



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

Friday, 8 November 2013
10.00 am

Council Chamber - Municipal Offices

Membership	
Councillors:	Andrew Chard, Anne Regan (Reserve), Diggory Seacome and Jon Walklett
Reserve Councillor:	Anne Regan
Officers:	Vikki Fennell, Solicitor, Louis Krog, Licensing & Business Support Team Leader

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DETERMINATION OF AN OBJECTION NOTICE TO TEMPORARY EVENT NOTICE Report of the Licensing & Business Support Team Leader	(Pages 1 - 22)

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 264130
Email: democratic.services@cheltenham.gov.uk

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Cheltenham Borough Council

Licensing Sub-Committee – 8 November 2013

Determination of an objection notice to Temporary Event Notice

Report of the Licensing & Business Support Team Leader

1. Introduction

- 1.1 The Licensing Act 2003 (“the 2003 Act”) allows a person (“premises user”) wishing to hold an event at which licensable activities are carried on, to give notice to the Council of the event known as a temporary event notice (“TEN”).
- 1.2 The TEN, in effect, exempts the premises user from the need for a licence, in order that licensable activities can take place.
- 1.3 The premises user must, in addition to the Council, also serve copies of the notice on Gloucestershire Constabulary and the Council’s Environmental Health Department responsible for noise nuisance.
- 1.4 On this occasion, an objection has been received from the Council’s Environmental Health Department.
- 1.5 The committee is asked to consider the objection notice in relation to the TEN and decide what appropriate action to take.

1.7 Implications

1.7.1 Financial **Contact officer: Sarah Didcote**
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125

1.7.2 Legal The premises user has a right of appeal against a decision by the Council to serve a counter notice.

Contact officer: Vikki Fennell
E-mail: vikki.fennell@tewkesbury.gov.uk
Tel no: 01684 272015

2. The Temporary Event Notice (TEN)

- 2.1 A TEN was served on the Licensing Section on 29 October 2013 in respect of Beehive Inn, Montpellier Villas, Cheltenham, GL50 2XE. A copy of the TEN is attached at **Appendix A**.
- 2.2 The Beehive Inn is currently licensed for the following licensed activities and times (**a copy of the premises licence is attached at Appendix B**):

Licensable Activities	Days	Times	Location
Sale/Supply of Alcohol	Friday to Saturday	10:00 - 01:00	
Sale/Supply of Alcohol	Sunday to Thursday	10:00 - 00:00	
Performance of Recorded Music	Every Day	10:00 - 23:00	Indoors

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- 2.3 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing licence.
- 2.4 The TEN was served on the Council to notify it that the premises user is intending to extend the premises' current licensed hours for all the above licensable activities by an hour in the morning (9am) and to 4am every day between 14 and 18 November 2013 to coincide with the November races.

3. Objection

- 3.1 Section 104 of the 2003 Act (as amended by section 112 of the Police Reform and Social Responsibility Act 2011) permits both the Chief Officer of Police and the Council's Environmental Protection team to serve an object notice to a TEN on the basis of any of the licensing objectives.
- 3.2 On this occasion Mr Gareth Jones, Senior Environmental Health Officer, served an objection notice on Friday 1 November 2013 on the basis that the extension of licensable hours will adversely affect the prevention of public nuisance objective. A copy of the objection notice is attached at **Appendix C** of this report.
- 3.3 The premises in question have been subject to numerous noise complaints from residents living in the vicinity of it. Mr Jones is submitting that the extension of hours will cause further public nuisance due to the fact that noise will last considerably longer into the night and be spread over 4 consecutive nights.
- 3.4 Section 103 of the Police Reform and Social Responsibility Act 2011 enables the Committee to impose conditions from the existing conditions on the premises licence (**see appendix B**) if the imposition of these conditions would mitigate or eliminate the grounds for objection.
- 3.5 Members are to note that Mr Jones is of the opinion that the imposition of existing conditions on the premises licence would not on this occasion provide suitable control of noise.
- 3.6 However, if Members are to decide to impose conditions, it can only do so if:
- a) Members consider it appropriate for the promotion of the licensing objectives;
 - b) The conditions are in force on the existing premises licence; and
 - c) The conditions would not be inconsistent with the carrying out of the licensable activities under the TEN.

4. Statutory Limitations

- 4.1 Due to the nature of TENs, the use of them is subject to limitations set out in the 2003 Act (as amended). These limitations are:
- a) the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
 - b) the number of times a TEN may be given for any particular premises is 12 times in a calendar year;
 - c) the maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - d) the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
 - e) the maximum number of people attending at any one time must be fewer than 500; and
 - f) the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

5. Statutory Guidance

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

Licensing objectives and aims

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

5.3 The licensing objectives are:

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

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

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

They include:

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

Legal status

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

Each application on its own merits

5.7 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a3

cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (1.17)

Public Nuisance

- 5.8 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (2.18)
- 5.9 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (2.19)

Temporary Event Notices (TENs)

- 5.10 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”). (7.2)
- 5.11 The police or “local authority exercising environmental health functions” (“EHA”) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. The police or EHA (“relevant persons” for the purposes of TENs) may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.31-7.35 below). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded. (7.5)

Role of the licensing authority

- 5.12 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.7). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate. (7.24)

- 5.13 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or EHA on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). (7.26)
- 5.14 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice. (7.27)

Police and environmental health intervention

- 5.15 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives. (7.31)
- 5.16 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers. (7.32)
- 5.17 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise. (7.33)
- 5.18 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN. (7.34)
- 5.19 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid. (7.35)

Modification

- 5.20 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree. (7.36)

Applying conditions to a TEN

- 5.21 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
 - if that objection has not been withdrawn;
 - there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
 - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions. (7.37)
- 5.22 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations. (7.38)

Hearings to impose conditions

- 5.23 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN. (7.39)

6. Policy Considerations

- 6.1 The objective of this policy is to:
- a) promote the four licensing objectives;
 - b) ensure that the premises are appropriate for their proposed use;
 - c) ensure the premises layout and condition is acceptable for the proposed use; and
 - d) ensure that the premises are being managed responsibly. (2.3)
- 6.2 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (4.2)
- 6.3 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed. (4.3)
- 6.4 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (4.5)

Public Nuisance

- 6.5 The role of the Council is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors. (5.24)
- 6.6 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower. (5.25)

7. Licensing Comments

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- 7.1 The committee must have regard to the statutory guidance issued by the Secretary of State and the Council's adopted policy statement when determining this application. In particular, the committee must seek to promote the four licensing objectives when determining the application.
- 7.2 The committee, having regard to the objection notice and the evidence it hears, must take such steps as it considers appropriate for the promotion of the licensing objectives which can include:
- a) Serving a counter-notice if the committee is satisfied that the promotion of the licensing objectives will adversely be affected by the TEN; or
 - b) Imposing conditions on the TEN in accordance with the requirements set out in paragraph 3.61 above if the committee considers it appropriate for the promotion of the licensing objectives; or
 - c) Do nothing if the committee does not accept the objection notice submitted by Mr Jones.
- 7.3 The committee does not have the power to modify a TEN. In relation to the ability of the objector to do so (in accordance with paragraph 5.20 above), Members are to note that the TEN in question has not been modified.

Background Papers	Amended guidance issued under section 182 of the Licensing Act 2003 – 27 June 2013
	Cheltenham Borough Council Licensing Act 2003 Licensing Policy Statement - Approved by Council February 2012
	Licensing Act 2003
	Police Reform and Social Responsibility Act 2011
Contact Officer	Contact officer: Louis Krog E-mail: licensing@cheltenham.gov.uk Tel no: 01242 77 5200

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Cheltenham
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
licensing@cheltenham.gov.uk
 Telephone: 1242775200

* required information

Section 1 of 8

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 8

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

*Continued from previous page...***Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

 Yes

 No
E-mail Telephone number Other telephone number **Section 3 of 8****THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

 Yes

 No
Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

 Yes

 No
* Building number or name * Street District * City or town County or administrative area * Postcode * Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

 Neither

 Premises licence

 Club premises certificate
* Premises licence number **Location Details**

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Ground floor and Garden area. The restaurant area will close at usual time.

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Public House

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Normal business but late closing due to Horse Racing

Section 4 of 8

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- 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
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 7](#)).

Event Dates

There must be a period of at least 10 days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 8](#))

Event start date / /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 8

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 12\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Any further relevant details

Section 6 of 8

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 13\)](#)

Continued from previous page...

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 7 of 8**ASSOCIATES AND BUSINESS COLLEAGUES** ([See also guidance on completing the form, note 14](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 8**CONDITION**

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

[\(See also guidance on completing the form, note 16\)](#)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

ATTACHMENTS**AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* The information contained in this form is correct to the best of my knowledge and belief

* I understand that it is an offence:

- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/cheltenham/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.



CHEL TENHAM

BOROUGH COUNCIL

Licensing Act 2003

Cheltenham Borough Council

Premises Licence Number

13/01886/PRMVPS

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Beehive Inn
1-3 Montpellier Villas
Cheltenham
Gloucestershire
GL50 2XE

Telephone number

01242 702270

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol	Friday to Saturday	10:00 - 01:00
Sale/Supply of Alcohol	Sunday to Thursday	10:00 - 00:00
Performance of Recorded Music	Every Day	10:00 - 23:00 Indoors

The opening hours of the premises

Opening Hours	Friday to Saturday	10:00 - 01:40
Opening Hours	Sunday to Thursday	10:00 - 00:40

Non Standard Timings

A) The approved non standard hours for permitted licensable activities are: i) 10.00 - 04.00 during the Cheltenham Gold Cup Festival Week; and, ii) 10.00-02.00 on Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

B) Permitted licensable activities may be offered continuously from 10.00hrs on New Years Eve until the standard terminal hour 1 January.

In all cases where non standard timings apply the 40 minute drinking up time shall be preserved.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Both

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ashtop Limited
Top Floor Offices
Hatton Court
Upton Hill
Upton St Leonards
Gloucester
GL4 8DE
Business Phone Number 01242 702270
Head Office Phone Number 01452 632740

Registered number of holder, for example company number, charity number (where applicable)

06696078

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

Mr Stuart John Rosblade
99E Montpellier Terrace
Cheltenham
Gloucestershire
GL50 1XA
Business Phone Number 01242 702270

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: 13/01782/PERA

Licensing Authority: Cheltenham Borough Council

Signature of Issuing Officer



Executive Director

Date of issue

18 October 2013

Annex 1 – Mandatory conditions

- 1 Mandatory Conditions - Alcohol
No retail sale of alcohol may be made under the premises licence:
(a) At a time when there is no designated premises supervisor in respect of the premises licence, or
(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
(c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 2 Mandatory Conditions - Door Supervisor
All individuals at the premises carrying out a security activity must be licensed by the Security Industry Authority. (Security activity is defined in Schedule 2 of the Private Security Industry Act 2001).

Annex 2 – Conditions consistent with the Operating Schedule

- 1 Embedded Conditions
From the Justices' Licence
a) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day continue in force.
b) On commencement of British Summertime, the benefit of the clock going forward at 0200, instead of 0100 GMT is preserved.
- 2 a) A 40 minute 'drinking up' time shall be provided to allow appropriate dispersal, use of lavatories etc.
b) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe / Cheltenham Innkeepers Association (or successor 'pubwatch' body).
c) No discounting of alcoholic drinks (below the tariff in place for a minimum of one week) shall take place on Fridays and Saturdays after 18.00hrs.
d) Non alcoholic and low alcohol drinks shall be promoted especially to 'designated drivers' of groups.
e) A closed door policy will be operated with no admission or re-admission on New Years Eve from 23.30 to 04.00hrs on New Years Day.
f) On any evening when the premises are open after midnight that between the end of the supply of alcohol and closing time (or until all customers have dispersed from the immediate vicinity), the DPS or a member of staff will be positioned outside the premises to monitor the dispersal of Customers.
g) The first floor part of the premises that is open to the public shall be used exclusively as a restaurant with table service.
h) Suitable notices shall be posted to request patrons to: i) leave the premises quietly and behave in ways that respect the interests of residential neighbours; and, ii) to respect the interests of neighbours and not cause a nuisance when using the front outside area of the premises .

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1
 - a) When the premises is open there will be a regular hourly collection of glasses and bottles from their immediate vicinity - the immediate vicinity is the outside area of that is within the boundary of the premise.
 - b) There will be daily clearance of glasses and bottles from the area within 10 metres of the premises.
 - c) When the premises are used for regulated entertainment all doors and windows shall be kept closed other than doors that may be used for the purposes of normal or emergency entrance and exit.
 - d) At all times when the premises are used are used for licensable activities the front outside area of the premises shall not be used for licensable activities after 23.00hrs nightly.
 - e) The licensees shall use their best endeavours to try to ensure that patrons using the front outside area of the premises do not cause a nuisance to persons living in the vicinity of the premises.

Annex 4 – Plans

- 1 See drawing number 2020.L1 dated Feb 2005

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

From: Jones, Gareth
Sent: 01 November 2013 10:08
To: Krog, Louis; Internet - Licensing; 'stuart.roseblade@hotmail.co.uk';
'licensing@gloucestershire.police.uk'
Subject: NOT PROTECTIVELY MARKED: TEN - The Beehive

Louis, Stuart

This department objects to the current TEN relating to increased hours at The Beehive over 14th - 18th November 2013.

This objection is made on the grounds of Public Nuisance.

As you are aware, officers from this department have monitored noise from the outdoor areas of the premises in response to complaints from nearby residents.

Monitoring has found evidence that use of the rear garden area until the currently licensed closing time of 01:40 is likely to cause public nuisance to nearby residents due to noise from customer voices, and that any efforts being taken by the management of the pub to control this noise have not been effective. Our visits have also shown that noise from the front garden does not constitute a public nuisance, as it is closed at 9:00PM. This has been brought to the attention of the Licensee, who is considering his options in response. A review of the current premises licence may follow in due course. Extending the opening hours further to 4:00AM as requested by this TEN will cause further public nuisance, as noise will last considerably longer into the night and be spread over 4 consecutive nights.

Current license conditions relating to noise from outdoor areas will not provide suitable control of noise from this source if applied to the TEN event, as they rely on some outdoor areas being closed earlier in the evening. A condition to limit the use of outdoor areas during the extended hours requested by the TEN would be ineffective, as customers require access to outdoor areas to smoke. Closing (for example) the rear garden, would then direct smokers to the front garden, thus only re-locating the noise nuisance, rather than stopping it.

Gareth Jones M.Sc, B. Eng, MCIEH

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