



CHELtenham
BOROUGH COUNCIL

**Notice of a meeting of
Licensing Sub-Committee**

**Thursday, 29 September 2011
10.00 am**

Municipal Offices, Promenade, Cheltenham, GL50 9SA

MEMBERS ATTENDING	OFFICERS ATTENDING
Councillor Heather McLain Councillor Diggory Seacome Councillor Charles Stewart Councillor Jon Walklett	Phil Cooper Sarah Farooqi, Regulatory Solicitor Manager

Agenda

- 1. ELECTION OF CHAIRMAN**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
- 4. DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE** (Pages 1 - 48)
Bath Road Market, 252 Bath Road, Cheltenham, GL53 7NB.

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 264130

Email: democratic.services@cheltenham.gov.uk

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Cheltenham Borough Council

Licensing Sub Committee – 29 September 2011

Licensing Act 2003: Determination of Application for a Premises Licence

**Bath Road Market,
252 Bath Road, Cheltenham, Gloucestershire, GL53 7NB**

Report of the Licensing Officer

1. Introduction

1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a premises licence at any time. In this case, an application was received on 11 August 2011 from Bath Road Market Ltd. in respect of Bath Road Market, 252 Bath Road, Cheltenham, GL53 7NB. A copy of the application is included at **Appendix A**. Location and site plans are attached at **Appendix B** and **C**.

1.2 The applicant has applied for a premises licence to permit:-

Sale/Supply of Alcohol	Sunday	11:00 - 18:00
Sale/Supply of Alcohol	Monday to Wednesday	10:00 - 18:00
Sale/Supply of Alcohol	Thursday to Saturday	10:00 - 20:00
Performance of Live Music	Sunday	11:00 - 18:00
Performance of Live Music	Monday to Wednesday	10:00 - 18:00
Performance of Live Music	Thursday to Saturday	10:00 - 20:00
Performance of Recorded Music	Sunday	11:00 - 18:00
Performance of Recorded Music	Monday to Wednesday	10:00 - 18:00
Performance of Recorded Music	Thursday to Saturday	10:00 - 20:00
Performance of a Play	Sunday	11:00 - 18:00
Performance of a Play	Monday to Wednesday	10:00 - 18:00
Performance of a Play	Thursday to Saturday	10:00 - 20:00

Entertainment will be both indoors and outdoors

Alcohol sales will be for consumption both on and off the premises

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

1.4 Implications

1.4.1 Financial

Contact officer: Sarah Didcote

E-mail: sarah.dicote@cheltenham.gov.uk

Tel no: 01242 26 4125

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.

Martin Aylett

E-mail: martin.aylett@teWKesbury.gov.uk

Tel no: 01684 272015

2. Application (Ref. 11/01563/PRMA)

2.1 Applicant: Bath Road Market Ltd.

2.2 Agent: N/A

2.3 Premises: Bath Road Market, 252 Bath Road, Cheltenham, GL53 7NB

2.4 Steps to promote the four licensing objectives that are identified in this application:

From the application form:

- Stringent ID checking prior to sale of alcohol 'Check 23' to be in place throughout
- A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence that licensable activities are permitted.
- Numbers of visitors attending the Market venue will be monitored and regulated accordingly.
- Promotions by vendors at the market for the sale of alcohol will be monitored and discouraged at all times.
- All fire exits will be clearly labelled and kept clear from restriction
- Adequate access for emergency personnel will be provided
- Music will be limited in loudness to represent no more than ambience / background.
- Music outside will only be appropriate when external market stalls are in operation. Music is not the attraction of the Market but only present to enhance the shopping experience.
- All traffic directly associated with the market is to be directed to the car park at the Norwood Arms pub. Stringent systems for loading and unloading have been put in place, all stall holders are given notice of these systems in the enrolment package and must agree to conditions laid out.

3. Responsible Authorities

Gloucestershire Constabulary – The Constabulary have agreed with the applicant that the following additional conditions will be applied to the licence:

- A CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.
- The Challenge 25 (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 25 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a Pass approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.
- Signage shall be displayed on all exits in regular use by customers informing them that they are now entering a no drinking zone.
- Alcohol shall not be displayed within 4 metres of any entrance/exit door in regular use by customers

Responsible Authorities - No representations were received from the other responsible authorities

4. Interested Parties

Representations have been received from seven people residing in the vicinity of the premises, as interested parties under the Act. Those representations are attached at **Appendix D**

5. Local Policy Considerations

Bath Road Market	Page 2 of 7	Last updated 16 September 2011
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- 5.1 The 2003 Act introduces a unified system of regulation through two new types of licenses: the premises licence and the personal licence (club premises certificates for qualifying clubs). 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 Councils adopted licensing policy statement (Council 30/03/09) includes the following:
- i) **Each objective is of equal importance** and the licensing authority has developed policies relating to each objective. The objectives are the only matters to be taken into account in determining applications and applying conditions. **(Paragraph 1.2)**
 - ii) The licensing authority will only apply terms and conditions to licences which promote one or more of the licensing objectives and are relevant to the individual circumstances of the application. Conditions may be drawn from those set out in Appendix B and / or tailored to particular circumstances and they will be focused on matters within the control of the individual licensees and others granted relevant permissions. **(Paragraph 2.4)**
 - iii) The licensing authority will expect all individual applicants to address the licensing objectives in their operating schedule having regard to the premises, the licensable activities to be provided, the operational procedures, the nature of the location and the interests of the local community. The licensing authority expects that any conditions that are necessary will, in the first instance, be identifiable from prospective licensees or certificate holders' risk assessments.
 - iv) Applicants will have to translate their assessments into measures which promote one or more of the licensing objectives and record them in their operating schedule. **(Paragraph 2.5)**
 - v) The licensing authority will not impose any conditions unless, following the receipt of relevant representations, it has used its discretion at a hearing and been satisfied of the validity of those concerns. **(Paragraph 2.5)**
 - vi) The licensing authority will consider every application on its individual merits with regard to this policy statement and to the Licensing Committee's Probity Code (available at www.cheltenham.gov.uk under 'L' in the A-Z of services). The licensing authority will seek to balance the needs of the wider community, local community and commercial premises and activities, against those who may be concerned about adverse impacts from licensed premises. The views of vocal individuals or groups will not necessarily prevail over the general interests of the community. In every case the licensing authority will focus on disproportionate or unreasonable impacts of the licensable activities on people living, working and sleeping in the vicinity. **(Paragraph 2.7)**
 - vii) Cheltenham Borough Council, in its role as a licensing authority, wishes to do all in its power to protect the amenity of residents and businesses in the vicinity of licensed premises, and for these purposes 'vicinity' is taken to mean the immediate area around licensed premises. As the council is fully aware of the importance of the licensed trade in terms of the local economy and its culture and leisure aspiration, it will seek to work in partnership with all interested parties to ensure a mutual and productive co-existence. **(Paragraph 7.2)**

viii) When considering licence applications, the licensing authority will take into account the location of the premises and the type and construction of the building as well as the adequacy of measures proposed to deal with the potential for nuisance and / or antisocial behaviour having regard to all the circumstances of the application. **(Paragraph 7.4)**

ix) The licensing authority will consistently seek to ensure that its judgements about what constitutes public nuisance are balanced, as are decisions about any conditions that are considered necessary to prevent it. **(Paragraph 7.5)**

x) In reaching a judgement on the individual merits of applications, the licensing authority will have regard to the implications for nuisance generation and the impacts on residents that are posed by operating hours and types of regulated entertainment. The licensing authority will take into account requests for terminal hours in the light of the:-

- environmental quality,
- residential amenity,
- character or function of a particular area,
- nature of the proposed activities to be provided at the premises.

Consideration may, however, be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas. **(Paragraph 10.6)**

xi) Consideration may, however, be given to impose stricter controls on noise and disturbance from the particular premises, such as those in mainly residential area. **(Paragraph 10.6)**

6. National Guidance

6.1 Guidance has been issued under Section 182 of The Licensing Act 2003.

6.2 Para 2.32 of the Guidance states “The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable, The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”

6.3 Para 2.33 of the Guidance states “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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.”

- 6.4 Para 2.35 of the Guidance states “As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity 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 necessary.”
- 6.5 Para 2.36 of the Guidance states “Where applications have given rise to representations, any necessary and 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 maybe necessary.”
- 6.6 Para 2.37 of the Guidance states “Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary 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.”
- 6.7 Para 2.38 of the Guidance states “In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.”
- 6.8 Para 9.8 of the Guidance states “A representation will only be relevant if it is likely to effect the grant of the licence on the promotion of at least one of the licensing objectives.”
- 6.9 Para 10.9 of the Guidance states “The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required by the Act itself.”
- 6.10 Para 10.11 of the Guidance states “The licensing authority may not impose conditions unless its discretion has been engaged following relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may only then impose conditions that are necessary to promote one or more of the licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.”
- 6.11 Para 10.13 of the Guidance on proportionality states “The Act requires that Licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues.”

- 6.12 Para 10.15 of the Guidance states with regard to duplication with other statutory provisions that "Licensing Authorities should only impose conditions which are necessary and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties."
- 6.13 Paragraph 10.20 of the Guidance states there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

7. Licensing Comments

- 7.1 Taking into consideration the merits of the application and representations made the committee must, in determining this application, take such steps as it considers necessary to promote the four licensing objectives. These being;
- (a) the prevention of crime and disorder,
 - (b) public safety,
 - (c) the prevention of public nuisance, and
 - (d) the protection of children from harm.
- 7.2 Furthermore, Members must have regard to the guidance issued by the Secretary of State and the Council's adopted policy statement.
- 7.3 In light of the above, Members can only give consideration to representations that relates to the likely effect the grant of this licence will have on the promotion of the licensing objectives.
- 7.4 As previously mentioned, seven representations from interested parties were received during the 28 day consultation period.
- 7.5 For the reason above, Members are to note that representations relating to parking should not be considered relevant unless it can be shown to pose a public safety risk or could compromise the protection of children from harm.
- 7.6 With regards to representation relating to crime and disorder, Members are to note that this is an application for a new licence where previously no such licence existed. Members must therefore decide what weight to add to crime and disorder representations bearing in mind that no evidence relating specifically to the premises would exist given that it is a new licensed premises, the fact the no objection from Gloucestershire Constabulary was made and the conditions agreed between the applicant and the constabulary.
- 7.7 Members are also to note comments relating to the existence or other licensed premises in the vicinity of the premises must not be considered relevant by virtue of the fact that each application must be determined on individual merits.
- 7.8 Noise emanating from deliveries and litter should be dealt with under the Environmental Protection Act to avoid statutory duplication.
- 7.9 In relation to the representation by Mr Siddall, Members are to note that Health and Safety is not a licensing objective and should not for that reason be considered relevant.

7.10 The steps identified in the operating schedule submitted with the application listed on 2.4 of this report will, where appropriate, become conditions attached to the licence if granted.

7.11 The Committee must have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives which can include:

- Granting the application as requested;
- Modifying the conditions and or times of operation attached to the licence; or
- Rejecting all or part of the application.

Background Papers

Service Records

Report Author

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Page 8

Appendix A

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We BATH ROAD MARKET LTD

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 252 BATH ROAD			
Post town	CHELTENHAM	Post code	GL53 7NB

Telephone number at premises (if any)	01242 513 699
Non-domestic rateable value of premises	£22,750.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)

- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity 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)	
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 BATH ROAD MARKET
Address 252 BATH ROAD CHELTENHAM GLOUCESTERSHIRE GL53 7NB
Registered number (where applicable) Company Number 7656723

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 07979 152 494
E-mail address (optional) bathroadmarket@yahoo.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
0	1	0	9	2	0
1				1	1

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

Day		Month		Year	

<p>Please give a general description of the premises (please read guidance note1) Retail Premises with external trade forecourt and rear yard. Situated at the intersection of the bath road (A46) with Shurdington and Leckhampton Roads and adjacent to shops on the Bath Road. The premises comprise of single storey timber framed buildings with paneled and block walls that can be split into two-three separate retail areas. The Retail premises will be predominantly used as a market venue, where individual stall holders will sell products from supplied stalls and pitches. The premises has an external enclosed outdoor area to the rear, which has its main entrance / exit through one of the two internal area's. There is also an additional entrance / exit to this area which could be used if required.</p>
--

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

--

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

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

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	18.00	<u>Please give further details here</u> (please read guidance note 3) Story telling and book reading out-loud to co-inside with literature festival and such. Punch and Judy, possible seasonal performances all to encourage footfall to the market and enhance the experience whilst there. Character play acting (Dickensian Christmas) and dressing up, various times in the year. All activities are to enhance the ambience of he market and are not seen as the main reason for shoppers to visit the market.	Both	<input checked="" type="checkbox"/>
Tue	10.00	18.00			
Wed	10.00	18.00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	10.00	20.00			
Fri	10.00	20.00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10.00	20.00			
Sun	11.00	18.00			

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	18.00	<u>Please give further details here</u> (please read guidance note 3) We intend to introduce background music to the Market, to enhance the shopping experience. The type of music intended will be that of 'buskers' playing an instrument and/or singing and usually un-amplified and is not intended to be the main attraction of the visit but to enhance the ambience.	Both	<input checked="" type="checkbox"/>
Tue	10.00	18.00			
Wed	10.00	18.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) We would like to include small choirs and seasonal style music at the markets leading up to Christmas. In addition it might be seen as fitting to include live music and performances to co-inside with the jazz and music festival held in town. Again these performances will be on the whole not amplified and are not intended as the main attraction of the market visit.		
Thur	10.00	20.00			
Fri	10.00	20.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10.00	20.00			
Sun	11.00	18.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	18.00	Please give further details here (please read guidance note 3) Recorded music will form Ambience or background music to the Market, to enhance the shopping experience and is not intended to be the main attraction of the visit. Amplification is not intended for use in the outside space, but occasionally the speakers may be directed out into the outside space at the rear of the property.	Both	<input checked="" type="checkbox"/>
Tue	10.00	18.00			
Wed	10.00	18.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10.00	20.00			
Fri	10.00	20.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	20.00			
Sun	11.00	18.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
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)			<u>Please give a description of the type of entertainment you will be providing</u>		
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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
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 facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

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

K

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

L

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	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
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					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <p>The majority of alcohol sales made at the market will be for consumption by the customer off site i.e. at their home or other place. However through the year it is envisaged that at times a small bar area may be created to buy and consume alcohol whilst on market premises (similar to a French market or indeed the Christmas Market on the Promenade in Cheltenham). At these times the consumption of alcohol will occur in a managed area and for the main part will consist of the alcohol available for purchase at that particular market.</p> <p>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)</p>		
Mon	10.00	18.00			
Tue	10.00	18.00			
Wed	10.00	18.00			
Thur	10.00	20.00			
Fri	10.00	20.00			
Sat	10.00	20.00			
Sun	11.00	18.00			

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

Name Lisa Jane Turnbull	
Address [REDACTED]	
Postcode	[REDACTED]

Personal Licence number (if known) [REDACTED]
Issuing licensing authority (if known) [REDACTED]

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00		
		18.00	
Tue	10.00		
		18.00	
Wed	10.00		
		18.00	
Thur	10.00		
		20.00	
<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)			

Fri	10.00		
		20.00	
Sat	10.00		
		20.00	
Sun	11.00		
		18.00	

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

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

Stringent ID checking prior to sale of Alcohol 'Check 23' to be in place throughout Bath Road Market. All stall holders selling Alcohol will only be allowed to trade if they conform with the 'Check 23' system, appropriate signage will be in place
 Appropriate Non-smoking signage in place at entrance to the market Building and through-out.
 Placing of appropriate containers for the extinguishing of cigarettes prior to entering onto the forecourt of the building.
 All staff at the Market will wear uniform of an Apron embroidered/printed with the Market Logo for ease of recognition.

b) The prevention of crime and disorder

A clear and legible notice outside the premises indicating the normal hours under the terms of the Premises License that licensable activities are permitted. Clear and conspicuous notices warning of potential criminal activity such as pick-pocketing and shop lifting which may target visitors and stall holders and the subsequent outcomes to the perpetrators. Numbers of visitors attending the Market venue will be monitored and regulated accordingly.
 Member of Bath Road Traders Association and the 'round robin' phone scheme in place, liaising with community Police Officer Ross Nicholl.
 Promotions by vendors at the market for the sale of alcohol will be monitored and discouraged at all times.

c) Public safety

All fire exits will be clearly labeled and kept clear from restriction including visitors to the Market, staff or stall holders at all times. Where hung between stalls curtains will not touch the floor and shall draw freely and not obstruct doorways or public routes through the Market. A first aid box/kit will be clearly visible and available if needed. Adequate access for emergency personnel will be provided.
 All parts of the premises and all fittings and apparatus therein, door fastenings and notices and seating, lighting, electrical, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition. All parts of the premises will be adequately illuminated in the event of failure of general lighting the public shall be required to leave the premises forthwith.

No work in connection with alterations or repairs to areas accessible to the public will be carried out during opening hours with the exception of emergency works when the specific area will be isolated and supervised at all times.

d) The prevention of public nuisance

People leaving the Market will be encouraged to dispose of possible litter in bins provided near exits. Stall holders will remove all their unsold stock and associated packaging. Cardboard will be recycled by Bath Road Market.

Music will be limited in loudness to represent no more than Ambience / background. Music outside will only be appropriate when external market stalls are in operation. Music is not the attraction of the Market but only present to enhance the shopping experience.

All traffic directly associated with the market is to be directed to the car park at the Norwood Arms pub. Stringent systems for loading and unloading have been put in place, all stall holders are given notice of these systems in the enrollment package and must agree to conditions laid out regarding loading/unloading and parking prior to being able to trade on this site. In addition would be shoppers and visitors are directed to the car parking facilities on Bath Road via the web site and once operating, signage will be in place.

e) The protection of children from harm

Stringent ID checking – Alcohol not to be available to young people under 18 years of age. Where samples of Alcoholic drinks are made available, these will be distributed by the stall holder and consumed in the presence of the stall holder within the system for ID checking. To make the alcoholic nature of products clearly known, to avoid confusion with non-alcoholic drinks.

With the exception of alcohol, any goods for sale on market stalls that are deemed unsuitable or harmful to children will be removed and banned from sale. (All stall holders must apply for a position at the market and supply details of the goods they will be offering for sale).

Please tick yes

- 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 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 CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 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	09/08/2011
Capacity	Director of Bath Road Market

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)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

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.

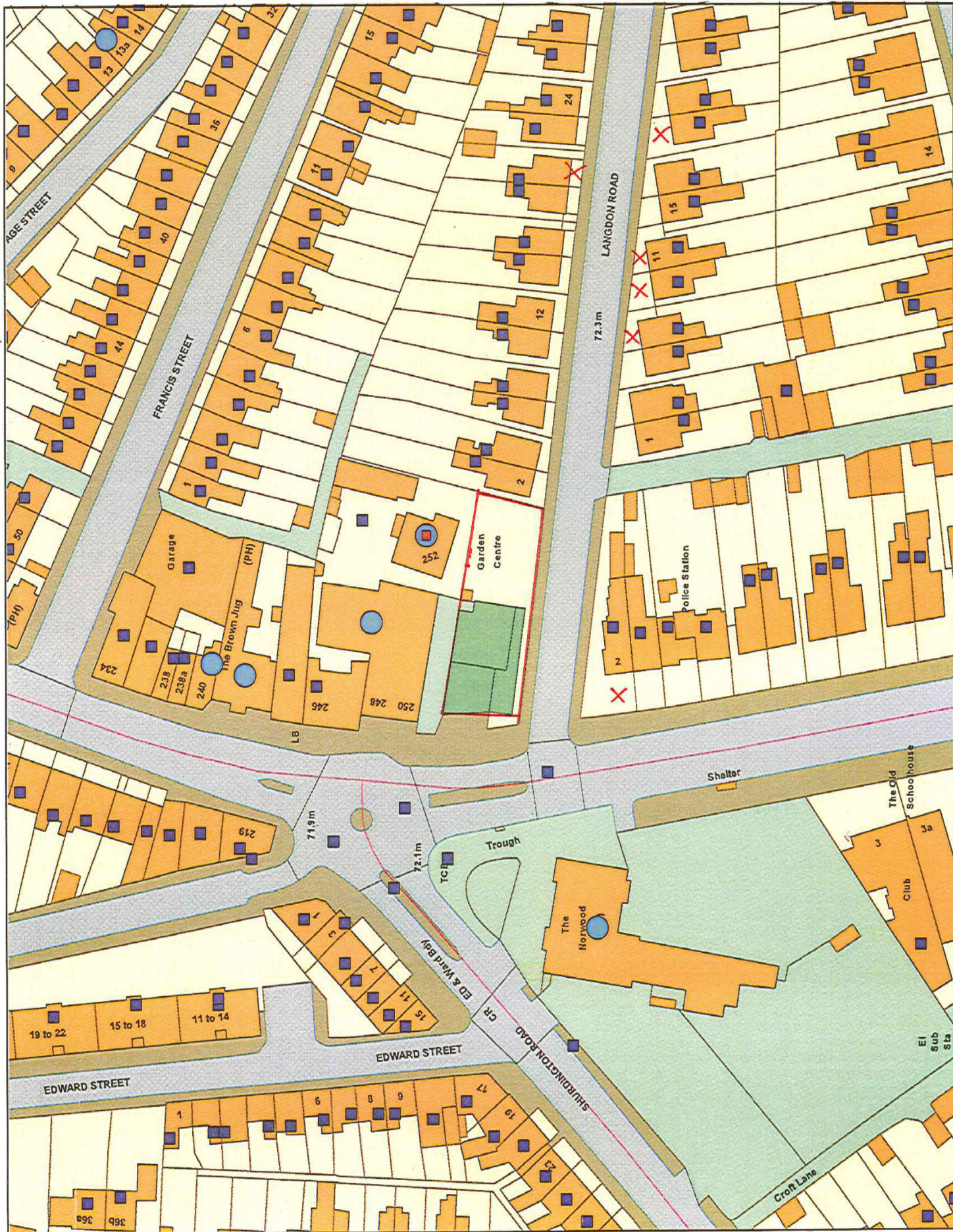
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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Page 32



Bath Road Market

252 Bath Road, Cheltenham



Legend

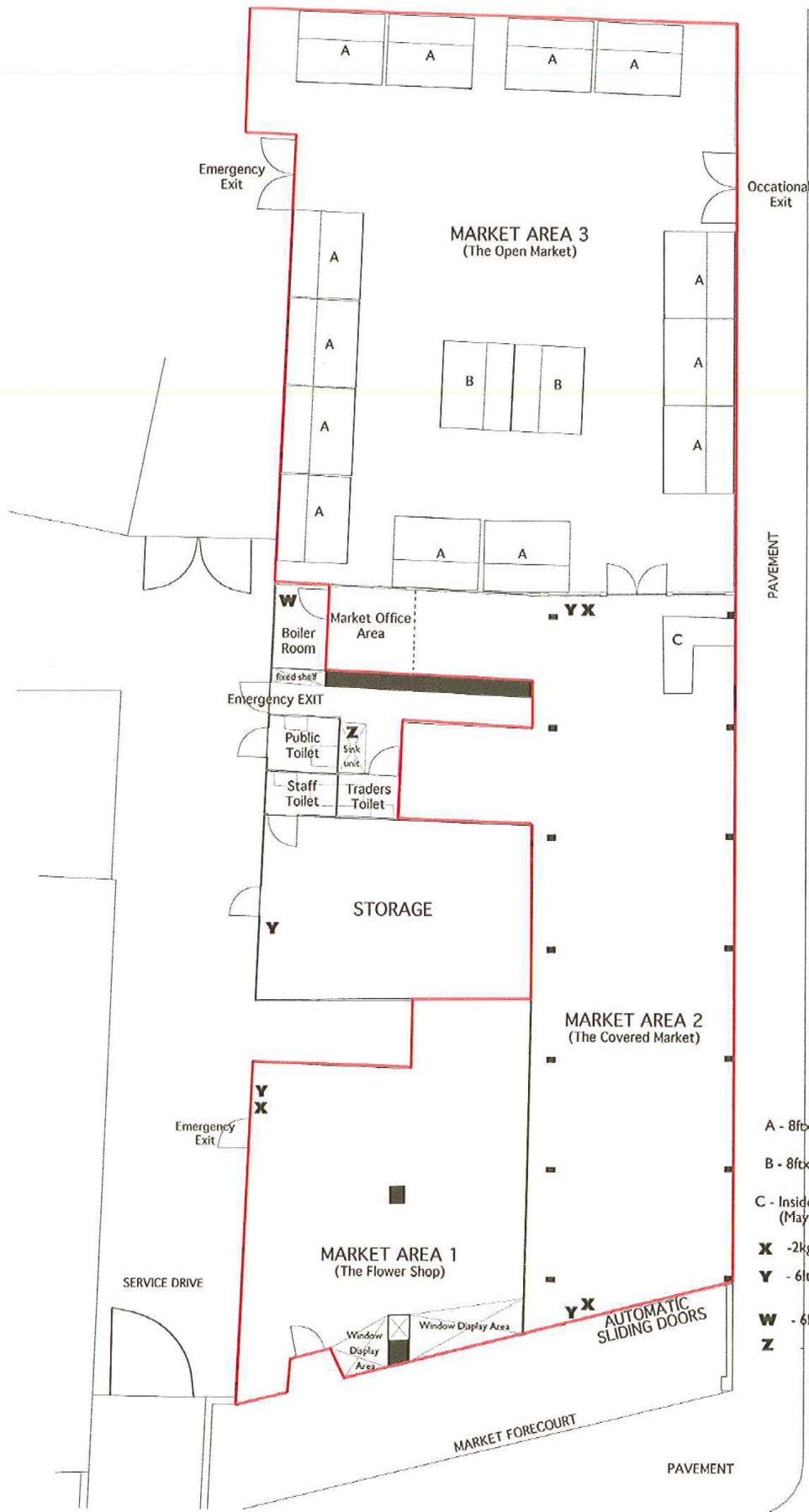
X Interested Parties

Scale : 1:1124

Organisation	Cheltenham Borough Council
Department	Public Protection
Comments	Licensing Sub-Committee
Date	15 September 2011
SLA Number	LA100024384 2011

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Occasional Exit
PAVEMENT

- KEY
- A - 8ftx4ft (2.4mx1.2m) Market Stalls (Semi permanent)
 - B - 8ftx4ft(2.4mx1.2m) Market Stalls (not permanent)
 - C - Inside area fixed counter at present (May be removed once trading)
 - X - 2kg CO2 plus ID sign
 - Y - 6ltr Aqueous Film forming foam plus ID sign
 - W - 6kg Dry Powder plus ID sign
 - Z - 1.2mx1.2m Fire Blanket
- Scale 1:100

MARKET FORECOURT
PAVEMENT

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Page 36

P & J Siddall



7th September 2011

c/o Louis Krog

Senior Licensing Officer
Public Protection
Cheltenham Borough Council
Municipal Offices

Dear Mr Krog,

Objection to licence application for 252 Old Bath Road, New Bath Road Market.

We are writing to object to the granting of the above application. We live in Langdon Road, next to the market.

The market has traded for its first day and we note a temporary licence was granted for this event.

Langdon Road is the start of the residential area of Leckhampton and on the edge of the conservation area. The first days market has already been disruptive with both traders and customers illegally parking, including over the corner of the drop curb crossing at the corner of Langdon Road and Bath Road. Also, the open rear of the property has been used for the first time, previously used for plants and this had an impact on general noise levels. The fencing at the rear is above waist height, wire mesh, which has no sound reduction.

We would like the application to be objected for the following specific additional reasons:

The following issues relate to Recorded/Live Music and the Sale of Alcohol:

Noise/Disturbance:

- The building is of a greenhouse type structure and would not have sufficient noise reduction to be heard outside.
- The open back is adjacent and very close to the neighbouring houses in an otherwise very quiet road.
- Further noise will have a direct impact on our quality of life and enjoyment, particularly at weekends.

Health & Safety:

- Space is limited as the plans show and activities which would cause people to group may be unsafe.
- Any activities which encourage people to group or congregate at specific times would have impact on this location, which is limited in size and is a quiet residential road.

After the first market there were problems with traffic which Paul attempted to discuss with market owner. He was combative rather than receptive and we feel that this would be a hindrance to resolving any issues if a licence was granted.

Yours sincerely,



J & P Siddall



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:	JULIA CHANDLER
Name of the organisation/body/person you represent. (If appropriate)	
Your full postal address or that of the organisation or body you represent	
Post Code	
Daytime Contact telephone number	
Email address – If you would prefer to correspond via email, please enter your email address. (optional). <input type="text"/>	

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

Name of the organisation/body/person you represent. (If appropriate)	
Full postal address or that of the organisation or body you represent	
Post Code	
Daytime Contact telephone number	
Email address – If you would prefer to correspond via email, please enter your email address. (optional). <input type="text"/>	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	BATH ROAD MARKET LTD
Name of Applicant for Licence (if known)	NOT KNOWN
Postal Address:	252 BATH ROAD
Post code:	GL53 7NB

What are you making representation about?

Please indicate which part of the licence/certificate application you are making a representation about
(eg crime, disorder, noise, disturbance etc)
THE SALE AND SUPPLY OF ALCOHOL, THE LIVE MUSIC LICENCE

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:	NO MORE THAN 5 METRES
---	-----------------------

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)**

I wish to object to the Granting of a Licence for sale and supply of alcohol and live music to Bath Road Market on the following grounds.
The main market building is essentially a greenhouse constructed mainly of glass with a plastic roof. The other half of the premises is open air. The market is situated on the edge of a shopping area and is surrounded by residential properties. It is difficult to see how noise commonly related to music/alcohol consumption can be contained in this environment. The Public Houses in the area have restrictions in place meaning that windows and doors must be kept shut to minimise any noise pollution, however, this would not be possible in this case due to the construction of the building and the open air nature of the premises.
The opening times are until 6pm Mon, Tues, Weds, Sun and until 8pm Thurs, Fri and Sat. Granting a licence would have a serious impact on the peace and quiet of the adjoining residential area where residents would not be able to open windows or enjoy their gardens, particularly at weekends.
There is mention in the notice of holding 'plays'. I assume this means that there would be activities which would cause people to congregate together. This combined with the sale of alcohol could lead to disturbances which are already not uncommon due to the number of public houses in the vicinity.
The market has only been open for 2 days and already there have been incidents with illegal parking and obstruction of pedestrian crossings.

**Please use the box 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 elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)**

[Empty box for conditions and other matters]

Signature: [Empty signature box]

Capacity: [Empty capacity box]

Date: 8.9.11

Dear Sir/Madam,

As a resident of long standing resident Of Langdon Road, Cheltenham [the one that runs down the side of the proposed new market site], I am emailing to express some concerns I have.

1 – Parking is already a huge problem in this area for residents as you know. When Robert Young’s was in operation, it was most of the time impossible to park within the road I live due to staff from the shop and the general public, who were not willing to pay to park in the public car park on the Bath Road, choosing to park in this residential road. This had a big impact on my life and that of my neighbours, many of which are elderly with mobility problems or have young families. This brings into consideration the Public Safety and Protection of Children From Harm issues. The new market with up to 40 traders loading and unloading their vehicles on a daily basis is going to have a huge impact on parking for residents again [just when things had started to improve for us]. Traders and the general public will once again use my road as a public car park.

2 – Noise will become an issue I’m sure. This brings in The Prevention of Public Nuisance. Why should we have our lives affected by traders loading and unloading at all hours of the day, and as for the music licence, I strongly oppose this as I do not want to live at a pop concert or festival site thank you. My neighbours of all ages feel the same. Initially the license is only till p.m. I think, but how long will it be before extensions to those licensing hours are applied for?

3 – Crime and anti social behaviour is unfortunately on the increase in this area, especially since the local police station on the Leckhampton Road has been forced to close. This raises the issues of Public Safety, The Prevention of Crime and Disorder, The Protection of Children from Harm and The Prevention of Public Nuisance. The potential problems of people in a jovial mood carrying out random acts of crime and vandalism is not appealing.

I am sorry if I sound very negative about the proposed plans, but I have the well being of both myself and my neighbours to consider. It is with these thoughts that i wish to clarify that i object to the licence applied for concerning the allowing of Alcohol/Live Music/Recorded Music and Market on the old Robert Young’s site, Bath Road, Leckhampton, Cheltenham.

Yours sincerely,

Claire Janes, resident of Langdon Road.
CLAIRE JANES

Dear Sirs/Madam

It has recently come to my attention that the old Robert Young site on Leckhampton Rd. will be turned into a Market of some description and has now submitted plans for Alcohol plus Live & Recorded Music to be used and played here.

What kind of market is that? People selling their wares and crafts is one thing but introducing alcohol & music I fear will cause major disruption and inconvenience to local residents, especially in the Langdon Rd. area. There is already a Pub directly across the street from these premises plus another one only a few doors down from this site as well.

Furthermore, aside from the impact of deliveries being made to the trade stalls, the Parking in Langdon Rd., which is already difficult from people shopping in the Bath Rd., will become impossible for residents now both day & night. Plus the addition of undoubtedly rowdy behavior and litter/bottles will be a major source of concern, especially in these times.

As there is a large outdoor section to these premises which back onto Langdon Rd. the people at the lower end of the street will be put into an impossible position having to contend with the noise as well as the potential mess to a street which at the moment is a lovely quiet residential street.

I realize that this site has to be used and occupied but surely it should be taking into consideration of its position and how it will affect the local residents. Therefore, I Strongly object to the use of Alcohol & Music of any type being played here.

Your sincerely
Dennis Goodman

Dear Sir/Madam

I am contacting you to express my objections regarding the proposed licence for the new Bath Road market.

Why is a licence for alcohol needed for these premises when within close proximity there are 4 pubs (Norwood Arms, The Brown Jug, The Five Alls and The Exmouth) as well as 2 supermarkets (Sainsburys and the Co-operative) as well as a Bargain Booze which surely is more than enough in this limited area? We already have seen the effects of people becoming inebriated and carrying out random acts of vandalism, in fact, only last week the window of a car outside my house was smashed for no apparent reason. This brings in concerns regarding the issues of Public Safety, The Prevention of Crime and Disorder, The Protection of Children from Harm and The Prevention of Public Nuisance. Crime and antisocial behaviour is already on the increase and we have unfortunately have had the enforced closure of the police station in Leckhampton Road recently.

I have been a resident in Langdon Road for over 24 years and have seen problems with parking increasing over time in this residential area. This new market with up to 40 traders loading and unloading their vehicles 7 days a week will have an enormous impact on parking for residents yet again as things had become easier since Robert Young had closed as their staff and the public used the road for parking as they were unwilling to pay to use the public car park therefore making it very difficult for us to park within our road. My neighbours' ages are very variable from the elderly with mobility issues to very young children and this brings to mind the Public Safety and Protection of Children From Harm issues bearing in mind that children also use this road to access their way to and from the local school and play outside.

I am extremely concerned regarding the noise levels. Not only are we going to have our lives affected by the impact of noise from traders loading and unloading their vehicles but also from the proposal for a music licence. Why do we have to contend with this as surely we should be able to sit in our gardens without being forced to listen to music (live or recorded) or to live plays, where does this leave my Human Rights? I do not wish to live at an open air concert/festival venue. The noise will bring in issues of the Prevention of Public Nuisance. The licence is initially proposed until 20.00hours but how long will it be before an application is made for an extension to these hours?

Many of my neighbours, young and old, have raised their concerns to me over this issues.

I would like to clarify to you that I strongly object to the application for having Alcohol, Live Music, Recorded Music at the new Bath Road Market.

Yours faithfully

Mrs Linda Lewis



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:	Mrs T SANDERS
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	
Post Code	
Daytime contact telephone number	
Email address - 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)	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

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)

I understand from the telephone call to your office that the market will be open until 8 o'clock at night including Saturday and Sunday.
There are already "Music Evenings" through the evening in the area i.e. Harvested Mums.
So have conflicting "MUSIC" opposite would be excessive and too intrusive to the peace of mind when trying to settle young children & babies for the night, let alone the congregation of alcohol drinkers - looking for a toilet or gateway. (as has happened)

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)

noise to stop earlier and free toilets on site.
with a refreshment or sitting area.

Signature:

Capacity:

Date: 20/8/2011

To: Cooper, Phil

Cc: 'Simon Tanner-Tremaine'

Subject: RE: Representation From - Bath Street Market

Thank you for getting back to me so quickly Phil. I hope this isn't too late. However I wasn't able to write in the pdf document that Louis had originally attached so I have outlined the basis of my representation below in the hope that this will be sufficient. I'm more than happy to complete something/sign something tomorrow if this is necessary.

I am making a representation about noise and public disorder at the new Bath Street Market

We live at The market is visible from our first floor windows.

What are your concerns?

My concerns regarding this application are that, if granted, the license may at some point in the future be used to put on frequent live entertainment and alcoholic drink being regularly served on the premises until late into the evening, to all intents and purposes a pub. This could generate much noise and potential anti-social behaviour along our street, particularly given the open-air nature of the premises at the back of the building. It could also generate problems of litter and all the associated anti-social behaviour that comes with a licensed venue.

Suggested suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee etc

I understand that the applicants are planning limited purchase of alcohol and occasional live events and I think this is fine. My concern is that the license, once granted, could be used to set up something on a much bigger scale at a later date. Perhaps the license could be granted on the basis of the terms within the applicant's letter, currently posted on the doors of the premises? Any change to these terms would need permission from the council. Is this feasible?

Overall I think the market is a nice idea and understand that they would need a license to sell things like local cider on stalls and serve mulled wine at Christmas markets for example and that they would play recorded music and have occasional live music events. However the license itself grants permission for much more than this and once the license is granted there would be nothing we could do to prevent the premises turning into a live music pub every day of the week until late into the evening.

My apologies for such a late application. I hope it isn't too late.

Very many thanks,

Claire Tanner-Tremaine