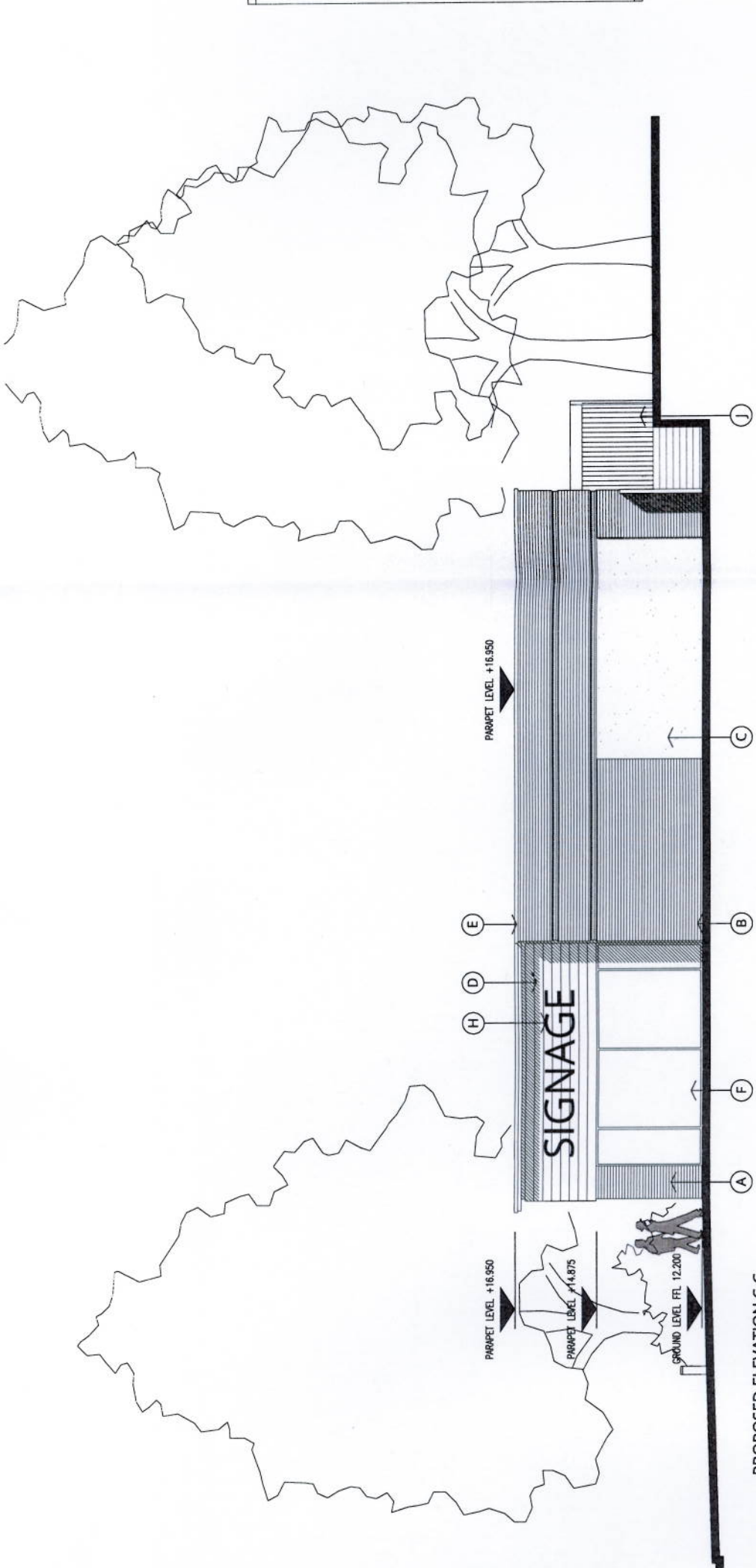
- A BUFF BRICK STRETCHER BOND
- B BLUE ENGINEERING BRICK
- C OFF-WHITE RENDER PANELS
- D PRE-TREATED HORIZONTAL TIMBER CLADDING PANELS
- E DARK GREY PROFILED METAL ROOF CANOPY
- F DARK GREY ALUMINIUM FRAMED DOUBLED GLAZED CURTAIN WALLING SYSTEM WITH EXPRESSED PRESSURE CAPS
- G DARK GREY ALUMINIUM FRAMED GLAZED DOOR
- H INDICATIVE SIGNAGE
- I STEEL SERVICE DOOR
- J CLOSE BOARDED TIMBER FENCING
- K LINE OF EXCAVATION FOR EXTERNAL STEPS

Revision	Description	Date

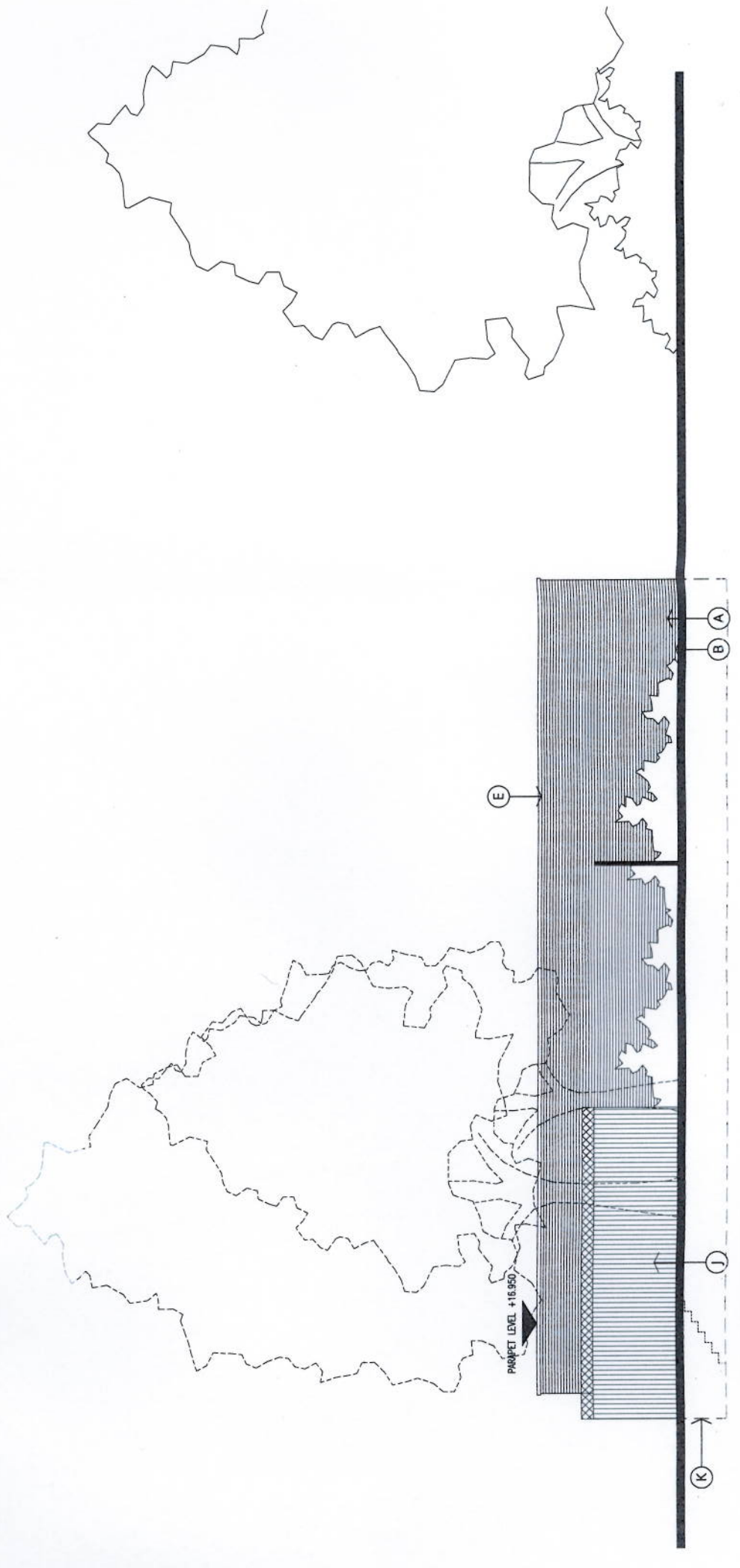
URBANEDGE
architecture / masterplanning / design

Client	TILLBRIDGE DEVELOPMENTS
Project	OUNDL ROAD PETERBOROUGH
Drawing	RETAIL UNIT ELEVATIONS AS PROPOSED - SHEET 2

Scale	1:100 @ A2	Drawn	ML
Date	JULY 2014		
Project No.	1561 URB RE [08] 70 02	Revision	D03



PROPOSED ELEVATION C-C



PROPOSED ELEVATION D-D



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One Scrogate Mews, Scrogate,
Stamford, Lincolnshire, PE9 2FX.

Tel. ++44 (0)1780 755665
Fax. ++44 (0)1780 755660

LEGEND:

- PROPOSED RETAIL AREA
824 SQ.M.
- PROPOSED RESIDENTIAL AREA
1626 SQ.M.
- PROPOSED TREE
- HONEY LOCUST INERMIS
- PROPOSED TREE
- SILVER BIRCH
- PROPOSED TREE
- KOREAN FIR
- PROPOSED TREE
- LARCH
- PROPOSED TREE
- WEEPING BIRCH
- PROPOSED TREE
- HONEY LOCUST SUNBURST

DRAWING TO BE READ IN CONJUNCTION WITH 'TREE PLANTING SCHEDULE' (REF: 140129-03) BY LINCOLNSHIRE TREE SERVICES FOR DETAILS OF TREE PROTECTION. SEE 'TREE PROTECTION PLAN' (REF: URB-OR-08-00-05-000) AND 'TREE REPORT METHOD STATEMENT' (REF: 140129-02) BY LINCOLNSHIRE TREE SERVICES.

Revision Description Date

URBANEDGE
architecture / masterplanning / design

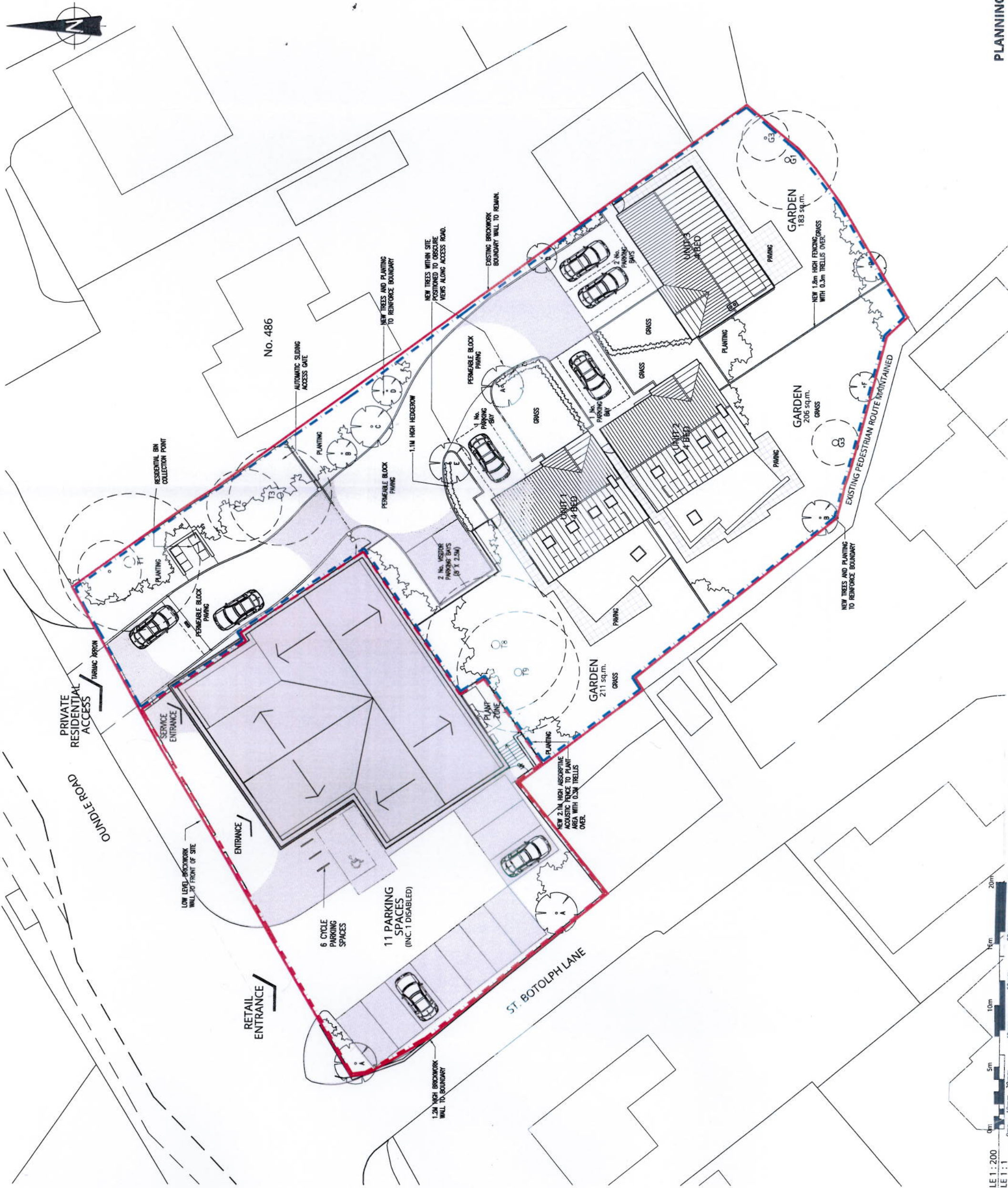
Client
TILLBRIDGE DEVELOPMENTS

Project
OUNDL ROAD PETERBOROUGH

Drawing
PROPOSED SITE PLAN

Scale 1:200 @ A2
Date MAR 2014
Project No. Drawing No. 1561 URB OR [08] 00 03
Revision D09

PLANNING





This version of Google Maps is updating soon. [Learn more](#) [Dismiss](#)

Address **484 Oundle Rd**

Address is approximate



RE. THE CO-OP AND PREMISES LICENCES
UNDER THE LICENSING ACT 2003

ADVICE

1. I am asked to advise the Co-Op about a condition which appears in several of its premises licences granted under the Licensing Act 2003, and as to the proper interpretation of this condition.

2. I have in front of me a typical example of such a premises licence, in this case granted by Knowsley Council, for a Co-Op situated in Fazakerley. The licence authorises the licensable activity of the sale by retail or the supply of alcohol. The licensee is the Co-Operative Group Food Limited. Attached to this licence are the mandatory conditions, and various other conditions under the headings of the licensing objectives i.e. the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Modifications were made to the conditions, following a hearing on 14th March 2013, which the Council considered “appropriate, proportionate and reasonable” to make “having regard to the promotion of the licensing objectives”.

3. Under the heading of “The Prevention of Public Nuisance” appears just one condition, (not modified earlier this year) which is:-

“No deliveries to take place between 10pm and 7am the following day.”

4. I understand that no deliveries of alcohol have taken place between 10pm and 7am, but it has been alleged that some deliveries of other goods which the shop sells have taken place within those hours. This condition, as I have mentioned, is typical of more than one Co-op premises licence and although the premises licence I have quoted is one granted by Knowsley Council, this Advice extends to other licences with a similar condition. Knowsley Council, I understand, have put forward the view that the condition means that no deliveries whatsoever may take place between 10pm and 7am, whereas the Co-Op and my Instructing Solicitor maintain that the condition can only refer to the deliveries of alcohol to the premises covered by the licence.

The Licensing Act 2003

5. The heading to the Act specifies that it is:-

“An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.”

6. Section 1 sets out the “licensable activities”, the first one of which is the sale by retail of alcohol.

7. By Section 2(1)(a), a licensable activity (in this case the sale by retail and supply of alcohol) may be carried on under and in accordance with a premises licence. By Section 136, a person commits an offence if he carries on a licensable activity from premises otherwise than under and in accordance with an authorisation, i.e. a licence in this case. There are various other offences relating to alcohol set out in the following

sections. Obviously, therefore, the licence is entirely concerned with making lawful, and controlling, the licensable activities.

8. By Section 4(1) a licensing authority:-

“.....must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(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.”

9. By Section 11, a premises licence means a licence which “authorises the premises to be used for one or more licensable activities”. So, as may be seen, everything is tied to the licensable activity which in this case refers to the sale by retail of alcohol.

10. A licensing authority is given power to grant a premises licence subject to conditions (see Section 18). If no relevant representations are received, the authority’s power to impose conditions is limited, but if a relevant representation is received, the authority’s power is somewhat wider. However it is still constrained as the authority may only impose conditions (other than the mandatory conditions), “appropriate for the promotion of the licensing objectives”.

11. The Co-Op requires this licence solely to enable the sale of alcohol by retail. It does not require any premises licence to carry on the main bulk of its trade, which is that of selling food and other grocery products, presumably permitted under appropriate planning permission. Therefore, it can lawfully supply food and other grocery products other than alcohol without a premises licence. If there were no premises licence in force, the Co-Op can perfectly lawfully receive deliveries of food and other grocery products at any time.

12. A licensing authority may only impose a condition so far as it considers it appropriate for the promotion of the licensing objectives in relation to a licensable activity. It does not have carte blanche to impose any condition which it considers may be appropriate to the premises. To impose such a condition unrelated to a licensable activity would be ultra vires, unlawful and irrational. This was recently illustrated in a Scottish case, Bapu Properties Limited v. City of Glasgow Licensing Board 2012 WL 488659. This was an appeal to the Sheriff's Court under the Licensing (Scotland) Act 2005 where the Licensing Board had refused an application for a variation of a premises licence in relation to a licensed Indian restaurant. The restaurant wished to extend the ambit of the licence to include an external seating area along the pavement next to the glass frontage of the restaurant. One of the reasons given by the Board to support this refusal was that the granting of the application would be inconsistent with the licensing objective of preventing public nuisance. The Board considered that granting the application would limit the space on the footpath so as to cause congestion and inconvenience to pedestrians in a busy area of the city centre.

13. The Scottish Licensing Act is not identical in its terms to the Licensing Act 2003 but it has striking similarities. It refers to “premises licences,” and licensing objectives, one of which is “preventing public nuisance.” One of the grounds for refusal of a licence is that “the Board considers that the granting of the licence would be inconsistent with one or more of the licensing objectives.” In my view, it is right that the Scottish court and the Scottish law should provide authority and guidance for the English court.

14. The Court found:-

“45. The single function of a Licensing Board under the 2005 Act is that of the licensing of the sale of alcohol. The powers to licence (sic) the sale of alcohol cannot be deployed to effect objectives not related to the sale of alcohol, but which the Licensing Board might yet find desirable. The objectives listed in Section 4 of the 2005 Act” (which are the licensing objectives), “though striking in their apparent generality, are not “free-standing” objectives. They are “licensing” objectives. The objectives, if they are to be relied upon to refuse a licence, must be “linked to the sale of alcohol” (Brightcrew Limited v. The City of Glasgow Licensing Board [2011] CSIH 46 at paragraph 26).”

The court went on to describe how the supposed public nuisance arose from the apprehended pedestrian congestion on the footpath. However the court held that congestion was not directly or materially linked to the sale of alcohol on the premises. It did not flow directly or materially from the licensing of the sale of alcohol. If it existed at all it would be attributable to the physical presence of the tables and the chairs of the restaurant’s external operation, which was already sanctioned by, inter alia, planning consent. Of course, conditions imposed on licences in England should not duplicate other

statutory provisions either, and here the Coop is entitled to sell food and other grocery products by virtue of planning permission.

15. The Court further stated:-

“48. The Board is not concerned with preventing public nuisance generally. The Board is only concerned with prevention of public nuisance so far as referable to the sale of alcohol.”

16. In the Brightcrew case (supra), at para 26, in addition to what was quoted in the Bapu case, the Inner House, Court of Session stated that, although the licensing objectives were all desirable in a general sense, that did not empower a Licensing Board to insist on matters not linked to the sale of alcohol. The same is true in England.

17. Consequently, in my view, any condition imposed has to be able to be materially and directly related to a licensable activity, which in this case is the sale by retail of alcohol. The authority do not have power under the Licensing Act to impose a condition which relates to anything other than one of the licensable activities i.e. here the sale by retail of alcohol. As was said in the Bapu Properties case (following the Brightcrew case), the authority is not concerned with preventing public nuisance generally, only with the prevention of public nuisance so far as it is referable to the sale of alcohol. A condition which purports therefore to limit all deliveries of foodstuffs or other groceries would be an unlawful condition because the authority would not have the power to impose it. However, the condition can be construed, and, in my view, must be construed, perfectly lawfully, if construed only to refer to deliveries of alcohol to be sold in the shop.

When faced with two possible interpretations, one of which would be unlawful and the other of which is lawful, the lawful interpretation is the one to be followed.

18. In contract law, “where the words of a contract are capable of two meanings, one of which is lawful and the other unlawful, the former construction should be preferred.” This principle is based on the proposition that “the parties are unlikely to have intended to agree to something unlawful.” (See Lewison “The Interpretation of Contracts,” 5th Edition at 7.1). The same can be said here: the authority is unlikely to have intended to impose a condition that was ultra vires and unlawful. Indeed, one must work on the basis that the authority intended to act lawfully and within its powers, and therefore, the condition can only refer to deliveries of alcohol.

19. I have in front of me a letter from Mrs Jane Miller in Croydon written to the local council in relation to a variation application put in by the Co-Op in respect of premises in Featherbed Lane, complaining that deliveries of bread to the Co-Op have taken place before 7am. The letter is the only representation received in respect of the application. The Licensing officer is suggesting that it is a relevant representation and therefore there needs to be a hearing. However, as I have set out above, when the authority are carrying out its duties under the Licensing Act, under section 4 (see para 8 above), the authority are concerned with matters relevant to the licensable activity in question and not public nuisance generally. Mrs Miller’s letter deals only with alleged deliveries of grocery products and has nothing to do with the retail sale of alcohol, and therefore has nothing to do with the likely effect of the grant of the application on the promotion of the licensing objectives. It therefore cannot be a relevant representation (see section 35(5)). Therefore

the application must be granted administratively without the need for a hearing (see section 35(2)).

SUSANNA FITZGERALD Q.C.

One Essex Court
Temple
London
EC4Y 9AR.

29 April 2013

**RE. THE CO-OP AND PREMISES
LICENCE**

UNDER THE LICENSING ACT 2003

ADVICE

Ward Haddaway
Sandgate House
102 Quayside
Newcastle Upon Tyne
NE1 3DX

Telephone: 0191 204 4000
DX: 61265 Newcastle upon Tyne

Ref RXA.AS.COO229.4 Richard Arnot

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