



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

**Friday, 20 December 2013
10.00 am
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes, Rob Reid and Diggory Seacome
Reserve Councillor:	Roger Whyborn
Officers:	Louis Krog, Licensing & Business Support Team Leader Vikki Fennell, Solicitor

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DETERMINATION OF APPLICATION TO VARY A PREMISES LICENCE Manor by the Lake, Arle Court, Hatherley Lane, Cheltenham	(Pages 1 - 98)

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Cheltenham Borough Council

Licensing Sub Committee – 20 December 2013

Licensing Act 2003: Determination of Application to Vary a Premises Licence

Manor by the Lake, Arle Court, Hatherley Lane

Report of the Licensing & Business Support Team Leader

1. Introduction

1.1 The Licensing Act 2003 (the Act) allows applicants to apply to vary a premises licence at any time. In this case, a variation application was received on 29 October 2013 from Mr Michael Chittenden & Ms Tammy Madge in respect of Manor by the Lake, Arle Court, Hatherley Lane. A copy of the application is included at **Appendix A**.

1.2 The application is to:

- 1.2.1 Regularise licensable hours on all days (see table below);
- 1.2.2 To remove the maximum capacity limits on the licence; and
- 1.2.3 To permit live and recorded music outdoors.

Licensable Activities	Current	Proposed
Sale/Supply of Alcohol	Friday to Saturday 09:00 - 00:00	Everyday 09:00 – 00:00
	Sunday to Thursday 09:00 - 23:00	Both
	Both	
Performance of Dance	Friday to Saturday 09:00 - 00:00	Everyday 09:00 – 00:00
	Sunday to Thursday 09:00 - 23:00	Indoors & Outdoors
	Indoors & Outdoors	
Exhibition of a Film	Every Day 09:00 - 23:00	Everyday 09:00 – 00:00
	Indoors	Indoors
Performance of Live Music	Friday to Saturday 09:00 - 00:00	Everyday 09:00 – 00:00
	Sunday to Thursday 09:00 - 23:00	Indoors & Outdoors
	Indoors	
Performance of Recorded Music	Friday to Saturday 09:00 - 00:00	Everyday 09:00 – 00:00
	Sunday to Thursday 09:00 - 23:00	Indoors & Outdoors
	Indoors	

Other/Similar Entertainment	Friday to Saturday 09:00 - 00:00 Sunday to Thursday 09:00 - 23:00 Indoors & Outdoors	Everyday 09:00 – 00:00 Indoors & Outdoors
Performance of a Play	Every Day 09:00 - 23:00 Indoors	Everyday 09:00 – 00:00 Indoors
Late Night Refreshment	Friday to Saturday 23:00 - 00:00 Indoors & Outdoors	Everyday 09:00 – 00:00 Indoors & Outdoors

1.3 A copy of the existing licence is attached at **Appendix B**.

1.4 In total 18 objections were received from local residents and the Grace Gardens Residents' Association. The objections are summarised below and attached at **Appendix C**.

1.4 Implications

1.4.1 Financial

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1.4.2 Legal

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

Vikki Fennell
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2. Application (Ref. 13/01937/PRMV)

2.1 Applicant: Mr Michael Chittenden

2.2 Agent: N/A

2.3 Premises: Manor by the Lake, Arle Court, Hatherley Lane, Cheltenham

2.4 Steps to promote the four licensing objectives are identified in the application at page 28.

3. Responsible Authorities

3.1 No objections were received from responsible authorities.

3.2 Members are to note however that the following condition proposed by the Environmental Health officer has been agreed by the applicant:

“The playing of amplified live or recorded music in outdoor areas shall be limited to the hours of 8AM - 9PM, in connection with weddings, civil ceremonies, blessings and similar events, for a maximum duration of 1 hour per day.”

3.3 If the licence were to be granted the licence will be subject to the above condition.

4. Other People

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- 4.1 18 objections were received from local residents as outlined below.
- 4.2 **Mr Steven Sayers (47 Grace Gardens)** – Has objected on the grounds of public nuisance. Mr Sayers is concerned that the extended hours and use of the outdoor area will result in noise nuisance.
- 4.3 **John and Pauline Lee (44 Grace Gardens)** - Has objected on the grounds of public nuisance. Mr & Mrs Lee are concerned that the extended hours and use of the outdoor area will result in noise nuisance.
- 4.4 **Rosemary Lynn on behalf of Heather Lynn (18b Wade Court)** – Ms Lynn has submitted an objection on behalf of her mother Heather Lynn. Ms Lynn has objected on the grounds of public nuisance. She is concerned that the extended hours and use of the outdoor area will result in noise nuisance late at night.
- 4.5 **Ms Christine Samuel (36 Grace Gardens)** – Has objected on the grounds of public nuisance. She identified a number of existing nuisance related problems with the premises and commented that the grant of this application will give them carte blanche which will continue to cause nuisance problems.
- 4.6 **Andrew English (9 Grace Gardens)** – Mr English has objected on the grounds of public nuisance and public safety. He is concerned that the proposed extended hours is likely to cause a public nuisance. He has also commented that he has recently experienced noise nuisance as a result of the operation of the premises which is likely to increase should this application be granted.
- 4.7 **Justine Woodley on behalf of the Grace Gardens Residents Association (Signatories at Appendix C)** - Ms Woodley, treasurer of the resident's association has objected on the grounds of the prevention of public nuisance, prevention of crime and disorder and the protection of children from harm. She commented that the grant of this licence is likely to result in increased noise nuisance to local residents. In her objection she lists a number of more specific examples of how residents are likely to be affected. They have also commented on the proposed increase in the capacity of the premises.
- 4.8 **Angela Applegate (24 Grace Gardens)** - Has objected on the grounds of public nuisance. She is concerned that the extended hours and use of the outdoor area will result in noise nuisance.
- 4.9 **Susannah Lawrence (19D Wade Court)** – Ms Lawrence has objected on the grounds of public nuisance. He is concerned that the extended hours and use of the outdoor area will result in unacceptable levels of noise nuisance.
- 4.10 **Mr Richard Medley (12 Grace Court)** – Mr Medley has objected on the grounds of public nuisance. He is concerned that the extended hours and use of the outdoor area will result in unacceptable levels of noise nuisance.
- 4.11 **Peter Jeffrey and Joan Chadwick (29 Grace Gardens)** – Mr & Mrs Chadwick objected on the basis of the prevention of public nuisance. They are concerned that the extended hours and use of the outdoor area will result in noise nuisance.

- 4.12 **Cllr Nigel Britter (Glyndon, The Reddings)** – Cllr Britter has objected on the grounds of prevention of crime and disorder, public safety and the prevention of crime and disorder. Cllr Britter commented that the grant of this licence is likely to result in increased noise nuisance to local residents. Cllr Britter commented that there are existing noise nuisance and anti-social behaviour issues and the grant of this application will exaggerate these issues.
- 4.13 **Justine Woodley (39 Grace Court)** – In addition to objecting on behalf of the Grace Gardens Residents Association, Ms Woodley also submitted an individual objection on the grounds of the prevention of public nuisance and the protection of children from harm. She commented that the grant of this licence is likely to result in increased noise nuisance to local residents. She has also commented on the proposed increase in the capacity of the premises.
- 4.14 **Mr and Mrs Curtis (8 Grace Gardens)** – Mr & Mrs Curtis have objected on the basis of prevention of public safety and the protection of children from harm. Mr & Mrs Curtis commented that if music were allowed outside and the increase in capacity be granted that local residents will suffer public nuisance. They continued that the noise nuisance will also harm children as they will be unable to sleep and harm adults due to stress having to listen to the music.
- 4.15 **Jeremy and Lindsey Power (45 Grace Gardens)** – Mr & Mrs Power objected on the basis that the grant of extended out door hours will have a negative impact on local residents. They have also commented on the proposed increase in the capacity of the premises.
- Mr & Mrs Power proposed a condition limiting the outside noise to 30dBA measured at the boundary of their shared boundary.
- 4.16 **Jason and Caroline Berry (50 Grace Gardens)** – Mr & Mrs Berry objected on the basis that the grant of extended out door hours will have a negative impact on local residents. They have also commented on the proposed increase in the capacity of the premises.
- 4.17 **Mr & Mrs Button (43 Grace Gardens)** – Mr & Mrs Button objected on the basis of the prevention of public nuisance. They are concerned that the extended hours and use of the outdoor area will result in an increase of noise nuisance.
- 4.18 **Jean Dickinson (5 Wade Court)** – Ms Dickinson objected on the basis that the extended hours will cause a nuisance by noisy individuals and late night music. She is also concerned that the extended hours will result in people remaining at the premises longer for drinking up causing a nuisance.
- 4.19 **Mr K Parker (10 Wade Court)** – Mr Parker has objected on the grounds of prevention of crime & disorder and the prevention of public from nuisance. He is concerned that the extended hours and use of the outdoor area will result in unacceptable levels of noise nuisance.

5. Local Policy Considerations

- 5.1 The 2003 Act introduces a unified system of regulation through two new types of licences: the premises licence (club premises certificates for qualifying clubs) and the personal licence. The Borough Council, as the licensing authority, is responsible for licensing all outlets in the borough that sell or supply alcohol or carry out any other 'licensable activities': public entertainment, theatre, cinema, or late night refreshment.

- 5.2 The new system is underpinned by four objectives: i) the prevention of crime and disorder; ii) public safety; iii) the prevention of public nuisance; and, iv) the protection of children from harm. The licensing authority must promote these objectives in carrying out its functions.
- 5.3 The Council's adopted licensing policy statement (Council 10th Feb 2012) includes the following:
- 5.4 The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Council will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the Council over the next three years. It will also inform elected Members of the parameters within which licensing decisions can be made. (Paragraph1.3)
- 5.5 Through this policy the Council hopes that residents of and visitors to Cheltenham will be able to enjoy their leisure time safely and without fear of violence, intimidation or disorder while at licensed premises. (Paragraph1.4)
- 5.6 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder. (Paragraph1.5)
- 5.7 It should be understood that this policy and the section 182 Guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy. (Paragraph1.6)
- 5.8 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:-
- (a) The prevention of crime and disorder;
 - (b) Public safety;
 - (c) The prevention of public nuisance; and
 - (d) The protection of children from harm. (Paragraph 4.1)
- 5.9 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (Paragraph 4.2)
- 5.10 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those appropriate to promote the licensing objectives will be imposed. (Paragraph 4.3)
- 5.11 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (Paragraph 4.5)
- 5.12 Through their operating schedule, applicants will be expected, where necessary, to demonstrate the positive steps taken to promote the licensing objectives. (Paragraph 5.3)
- 5.13 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The

Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. (Paragraph 5.4)

- 5.14 Applicants will be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises. (Paragraph 5.6)
- 5.15 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail. (Paragraph 5.7)
- 5.16 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events. (Paragraph 5.12)

Public nuisance

- 5.17 The Council will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises. (Paragraph 5.22)
- 5.18 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (Paragraph 5.23)
- 5.19 The role of the Council is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors. (Paragraph 5.24)
- 5.20 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower. (Paragraph 5.25)
- 5.21 Where relevant representations are received, the Council may attach appropriate conditions to licences, appropriate to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after midnight the licence holder, will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The Council also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. (Paragraph 5.26)
- 5.22 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste management program to ensure that the area outside the premises is kept free of litter at all times. (Paragraph 5.29)

- 5.23 Where the Council receives relevant representations, or where a responsible authority or an interested party seeks a review, the Council may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective. (Paragraph 5.30)
- 5.24 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies; provision of signs, publicity and dispersal policies. (Paragraph 5.31)

6. National Guidance

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

Licensing objectives and aims

- 6.2 The legislation provides a clear focus on the promotion of four statutory objectives *which must be addressed when licensing functions are undertaken*. (1.2)
- 6.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm. (1.3)
- 6.4 *Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times*. (1.4)
- 6.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

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

Legal status

- 6.6 *Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent*. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as

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licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken. (1.9)

Licence conditions – general principles

- 6.7 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format. (1.16)

Each application on its own merits

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

Public nuisance

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

community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (2.19)

- 6.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)
- 6.12 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. (2.21)
- 6.13 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave. (2.22)
- 6.14 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night. (2.24)

Protection of children from harm

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

Variations

- 6.16 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives.
- 6.17 *As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add*

further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (9.33)

- 6.18 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy. (9.34)

Planning

- 6.19 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate. (9.37)
- 6.20 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. *The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.* (13.55)
- 6.21 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. *Premises operating in breach of their planning permission would be liable to prosecution under planning law.* Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee. (13.56)

7. Licensing Comments

- 7.1 The committee must have regard to the statutory guidance issued by the Secretary of State, the Council's adopted policy statement, the representations made and the evidence it hears 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 all of the above, must take such steps as it considers appropriate for the promotion of the licensing objectives which can include:
- Granting the application as requested;
 - Modifying the conditions of the licence; or
 - Rejecting all or part of the application.
- 7.3 A plan of the location of the premises is attached **Appendix D** and of the premises is attached at **Appendix E**.
- 7.4 The objectors have raised a number of issues that is dealt with in turn below:

- **Parking** – Members are to note that comments relating to the impact of parking and/or vehicular access cannot be considered relevant because it does not relate to any of the four licensing objectives.
- **Planning** – Residents have made reference to the planning permission granted to the premises recently. Members are to note that the guidance (see above) and common law are clear that planning restrictions are not relevant for the purpose of determining a licensing application. The guidance makes it clear that a decision to grant a licence does not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate but that “licensing committees are not bound by decisions made by a planning committee, and vice versa.”
- **Fireworks** – A number of residents made reference to a recent fireworks display. Members are to note that the display of fireworks is not a relevant consideration for the committee because it is not a licensable activity and therefore falls outside the scope of the Licensing Act 2003.
- **Capacity** – A number of residents have commented in the possible adverse effect increasing the capacity limit will have on the promotion of the licensing objectives. For the information of Members, the Regulatory Reform (Fire Safety) Order 2005 amended the Licensing Act 2003 with the effect that the Council can no longer impose or enforce capacity numbers in so far as it relates to fire and public safety.

Members are to note that the current capacity was transferred over from the public entertainment licence (05/00655/PELINA) which would have originally been put on there for fire safety purposes.

In essence, as a result of the 2005 Order, the Council is only entitled to impose conditions relating to capacity if such a condition is appropriate for the prevention of public nuisance, the prevention of crime and disorder or public safety in so far as it does not relate to matters that can be dealt with under the 2005 order.

- **Premises in Suffolk** – Members are to note that any information relating to the operation of the other premises in Suffolk is not relevant because this application must be determined on its individual merits.
- **Noise condition** – Members are to note that Mr & Mrs Power suggested a noise condition seeking to limit the noise to 30dBS. A limit of 30dBS is extremely low and there is a suggestion by the environmental health officer that it is possible that normal background noise will exceed 30dBS without the use of the outdoor area by the premises. A 30dBS noise limit will effectively mean that any use of the outdoor area will be impossible.
- **Litter** – Members are to note that comments relating to litter cannot be considered relevant because it does not relate to any of the four licensing objectives and there is other legislation that can be deal with the problem of litter.

Report Author

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Tel no: 01242775200



CHEL TENHAM

BOROUGH COUNCIL

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Tammy Madge & Michael Chittenden

(Insert name(s) of applicant)

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

Premises licence number

13/00794/PRMVPS

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Manor By The Lake
Arle Court
Hatherley Lane
Cheltenham

Post town

Cheltenham

Postcode

GL51 6PN

Telephone number at premises (if any)

01242 245 071

Non-domestic rateable value of premises

£30,750

Part 2 – Applicant details

Daytime contact
telephone number

07766475871

E-mail address (optional)

tammy@manorbythelake.co.uk

Current postal address if different
from premises address

Same

Post town

Postcode

Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY

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

We are a special events venue available for Weddings, Corporate and other such events. We are available to hire on an exclusive use bases so no members of the public are allowed on to our premises when it is hired by a client. As such all guests attending events are known to the client hosting the event which helps towards preventing issues featured in the four licensing objectives.

My partner and I have recently purchased the building and carried out an extensive renovation to include 12 bedrooms and a ballroom seating up to 200 people. We also own a similar venue called Woodhall Manor based in Suffolk, so are fully aware of the management in preventing issues featured in the four licensing objectives.

We are looking to regularise hours of our license so all days are the same start and finish times. The current license is from 9:00- 23:00 Sunday to Thursday and 9:00- 00:00 Friday and Saturday. We are proposing and extension of one hour Sunday to Thursday so the hours are 9:00- 00:00.

This will help us reach our business objective by being able to offer our clients the same service regardless of the day of the week.

We also need to remove the restrictions of numbers of people attending the events as we have new facilities to cater for larger events. The current license stipulates- Maximum number of persons permitted: ground floor 80 Total for premises 80.

We are looking to increase this to a maximum of 350 people for the ground floor and premises.

We are also requesting live/recorded music, in and outdoors this is only to cover ceremonies that will take place in the grounds and will only take place during the hours of 9:00- 19:00 due to our restriction on ceremony timings. We are happy for this to be a condition of the license.

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

N/A

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>					
Day				Start	Finish	Outdoors	<input type="checkbox"/>			
						Both	<input type="checkbox"/>			
Mon	9:00	00:00	Please give further details here (please read guidance note 3)							
	9:00	00:00								
Tue	9:00	00:00								
	9:00	00:00								
Wed	9:00	00:00					State any seasonal variations for performing plays (please read guidance note 4) Same through out the year but generally summer months			
	9:00	00:00								
Thur	9:00	00:00								
	9:00	00:00								
Fri	9:00	00:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)							
	9:00	00:00								
Sat	9:00	00:00					No			
	9:00	00:00								
Sun	9:00	00:00								
	9:00	00:00								

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Possible showing of wedding or corporate video for an event		
Mon	9:00	00:00			
	9:00	00:00			
Tue	9:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4) Same through out the year		
	9:00	00:00			
Wed	9:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
	9:00	00:00			
Thur	9:00	00:00	No		
	9:00	00:00			
Fri	9:00	00:00			
	9:00	00:00			
Sat	9:00	00:00			
	9:00	00:00			
Sun	9:00	00:00			
	9:00	00:00			

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) No
Fri			
Sat			
Sun			

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 (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> <u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u> <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 (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Performance for live music in accordance to the event i.e Harpist at a Wedding or Classical Guitar at a corporate event greeting guests. <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) Same through out the year <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) New years Eve to be extended to 01:00		
Mon	9:00	00:00			
	9:00	00:00			
Tue	9:00	00:00			
	9:00	00:00			
Wed	9:00	00:00			
	9:00	00:00			
Thur	9:00	00:00			
	9:00	00:00			
Fri	9:00	00:00			
	9:00	00:00			
Sat	9:00	00:00			
	9:00	00:00			
Sun	9:00	00:00			
	9:00	00:00			

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Use of recorded music in accordance to the event ie wedding ceremony background music <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) Same through out the year <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve to finish at 01:00		
Mon	9:00	00:00			
	9:00	00:00			
Tue	9:00	00:00			
	9:00	00:00			
Wed	9:00	00:00			
	9:00	00:00			
Thur	9:00	00:00			
	9:00	00:00			
Fri	9:00	00:00			
	9:00	00:00			
Sat	9:00	00:00			
	9:00	00:00			
Sun	9:00	00:00			
	9:00	00:00			

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 checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Dance facilities if requested by client		
Mon	9:00	00:00			
	9:00	00:00			
Tue	9:00	00:00			
	9:00	00:00			
Wed	9:00	00:00			
	9:00	00:00			
Thur	9:00	00:00			
	9:00	00:00			
Fri	9:00	00:00			
	9:00	00:00			
Sat	9:00	00:00			
	9:00	00:00			
Sun	9:00	00:00			
	9:00	00:00			

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Anything that could be requested by a client. For example a charity food fayre or Childrens summer party		
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	9:00	00:00		Outdoors	<input type="checkbox"/>
	9:00	00:00		Both	<input checked="" type="checkbox"/>
Tue	9:00	00:00	<u>Please give further details here</u> (please read guidance note 3) Could be a number of different events requested to undertake. There would be no use of amplified music outdoors in these instances		
	9:00	00:00			
Wed	9:00	00:00	<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) Same		
	9:00	00:00			
Thur	9:00	00:00	<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) Possibly New years Eve extension till 1:00		
	9:00	00:00			
Fri	9:00	00:00			
	9:00	00:00			
Sat	9:00	00:00			
	9:00	00:00			
Sun	9:00	00:00			
	9:00	00:00			

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 checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
				Both	<input checked="" type="checkbox"/>	
Mon	23:00	00:00	Please give further details here (please read guidance note 3) Client requesting midnight snacks before departure for example bacon bap on departure or midnight cookies and milk			
	23:00	00:00				
Tue	23:00	00:00				
	23:00	00:00				
Wed	23:00	00:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Same through out the year		
	23:00	00:00				
Thur	23:00	00:00				
	23:00	00:00				
Fri	23:00	00:00	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 (please read guidance note 5) New years eve until 1:00			
	23:00	00:00				
Sat	23:00	00:00				
	23:00	00:00				
Sun	23:00	00:00				
	23:00	00:00				

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) None					
Mon	9:00	00:00						
	9:00	00:00						
Tue	9:00	00:00						
	9:00	00:00						
Wed	9:00	00:00						
	9:00	00:00						
Thur	9:00	00:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve until 1:00am		
	9:00	00:00						
Fri	9:00	00:00						
	9:00	00:00						
Sat	9:00	00:00						
	9:00	00:00						
Sun	9:00	00:00						
	9:00	00:00						

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Same through out the year
Day	Start	Finish	
Mon	9:00	00:00	
	9:00	00:00	
Tue	9:00	00:00	
	9:00	00:00	
Wed	9:00	00:00	
	9:00	00:00	
Thur	9:00	00:00	
	9:00	00:00	
Fri	9:00	00:00	
	9:00	00:00	
Sat	9:00	00:00	
	9:00	00:00	
Sun	9:00	00:00	
	9:00	00:00	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) New years Eve until 1:00			

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

Condition 1 (ii) on the current license limiting number of persons to the premises

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

We have extensive policies and procedures in place based on our many years experience operating our other events venue. These cover all four of the areas included in the licensing objective. We monitor and review these policies on a regular bases to improve and refresh our team in terms of training, monitoring and awareness.

b) The prevention of crime and disorder

We have insured there is a good level of external lighting on our premises which is operated by motion sensors so customers and exit the premises safely. There is also a CCTV system in place and signage around the premises. When an event is held there is a night porter in place for security and the car park and grounds are regularly patrolled during the evening.

c) Public safety

A full risk assessment has been carried out of the premises. There is new fire detection through out the premises with exits well signed. There are trained members of the team in first aid and medical boxes are located through out the premises, an accident book in place documenting any incidents. There is a glass collecting policy and spillage policy in place minimising the risk of injury from either.

d) The prevention of public nuisance

We have a strict noise management policy in place, which insures all windows and doors are shut when recorded or live music is played. The new ballroom has heating and air conditioning so doors are not left open in the summer months. In addition our new ballroom has been insulated with acoustic board to minimise noise externally. Our team have decibel readers to undertake regular readings through out event evenings and neighbours have a contact number in the event of any disturbances. There is a customer dispersal policy in place, which includes complimentary taxi calling 30 minutes before close, Car park supervision and notices for patrons to leave the premises quietly.

e) The protection of children from harm

We have a challenge 21 policy in place with signage notify customers of this. There is a refusal book in place where team members can document refusals to serve. We undertake regular training so members are aware of the policy.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.


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

Part 5 – Signatures (please read guidance note 10)

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

Signature	 T. MADGE
Date	30-10-2013
Capacity	Proprietor

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

Signature	 M Chittenden
Date	30-10-2013
Capacity	Proprietor

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



CHEL TENHAM

BOROUGH COUNCIL

Licensing Act 2003

Cheltenham Borough Council

Premises Licence Number

13/00794/PRMVPS

Part 1 – Premises Details

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

Manor By The Lake
Arle Court
Hatherley Lane
Hatherley
Cheltenham
Gloucestershire
GL51 6PN

Telephone number

01242 542700

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	09:00 - 00:00	
Sale/Supply of Alcohol	Sunday to Thursday	09:00 - 23:00	
Performance of Dance	Friday to Saturday	09:00 - 00:00	Indoors & Outdoors
Performance of Dance	Sunday to Thursday	09:00 - 23:00	Indoors & Outdoors
Exhibition of a Film	Every Day	09:00 - 23:00	Indoors
Performance of Live Music	Friday to Saturday	09:00 - 00:00	Indoors
Performance of Live Music	Sunday to Thursday	09:00 - 23:00	Indoors
Performance of Recorded Music	Friday to Saturday	09:00 - 00:00	Indoors
Performance of Recorded Music	Sunday to Thursday	09:00 - 23:00	Indoors
Other/Similar Entertainment	Friday to Saturday	09:00 - 00:00	Indoors & Outdoors
Other/Similar Entertainment	Sunday to Thursday	09:00 - 23:00	Indoors & Outdoors
Performance of a Play	Every Day	09:00 - 23:00	Indoors
Late Night Refreshment	Friday to Saturday	23:00 - 00:00	Indoors & Outdoors

The opening hours of the premises

Opening Hours

Not Restricted

-

Non Standard Timings

Not Applicable

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

Mr Michael Chittenden
2 The Spinney
Cheltenham
Gloucestershire
GL52 3JX
Business Phone Number 01242 542700

Miss Tammy Madge
2 The Spinney
Cheltenham
Gloucestershire
GL52 3JX
Business Phone Number 01242 542700

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

Not Applicable

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

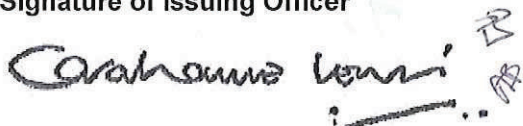
Mr Michael Chittenden
2 The Spinney
Cheltenham
Gloucestershire
GL52 3JX
Business Phone Number 01242 542700

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: 1002960058

Licensing Authority: Suffolk District Coastal Council

Signature of Issuing Officer



Executive Director

Date of issue

26 April 2013

Annex 1 – Mandatory conditions

- 1 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.
 - (d) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.

- 2 Where a programme includes a film which has been classified by the British Board of Film Classification as 12 A, 15 or 18 category no person appearing to be under 12 (and accompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms -

PERSONS UNDER THE AGE OF ***** CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Exemption

The above condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has been obtained.

Annex 2 – Conditions consistent with the Operating Schedule

- 1 In accordance with Schedule 8 paragraph 6(6) and (8) the embedded conditions and restrictions which apply to the existing licence(s) are preserved in this licence including:
 - (a) A 30 minute 'drinking up' time shall be provided to allow appropriate dispersal, use of lavatories etc.
 - (b) From Public Entertainment Licence 05/00655/PELINA:
 - (i) The Licence is subject to the Council's Standard Conditions for Public Entertainment.
 - (ii) Maximum number of persons permitted: Ground floor 80 Total for Premises 80

- 2
 - a) All windows in areas where any live or recorded entertainment (other than incidental background music) takes place shall be kept shut during these activities.
 - b) All external doors in areas where any live or recorded entertainment occurs shall be fitted with functioning automatic door closers and kept shut during these activities except momentarily for access and egress or in an emergency.
 - c) All music which is part of outdoor live entertainment shall be unamplified.
 - d) The designated premises supervisor shall ensure effective overall management of live or recorded entertainment, such as by monitoring noise levels outside the premises, to ensure that noise from such activities is effectively inaudible inside neighbouring premises after 23:00hrs
 - e) All consumption of alcohol and late night refreshment shall cease in outside areas at 23:00hrs nightly

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

- 1 Not Applicable

Annex 4 – Plans

- 1 See drawing dated December 1991.

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Cheltenham Borough Council Public Protection Division			
Page 35			
PASSED TO			
REC'D	26 NOV 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	MR K. PARKER - & family
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	10. WADE COURT CHELTENHAM GLOS
Post Code	GL51 6NL
Daytime contact telephone number	
Email address - If you would prefer (optional).	or your email address.

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	MANOR BY THE LAKE
Name of Applicant for Licence (if known)	MISS T. MADGE, MR M. CHITTENDEN
Postal Address:	ARLE COURT HATHERLEY LANE
Post Code:	GL51 6PN.

What are you making a representation about?

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

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:	45 METRES
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Part 2 continued

What are your concerns?

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

I object to the licence extensions, which will impose music & noise levels unacceptable to numerous residents in the close vicinity. We will be subject to this 7 day a week. The dispersal disturbance will continue for some time after. There are numerous flats & houses within 50mtrs. of Arte Court & lives will be made a misery. Please no increase in maximum no of persons permitted.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.

(Please continue on a separate sheet if necessary)

Signature:	K.A. Parker P.E. Parker, G. Parker
------------	---------------------------------------

Capacity:	
-----------	--

Date:	26 th Nov 2013
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Cheltenham Borough Council Public Page 39			
PASSED TO			
REC'D	28 NOV 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

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:	SUSANNAH LAWRENCE
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	19D WADE COURT CHELTENHAM GLOUCESTER SHIRE
Post Code	GL51 6NL
Daytime contact telephone number	01242
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	MANOR BY THE LAKE LICENSE NUMBER 13/00794/PRMVP5
Name of Applicant for Licence (if known)	
Postal Address:	
Post Code:	

What are you making a representation about?

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

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder		Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

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

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

What are your concerns?

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

THE NUISANCE OF LOUD MUSIC FROM OUTDOORS 7 DAYS A WEEK BETWEEN 7AM AND MIDNIGHT SHOULD NOT BE IMPOSED ON NEARBY RESIDENTS. IT IS UNACCEPTABLE. MUSIC AT FUNCTIONS IS PLAYED LOUDLY SO INCREASING THE NOISE OF ATTENDEES, THE JUMP FROM 80 TO 300 GUESTS ALLOWED WITH ONLY ADD TO THE NOISE LEVEL PARKING IS INADEQUATE FOR THE PROPOSED GUEST NUMBER INCREASE

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)

THE NUMBER OF GUESTS BE CONFINED TO THAT WHICH COULD BE ACCOMMODATED INDOORS
OUTDOOR MUSIC RESTRICTED TO ENDING AT 10PM IF ALLOWED AT ALL.

Signature: S Laurence

Capacity: Householder

Date: 26-11-2013

Cheltenham Borough Council Public Protection			
Page 4a			
PASSED TO			
REC'D	26 NOV 2013		
Date of Response		Type of Response	
Initials of Responder		File	

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:	RICHARD MEDLEY
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	12 GRACE GARDENS
Post Code	GL51 6QE
Daytime contact telephone number	01242
Email address - If you would prefer to correspond via email (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	MANOR By The LAKE
Name of Applicant for Licence (if known)	Miss T Mudge & Mr M Chittenden
Postal Address:	2 The Spinney Cheltenham
Post Code:	GL52 3JX

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)</p> <p style="text-align: center;">Noise and disturbance</p>
--

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder		Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	within 75 yards
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Part 2 continued

What are your concerns?

The MANOR is adjacent to both Wade Court and Grace Gardens. Noise from the MANOR is easily heard at our house. The current licence is already generous enough, in fact too generous in allowing the sale of alcohol until midnight at the weekend; this is a residential area, not the centre of town.

The granting of a licence to play any form of music OUTDOORS would be a dreadful infringement of our right to peace and quiet. There is no justification for the easing of any of the current licence conditions particularly regarding OUTDOORS entertainment and the consumption of alcohol, the latter being the fuel of disturbance. Neither should an increase in the maximum number of people be allowed – where would they all park? Since ULTRA Electronics, opposite ASDA, has commenced business, regular parking on a long stretch of Hatherley Lane is already the order of the day resulting in hazardous road usage (whatever happened to the traffic calming and 20 mph zone?).

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)

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Signature:	R. Medley
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Capacity:	resident
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Date:	23 rd November 2013
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Bowen, Phillip

From: Krog, Louis
Sent: 15 November 2013 13:10
To: Bowen, Phillip
Subject: NOT PROTECTIVELY MARKED: FW: Premises Licence No. 13/00794/PRMVPS

-----Original Message

From: John [mailto:]
Sent: 15 November 2013 12:34
To: Krog, Louis
Subject: Premises Licence No. 13/00794/PRMVPS

Dear Mr Krog

Please find attached document which is an objection to the Manor by the Lake's application to vary a premises licence. Can you please confirm by email that this format is a valid means of objection and will be considered in relation to this application.

Mr and Mrs Curtis
8 Grace Gardens
Cheltenham
GL51 6QE

|

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

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*** IMPORTANT: Do not open attachments from unrecognized senders ***

Manor by the Lake – Premises Licence No. 13/00794/PRMVPS

I wish to object to the proposal to vary the premises licence for Manor by the Lake. The proposal wishes to add the use of recorded and live music outdoors in conjunction with ceremonies between the hours of 09:00 and 00:00, 7 days of the week. They also wish to extend this to 01:00 on New Years Eve. In addition they wish to provide refreshments outdoors, particularly at the end of any function, before guests depart from the venue. It also requests a removal of condition 1a(ii) – the maximum number of persons permitted: ground floor 80 – total for the premises 80.

Under the Licensing Act 2003 anybody can object to applications if they have a valid reason to believe that the licence, if granted, would endanger one or more of the 'licensing objectives'. Those are:

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

Manor by the Lake submitted a number of planning applications this year:

- 13/00691/COU
- 13/00691/LBC
- 13/00383/FUL

The status of these applications were "granted" and "application permitted". However, there were conditions attached to these permissions.

Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house:

- The 3 doors to the south side of the function room shall be kept closed during periods of licensed entertainment or live music.

Reason: To protect nearby residential property from loss of amenity due to noise from amplified music or other entertainment.

- The details of the kitchen air handling plant shall be provided to and approved by the Local Planning Authority before first use.

Reason: To protect nearby residential property from loss of amenity due to noise from air

- Notwithstanding the provisions of Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification) no marquees shall be erected within the grounds of the site without planning permission.

Reason: The use of marquees has the potential to be harmful to neighbouring amenity and therefore be contrary to the provisions of local plan policy CP4.

Erection of pavilion within grounds (Proposed gazebo removed from application at the request of applicant in correspondence dated 19 July 2013)

- Use of the pavilion shall be limited to conducting weddings, civil ceremonies, blessings and similar events. Use of the structure shall be limited to the hours of 08:00 – 21:00, and for a maximum duration of 1 hour each day.

Reason: To protect the amenity of residents of nearby property.

I wish to object because if granted it would endanger the licensing objectives:

- the prevention of public nuisance
- the protection of children from harm

If recorded or live music were allowed to be played outside residents in Grace Gardens, Wade Court and, indeed, the surrounding houses in Redgrove Park, Hatherley Lane and Unwin Road would suffer nuisance and noise. **The applicants have stated that they intend that any recorded or live music will be played outside from 09:00 – 19:00 and are happy for this to be made a condition of the licence. This does not stipulate that any recorded or live music will be restricted to the one hour per day that the Planning Department imposed as a condition when granting planning permission. Children would not be able to undertake their homework with music being played outside between these hours. Any music played outside, and particularly in the evening, would harm children as they would not be able to sleep and, therefore, their health and, ultimately, their education would suffer. It would also affect the health of adults who would suffer from the stress of having to listen to music at any time of day or evening which could be generated by children's parties, corporate events and wedding events, as requested by the applicant.** The additional noise from clients standing outside eating/drinking refreshments at anytime until midnight/01:00 hours would be a public nuisance and be extremely harmful to residents' health.

The applicants also wants a removal of condition 1a(ii) – the maximum number of persons permitted: ground floor 80 – total for the premises 80. They have requested that the number of clients using the venue be **increased to 350 - where are they going to park their cars? There are not enough parking spaces in the area and this has already been seen as an issue with people parking on the roads, making it dangerous for residents to access Hatherley Lane. In fact, the Highways Department have asked residents for comments on this very issue.**

I believe the Council has clearly demonstrated that in imposing the conditions listed above it believes that residents will suffer from nuisance and noise if recorded or live music were permitted indoors with doors open, let alone music being played outside. This is why they have insisted that doors be shut and use of the pavilion in the grounds be restricted to 1 hour per day and not after 21:00. **This application makes a nonsense of the restrictions imposed as it is for recorded or live music outdoors from 09:00 to 00:00 7 days a week and until 01:00 on New Years Eve. In fact the noise levels will go on for far longer than that as people and cars eventually leave the area.**

The Authority also stated:

This Authority would encourage the applicant to discuss the use hereby permitted with residents in the locality and give serious consideration to the creation of a working group with the residents' association to discuss the ongoing operations of the premises.

Given the proximity of residential properties within Grace Gardens and Wade Court, this Authority considers that it is important that the applicant is mindful of the amenity that they currently enjoy and be respectful to it as the use permitted is implemented.

The applicants are clearly not being mindful of residents and the amenity that they have been granted. Despite a number of assurances from the applicant that they would provide mobile phone contact numbers for out of hours use Grace Gardens Residents' Association has not received this information. On a number of occasions, where there has been noise, Grace Gardens Residents' Association has not been able to contact the applicants.

Whilst the applicants state that they have a similar venue – Woodhall Manor in Suffolk – has any member of the Council looked at the location of the venue? I do not believe it is in a similar location. If one looks at the venue on Google Maps it would appear to be in an isolated area and therefore not at all comparable to the location of Manor by the Lake. In order to get to Woodhall Manor one has to go down a restricted use private road!

If the Licensing Department is to adhere to the Licensing Act 2003 objectives they should have no alternative but to refuse this application to vary the licence.

Bowen, Phillip

From: Jo
Sent: 24 November 2013 13:27
To: Internet - Licensing
Cc: Gavin Button
Subject: [grace-gardens] Extensions to licensing Manor in the Lake, Hatherley Lane, Cheltenham

f.a.o. Phillip Bowen

We are objecting to the proposed extension in licensing hours on the grounds of the "prevention" of public nuisance.

Manor by the Lake has previously impacted upon us under the current licencing hours. Given the increase in volume of visitors and events and the extension to outdoors this will likely increase.

I think that Manor by the Lake need to demonstrate that they can manage their venue without impacting their neighbours within the current licencing hours.

Please let us know whether you need anything further from us.

Many thanks

Mr, Mrs and Master Button

Bowen, Phillip

From: on behalf of JJ Power |
Sent: 26 November 2013 17:57
To: Internet - Licensing
Subject: Objection to application to change of license by Manor By The Lake.
Premises Club you are making a representation about.

Manor By The Lake license number: 13/00794/PRMVPS

What are you making a representation about?

Additional **noise disturbance** created by variation to licensed hours.

Which licensing objectives does your representation refer to?

The prevention of public nuisance.

Distance between your address and premises subject of representation

Zero metres. Our property shares a boundary with the Manor By The Lake.

What are your concerns?

We are very concerned that extended operating hours, as requested by the Manor BY The Lake, will increase the public nuisance to residents in the immediate area. We have 2 young children that could be disturbed, especially during their bedtime hours, and this could have a negative impact on their education and overall wellbeing. Our property is one of the closest to Manor's grounds and any excessive noise generated will be audible within our property.

Suitable conditions that if agreed in advance of a hearing by the applicant would allow us to withdraw our representation or that the committee could add to the licence (if granted) that would remedy our concern.

We would be happy for a noise limit to be set at 30dBA and measured at the boundary of our shared boundary. Any noise under that level would not cause us a disturbance, but any noise above would.

Yours

Jeremy & Lindsey Power. 45 Grace Gardens

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Bowen, Phillip

From: Steven Sayers |
Sent: 07 November 2013 13:15
To: Bowen, Phillip
Subject: Manor by the Lake - Premises License variation application

Dear Mr Bowen,

I wish to register my objection to the application for a late licence for outdoor events at Manor by the Lake where it appears that the management want to extend activities, including the use of music outdoors, to midnight every evening. This would be completely unacceptable to us as we are the nearest house to the grounds and most impacted by any noise outside.

When we attended a reception hosted by the new owners during the summer they assured us that they did not intend to carry out events outside, other than brief ceremonies; that these would not be late in the evenings and that they would ensure that all guests were kept away from the formal gardens and grounds during the evenings to reduce the impact of noise upon the residents. If they intend to honour this promise, why do they need to extend the outdoor license? We were also assured that they would strongly discourage fireworks and yet, last Saturday, at one of the first events booked by the new owners, a firework display took place and included large mortars and aerial fireworks less than 50 yards from our house at 9:45 pm. As in the past, my concern with these displays is not just the noise but also the likelihood of debris falling on cars parked on driveways.

It is deeply disappointing that less than 4 months after the planning committee meeting where there were lengthy discussions about whether it was acceptable to have outside noise after 7pm, they are now asking for permission to hold events up to midnight. I understand that at the planning committee meeting, Martin Chandler supported the application and said that it was up to residents to "police" the situation at the Manor and liaise with the management, and that the management should respect the residents' needs as well as their own.

Previous complaints from us regarding noise have had little impact so far and I do not have a great deal of faith that this will change in the future, therefore, I do not want to see the hours during which we may be disturbed extended any later into the evenings than they already are. From where I sit, the noise problem at the Manor remains the same as it has been for some time and with this application it is only ever likely to get worse.

Regards,

Steven Sayers

47 Grace Gardens

Bowen, Phillip

From: John Lee
Sent: 24 November 2013 12:36
To: Internet - Licensing; grace-gardens@googlegroups.com
Subject: Manor by the Lake
f.a.o. Phillip Bowen

We are objecting to the proposed extension in licensing hours on the grounds of the "prevention" of public nuisance.

In particular the proposed licence change to allow the performance of live music and the performance of recorded music which changes from "indoors" to "indoors and outdoors" could have a severe negative impact to residents both in Grace Gardens and Wade Court. Living at 44 Grace Gardens we are extremely close to Manor by the Lake.

Regards

John and Pauline Lee

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Bowen, Phillip

From: Internet - Licensing
Sent: 25 November 2013 15:14
To: Bowen, Phillip
Subject: FW: Manor by the Lake, Hatherley Lane, Cheltenham - Variations to Licence

From: Christine & Brian [mailto:t
Sent: 25 November 2013 15:13
To: Internet - Licensing
Subject: Manor by the Lake, Hatherley Lane, Cheltenham - Variations to Licence

For the attention of Mr Philip Bowen

I am writing to object to the variations to the Licence currently being applied for by The Manor by the Lake.

I am a near neighbour.

I am objecting on the grounds of prevention of **public nuisance**.

I specifically object to the **late night outdoor** requests.

Earlier this year, we felt we had to object to their planning application for a Bandstand (later re-named a pavilion) and a Gazebo because of the implied noise related issues and although the Pavilion was given planning permission, after Planning Committee members comments and recommendations, the application for a Gazebo was withdrawn.

Here are links to that planning meetings' minutes and you will see that almost without exception, all of the committee members asked for restrictions / limitations to be put in place to protect residents being disturbed by noise.

<https://democracy.cheltenham.gov.uk/mgAi.aspx?ID=6001>

<https://democracy.cheltenham.gov.uk/mgAi.aspx?ID=6002>

Since that planning meeting back in July, there have been problems with:

* guests leaving late at night being noisy and disturbing residents.

* Parking problems – not enough parking causing an overspill onto Hatherley lane where inconsiderate parking causes hold-ups and making it near impossible to exit from Wade Court

* An extremely loud function in a marquee and a separate Fireworks display - after assurance were given that Marquees would not be necessary and fireworks displays would not be encouraged.

Allowances are being given for the new people at The Manor to settle in and get established but I feel to grant these variations to the Licence would give them carte blanche.

Regards

Christine Samuel
36 Grace Gardens
Cheltenham
GL51 6QE

Tel:

26/11/2013

Bowen, Phillip

From: Andy
Sent: 25 November 2013 21:17
To: Bowen, Phillip
Subject: Representation for Manor B The Lake Application....

Contact Details of person completing the form:

Andrew English

9 Grace Gardens

Cheltenham

GL51 6QE

Premises Club you are making a representation about.

Manor By The Lake license number: 13/00794/PRMVPS

What are you making a representation about?

Noise disturbance, safety surrounding traffic volumes and parking issues.

Which licensing objectives does your representation refer to?

The prevention of public nuisance.

Public Safety

Distance between your address and premises subject of representation

250 metres

What are your concerns?

More noise going on late into the evening, generally causing a public nuisance.

The application to add the use of recorded or live music outdoors between the hours of 9am and midnight, 7 days a week is unacceptable, and directly contradicts the conditions specifically imposed by the Planning Department when previous planning applications were granted. E.g. Three south facing doors closed during periods of licensed entertainment or live music (Reason: To protect nearby residential properties from loss of amenity due to noise from amplified music or other entertainment).

We have already experienced disturbances in the past with fireworks and late night noise from functions and do not wish this to increase. Also, when a function has ended, the noise does not cease immediately as guests take time to leave the premises.

I also think that the proposal for the increase in the number of permitted guests from 80 to 350 is completely ridiculous. The increase in persons attending events will significantly increase the noise levels. Traffic and parking volumes will be increased on the surrounding roads. The Manor parking facilities already appear to be inadequate as many office workers routinely park on the road between

27/11/2013

the Manor and Wade Court.

This increase in traffic and parking will constitute safety hazards for drivers and pedestrians e.g. visibility when exiting junctions, pedestrians crossing the road between parked cars, etc.

There is also the concern that guests of the manor, parking on the surrounding residential roads, will cause a public nuisance when returning to their vehicles in the early hours of the morning.

Yours

Andrew English

Bowen, Phillip

From: Justine Woodley [
Sent: 25 November 2013 16:56
To: Bowen, Phillip
Subject: Manor by the Lake

Dear Mr Bowen

Re: Licensing Application for Manor by the Lake - Premises Licence Number 13/00794/PRMVPS

I am writing on behalf of Grace Gardens Residents Association, which represents residents from Grace Gardens and Wade Court, to object to this application on the following grounds:

- prevention of public nuisance;
- prevention of crime and disorder; and
- protection of children from harm.

The Residents Association believes that the extension of licensing hours to midnight will increase substantially the disturbance to local residents, which includes a number of small children, on a number of levels:

- by increasing the operation to midnight, guests will be leaving later and are more likely, therefore, to wake residents from sleep. There is already regularly a problem with noise (shouting and swearing and general drunken and disorderly behaviour), when guests are leaving the premises at 23.00;
- allowing outside music at any time after 19.00 will disturb small children from their sleep and there are a number of small children living in the houses closest to the Manor. This will have a detrimental impact on these families' lives;
- extending the number of people allowed on the premises from 80 to 350 will have an enormous impact on the surrounding area in terms of parking. There is simply nowhere for these people to go. Even with the current numbers, there is often a problem with Manor guests parking on Wade Court, the nearest road, making it difficult for residents to enter or exit their properties. This will be significantly increased if there are 350 guests with cars to park. It is already clear that parking around this area is a problem, as people from unknown locations are frequently parking on Hatherley Lane itself, and this is causing congestion. Gloucestershire Highways are looking into what action should be taken.
- allowing outside music for more than one hour per day will have an extremely negative impact on residents' amenity. Residents are entitled to enjoy their gardens in the summer months without being disturbed by music so loud that they cannot talk to family and friends. The Manor is so close to the nearest 20 - 30 houses that this would be the likely impact of any additional external amplified noise.

At Planning Committee in July, when permission was given for Manor by the Lake to make some

Page 70

alterations and to change its use to a wedding venue (even though it had already been in use as a wedding venue), it was made clear that outside amplified music could only be used for one hour per day between the hours of 09.00 and 19.00. The licensing application seems to suggest that they wish to or could have this outside music for any amount of time between 09.00 and 19.00, or even conceivably until midnight. The Residents Association wishes to be sure that, if the licencing application is granted, this one hour stipulation will be clearly enforced and the latest time for outside music will be 19.00hrs.

The applicant has specified in their application that they have a similar building in Suffolk, but it is clear that this building is much further away from residents in a more rural environment and the same business practices cannot happen at Manor by the Lake as happen there, due to the proximity of the Manor to many residential buildings.

The Residents Association hopes that you will take a clear account of the residents' needs when making a decision about this licensing extension.

Yours sincerely

Justine Woodley
Treasurer

on behalf of Grace Gardens Residents Association

Bowen, Phillip

To: Justine Woodley
Subject: RE: Manor by the Lake

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

From: Justine Woodley [mailto:
Sent: 25 November 2013 16:27
To: Bowen, Phillip
Subject: RE: Manor by the Lake

Dear Mr Bowen

Re: Licensing Application for Manor by the Lake - Premises Licence Number 13/00794/PRMVPS

I am writing to object to this application on the following grounds:

- prevention of public nuisance; and
- protection of children from harm.

I believe that the extension of licensing hours to midnight will increase substantially the disturbance to local residents, which includes a number of small children. There is already frequently a problem with noise when guests are leaving the premises at 11pm. If events are held to finish later, the closest residents will be disturbed from their sleep, which constitutes a public nuisance.

By allowing outside music up to midnight, this will have a severe effect on local residents, and will harm children. I live just 120 metres from Manor by the Lake and mine is not the closest house. I can hear all events which involve outside music and some of these are loud enough to mean that I cannot hear the TV inside my house, even with the double glazed windows closed.

At Planning Committee in July, when permission was given for Manor by the Lake to make some alterations and to change its use to a wedding venue (even though it had already been in use as a wedding venue), it was made clear that outside amplified music could only be used for one hour per day between the hours of 09.00 and 19.00. The licensing application seems to suggest that they could have this outside music for any amount of time between 09.00 and 19.00, or even conceivably until midnight. This would be unacceptably damaging to residents' amenity. I assume, if the licence extension is granted, that the one hour requirement would be put in as a condition, otherwise what was the point of the planning committee specifying it? I would prefer no amplified music, because I believe the building is too close to residential dwellings to make this acceptable.

The applicant has specified in their application that they have a similar building in Suffolk, but it is clear that this building is much further away from residents in a more rural environment and the same business practices cannot happen at Manor by the Lake as happen there, due to the proximity of the Manor to many residential buildings.

I hope that you will take a clear account of the residents' needs when making a decision about this licensing extension.

Yours sincerely

Justine Woodley

39 Grace Gardens
Cheltenham
GL51 6QE

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

From: Caroline [mailto:]

Sent: 26 November 2015 22:12

To: Internet - Licensing

Subject: Re: Extensions to licensing Manor by the Lake (license number: 13/00794/PRMVPS)

FAO Phillip Bowen

From Jason and Caroline Berry, 50 Grace Gardens, Cheltenham GL51 6QE

We wish to object to the proposal to vary the premises license requested by Manor by the Lake, on the grounds of 'Prevention of public nuisance' and 'Protection of children from harm'.

The opening paragraphs in Part 3 of the application state the requested times for outdoor music are 09:00 to 19:00, however the details in sections E and F of the application appear to contradict this, requesting the ability to play music both in and outdoors between the hours of 09:00 and 24:00, seven days a week.

The requested proposal to change the licence to allow the performance of live music to indoors and outdoors could have a significant detrimental effect to local residents, especially the young and elderly. The location of our property is <10m from the boundary of the venue and the proposed change could have a particularly negative effect on our young child and his ability to sleep, do homework etc.

There were clear restrictions applied to the recently approved planning application, which limited the amount of time music could be played outside to 1 hour per day. This application does not appear to comply with this restriction.

The application requests an increase in permitted persons from 80 to 350. This additional volume will increase overall noise levels from the venue. I am also concerned whether Manor by the Lake currently can comfortably accommodate this volume of people inside the building, or will high numbers of people convene outside.

On a separate note, car parking is also a concern as there does not appear to be sufficient parking to cater for increased numbers, even when planned developments have been completed. It is highly likely cars will overspill into the surrounding area, leading to additional congestion and late night noise at departure time.

In view of these items we would respectfully ask that the application is declined.

Bowen, Phillip

From:

Sent: 26 November 2013 12:22

To: Bowen, Phillip

Subject: Fw: Application for Variation of Premises Licence 13/00794/PRMVPS: representation

----- F1

From:

To: "phillipbowen@cheltenham.gov.uk" <phillipbowen@cheltenham.gov.uk>

Cc: "licensing@cheltenham.gov.uk" <licensing@cheltenham.gov.uk>

Sent: Tuesday, 26 November 2013, 12:13

Subject: Application for Variation of Premises Licence 13/00794/PRMVPS: representation

I am writing to make a representation about the application to vary the above-numbered Premises Licence, which relates to Manor By the Lake, with reference to the prevention of public nuisance licencing objective.

I live at 24 Grace Gardens, approximately 200 yards from the Manor premises.

The proposed extension in licensing hours would permit live and recorded music outdoors between 9.00 am and midnight 7 days a week. I am concerned about the inappropriate increase in noise that this would bring to my residential neighbourhood.

I am already affected indoors and out by permitted weekend firework and function noise. The proposed increases in permitted hours and number of guests, with the likely knock-on effects of increased street parking and late night traffic issues, would remove any balance between commercial and local amenity concerns.

Angela Applegate

I



Cheltenham Borough Council Public Protection			
PASSED TO			
REC'D	26 NOV 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref	

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:	PETER JEFFREY + JOAN CHADWICK
Name of the organisation/body/person you represent. (If appropriate)	/
Your full Postal Address or that of the organisation or body you represent	29 GRACE GARDENS CHELTEMHAM
Post Code	GL51 6QE
Daytime contact telephone number	
Email address - If you would prefer (optional).	email address.

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	MANOR BY THE LAKE
Name of Applicant for Licence (if known)	TAMMY MADGE + MICHAEL
Postal Address:	ARLS COURT HATFIELD WAY CHILTERNHAM
Post Code:	GL51 6PN

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
the extension of the current permitted hours from 2300 → 0000

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:	100
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Part 2 continued

What are your concerns?

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

The current laws allow considerable noise nuisance. Any extensions would make it even worse. ESP FIREWORKS!

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.

(Please continue on a separate sheet if necessary)

Signature: 

Capacity: HOMEOWNER

Date: 24 NOV 18

Bowen, Phillip

From: Rosemary Lynn [
Sent: 24 November 2013 17:55
To: Internet - Licensing
Subject: Manor by the lake - objection to licensing application

I am writing on behalf of my mother who lives at Wade Court. We are objecting to the proposed extension in licensing hours on the grounds of the public nuisance that such a proposal is likely to generate.

In particular the proposed licence change to allow the performance of live music and the performance of recorded music which changes from "indoors" to "indoors and outdoors" could have a severe negative impact to residents both in Grace Gardens and Wade Court.

We are, frankly, amazed that such an application has been submitted as it is in direct contradiction of what we were told would be happening at the Manor by the new manager when we met him, at his invitation, when the original planning application was submitted. He assured us that, apart from one booking that they had inherited and needed to honour, they did not intend to have either late or outdoor music at all.

We are concerned that the granting of the licence will mean that nearby residents will potentially have to endure loud music until midnight every night of the week. Surely the residents are entitled to their current peaceful surroundings without the nuisance of intrusive music and loud noise, possibly every night?

A limited number of weekend only, indoor, extended licences until midnight would, in our view, be a reasonable compromise.

Rosemary Lynn on behalf of Heather Lynn
Sent from my iPad

Bowen, Phillip

From: NIGEL BRITTER
Sent: 27 November 2013 19:11
To: Bowen, Phillip; Internet - Licensing
Cc: Councillor Garth Barnes
Subject: The Manor by the Lake – Premises Licence No. 13/00794

Dear Phillip

I am writing to register my objection to the application submitted by the Manor by the Lake to vary its premises licence. The basis for this opposition is based, primarily, on concerns regarding:

**The prevention of crime and disorder,
Public Safety, and
the prevention of public nuisance.**

In addition, this letter of objection reflects the significant level of concern and incredulity contained in communications I have received as Ward Councillor from local residents to this proposal.

The key issues prompting objection are:

The proposed application will if permission is granted allow the applicants to engage in large private and commercial events throughout the year without any necessity to consult with local residents and associations/bodies.

Given the proximity of residential properties within Grace Gardens and Wade Court affected by the proposals Cheltenham Borough Council has already demonstrated its concern to the applicants by imposing planning conditions on its recent change of use applications.

13/00691/COU, 13/00691/LBC, 13/00383/FUL mainly to help minimise nuisance and noise.

An increase in licensed hours and in the number of permitted persons to the ground floor would potentially attract more people to the venue, resulting in the need to cater for high levels of parking which due to the limitations on site are likely to create congestion on local/surrounding roads, which are unsuitable for this purpose. The potential for disturbance distress to local residents through noise and light pollution, loss of privacy (adjoining residencies), traffic congestion and possible general civil disturbance - particularly from late evening events where alcohol is available is unacceptable and unwelcome.

Allowing recorded or live music outside at any time until midnight or beyond will cause environmental noise disturbance to the surrounding properties which has already been experienced in the past. Additionally any music played outside, particularly in the evening, would disturb children's sleep therefore potentially their health could suffer.

Finally assurances made by the applicants in obtaining the much needed planning permission according to local residents have already been broken. There does seem to be a total disregard to their point of view. They already suffer noise nuisance and antisocial behaviour from this venue and I believe that any extra hours added to the licence would increase the likelihood of prolonged noise and nuisance disturbance, alcohol fuelled rowdiness and possibly an increase in crime locally.

In view of the above, I would urge the Licensing Authority to refuse the application.


Regards

Nigel

**Nigel Britter
Borough Councillor
Benhall & The Reddings Ward**

 01242 712616

 07752 109307

 Please consider the environment - do you really need to print this email?

from: "Phillip.Bowen@cheltenham.gov.uk" <Phillip.Bowen@cheltenham.gov.uk>
To: cllr.andrew.mckinlay@cheltenham.gov.uk; cllr.jacky.fletcher@cheltenham.gov.uk;
cllr.nigel.britter@cheltenham.gov.uk; nigel.britter@btopenworld.com;
cllr.roger.whyborn@cheltenham.gov.uk
Sent: Thursday, 31 October 2013, 13:06
Subject: Benhall/The Reddings - Application for a premises licence

Dear Councillors,

We have received an application for a new premises licence which affects your Ward.

I attach a summary of the application for your information and would ask you to contact me if you would like to discuss the application further.

Kind regards,

Phillip Bowen

Licensing Officer

Licensing Section

Public Protection

Municipal Offices

Cheltenham Borough Council

01242 775201

Stay up to date with licensing in Cheltenham on twitter: <http://twitter.com/#!/CBCLicensing>

<<Application details - template.doc>>

This email (and any attachments) is strictly confidential and is intended for the use of the addressee only. If you are not the addressee please notify the sender at Cheltenham Borough Council (CBC) and delete the message and any attachments. Emails are virus checked, however, CBC does not accept any liability for any loss or damage. The security of any information sent by email to CBC cannot be guaranteed. Any information sent to CBC may be copied to other council officials or outside agencies in line with legislation.

Bowen, Phillip

From: Internet - Licensing
Sent: 25 November 2013 08:50
To: Bowen, Phillip
Subject: FW: Extensions to licensing Manor in the Lake, Hatherley Lane, Cheltenham

Phil Cooper
Licensing Officer
Public Protection
Cheltenham Borough Council
Municipal Offices, Promenade, Cheltenham
01242 775200
Stay up to date with licensing in Cheltenham on twitter: <http://twitter.com/#!/CBCLicensing>

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

From: Jean Dickinson [mailto:
Sent: 24 November 2013 11:02
To: Internet - Licensing
Cc: grace-gardens@googlegroups.com
Subject: Extensions to licensing Manor in the Lake, Hatherley Lane, Cheltenham

From Jean Dickinson, 5 Wade Court, Cheltenham GL51 6NL

I would like to object to the extensions to licensing to 12 midnight both during the week and weekends. My property is very close to the grounds where music and possibly noisy individuals will be drinking and I feel that 11pm is late enough as people will obviously be staying later than that drinking up and hanging around.

There are young children and older people living close to these grounds and especially during the week this will be unacceptable.

The later licensing will mean music will be played later as well which is also not acceptable in this area.

Jean Dickinson

Sent from my iPhone

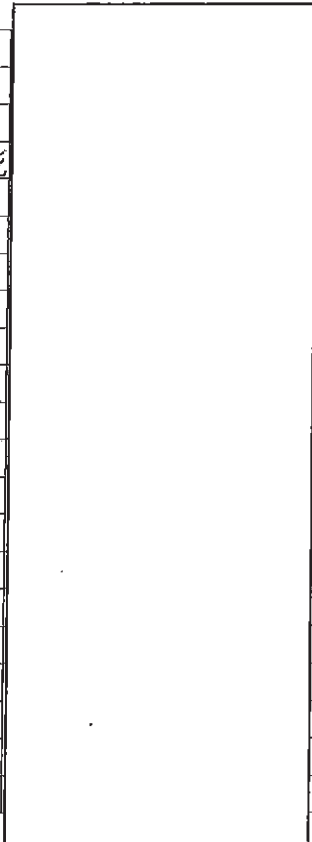
**Licensing Act 2003 – Application to vary a Premises Licence –
Manor by the Lake**

The Manor by the Lake has applied to vary its Premises Licence so that it can sell alcohol, play music (live or recorded) both indoors and/or outdoors until midnight every day of the week. The Grace Gardens Residents' Association (GGRA) committee believes that this will considerably increase the public nuisance caused by the Manor.

We, the undersigned, agree to being represented by the GGRA in the above matter and object to the application to the variation of the licence.

Address	Name(s)	Signature (s)
1 Grace Gardens		
2 Grace Gardens		
3 Grace Gardens	D McDLAND	
4 Grace Gardens	D & J LABURN	
5 Grace Gardens	Holtwell's	
6 Grace Gardens	Egryll	
7 Grace Gardens	IOA MICHAEL	
8 Grace Gardens		
9 Grace Gardens	English - already	
10 Grace Gardens	GILBERT	
11 Grace Gardens	CATH BYRNE / PETER SIMS	
12 Grace Gardens		
13 Grace Gardens		
14 Grace Gardens	BADDERING	
15 Grace Gardens	E. SCOTT	
16 Grace Gardens	REWOOD	
17 Grace Gardens		
18 Grace Gardens	M JAMES	
19 Grace Gardens	B. HOWE	
20 Grace Gardens	M JAMES	
21 Grace Gardens	CHERYL LEWIS CHA	
22 Grace Gardens	HIBBICK	
23 Grace Gardens		
24 Grace Gardens		
25 Grace Gardens		
26 Grace Gardens	FEW	
27 Grace Gardens	RUSTEN	
28 Grace Gardens	ED PARKER-THOMAS	
29 Grace Gardens		

30 Grace Gardens	N HINCE
31 Grace Gardens	NO
32 Grace Gardens	PA SUMMERS
33 Grace Gardens	ALAN & KATE B-PAGE
34 Grace Gardens	
35 Grace Gardens	
36 Grace Gardens	
37 Grace Gardens	C. ROBERTS
38 Grace Gardens	
39 Grace Gardens	
40 Grace Gardens	W & L Martvale
41 Grace Gardens	
42 Grace Gardens	
43 Grace Gardens	
44 Grace Gardens	
45 Grace Gardens	
46 Grace Gardens	
47 Grace Gardens	
48 Grace Gardens	
49 Grace Gardens	Wales
50 Grace Gardens	

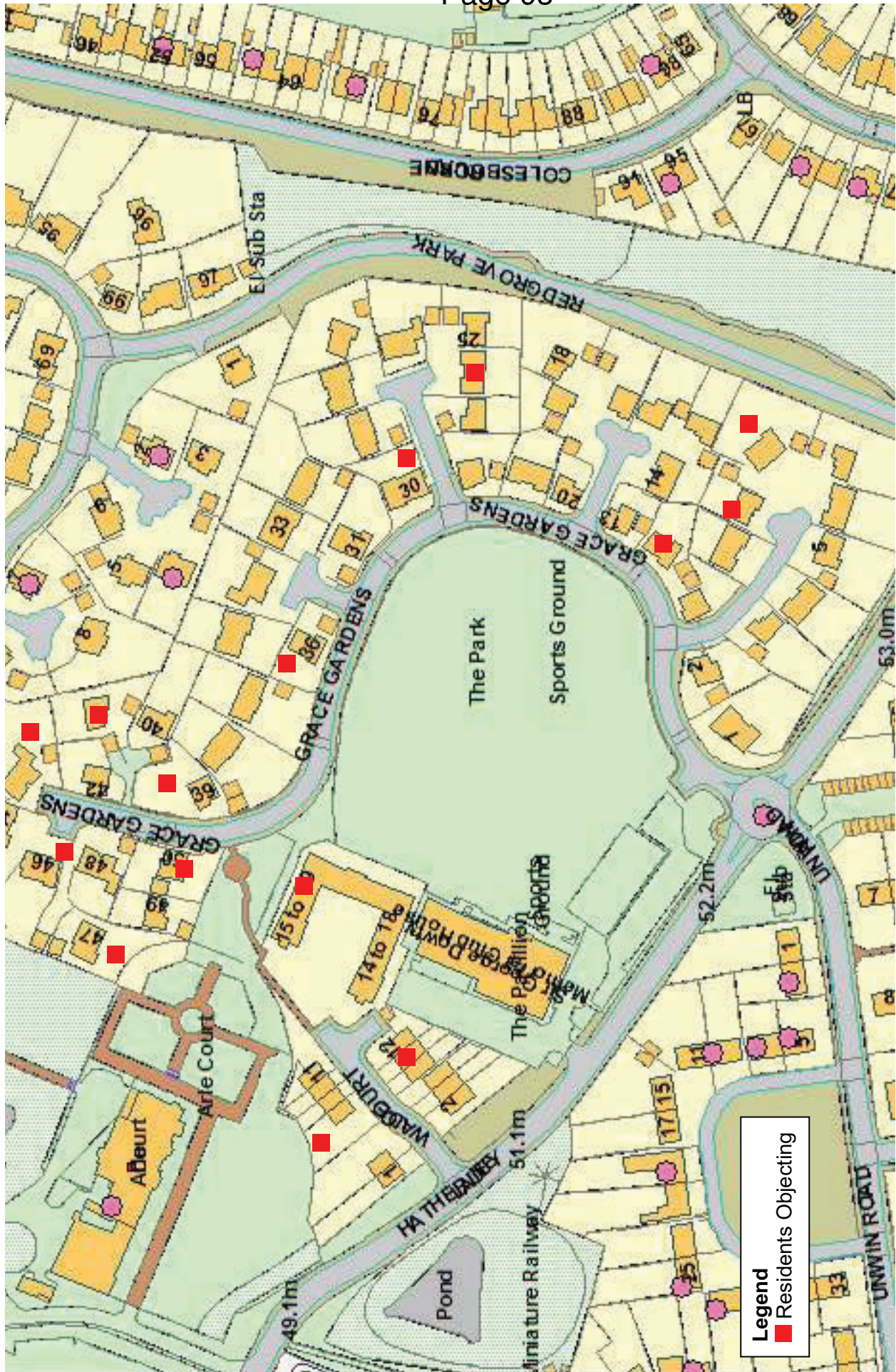


Licensing Act 2003 – Application to vary a Premises Licence – Manor by the Lake

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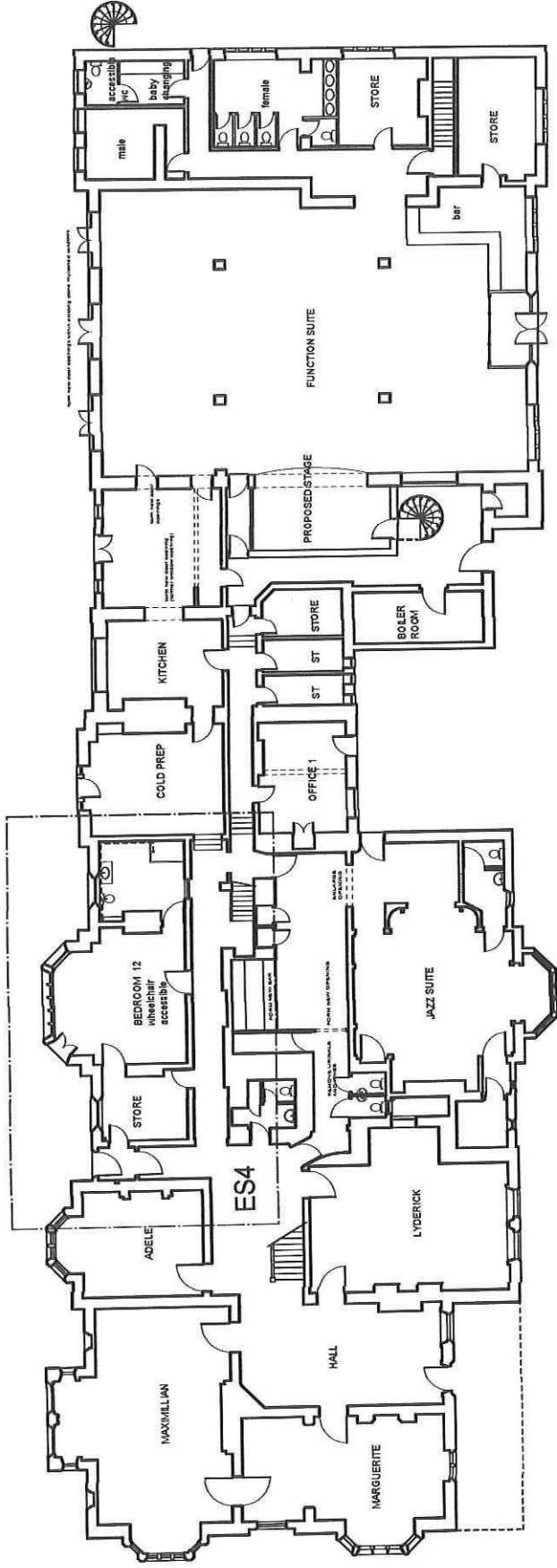
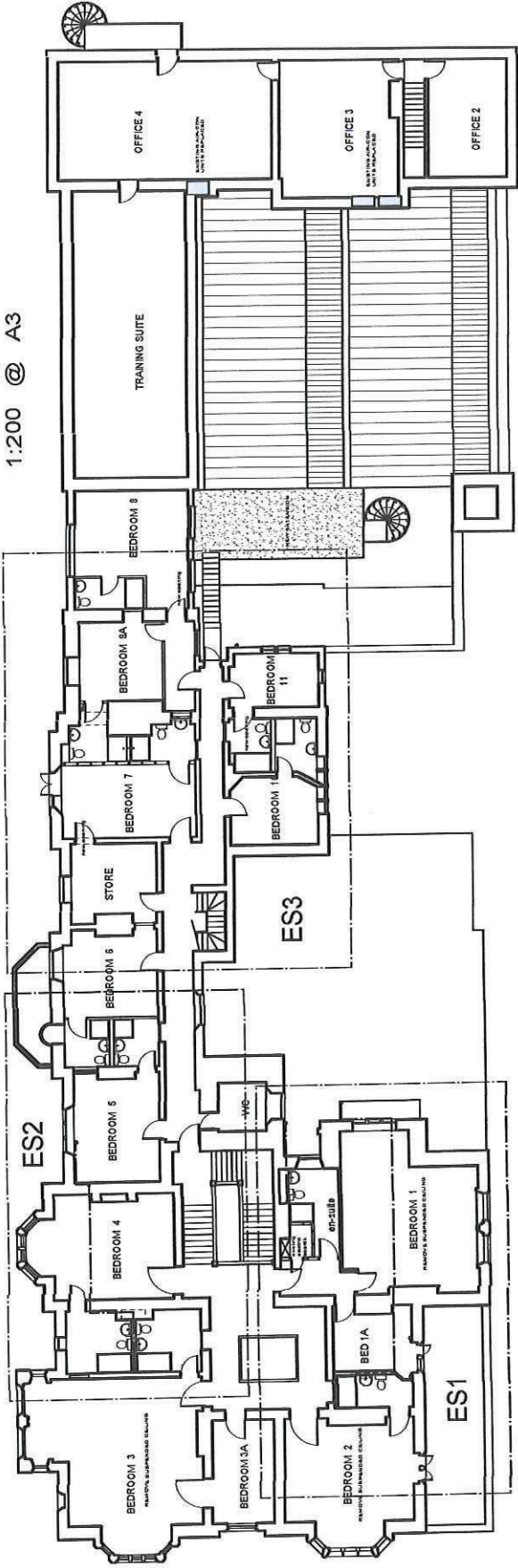
We, the undersigned, agree to being represented by the GGRA in the above matter and object to the application to the variation of the licence.

Address	Name(s)	Signature(s)
1 Wade Court	Jen Burnett	
2 Wade Court	Prince Samuel	
3 Wade Court	Susan Scott	
4 Wade Court	FIONA WALKER	
5 Wade Court	J. DICKINSON	
6 Wade Court	M. ROBERTSON	
7 Wade Court	O & L Hughes	
8 Wade Court		
9 Wade Court	JAMES & ELIZABETH PENNE	
10 Wade Court	Already objected	
11 Wade Court	Lina & Roy	
12 Wade Court	Jon Gaskell	
14a Wade Court	TONY DANIEL	
14b Wade Court	ISABEL SCHMIDT	
15a Wade Court	Ron & Pat Haycock	
15b Wade Court	ANDY KENYON	
16a Wade Court	ELIZABETH MINERS	
16b Wade Court	CRISTIAN PAUL	
16c Wade Court	SANDRA KING	
16d Wade Court	Poss vacant	
17a Wade Court	Sub Bryan	
17b Wade Court	NICHOLAS MOORE	
17c Wade Court	GORDON MILLER	
17d Wade Court	NEVILLE KITE	
18a Wade Court		
18b Wade Court	Heather LYNIN	
19a Wade Court	Elizabeth Randall	
19b Wade Court	Andy on holiday	
19c Wade Court	PAUL IVERS	
19d Wade Court	Already objected	



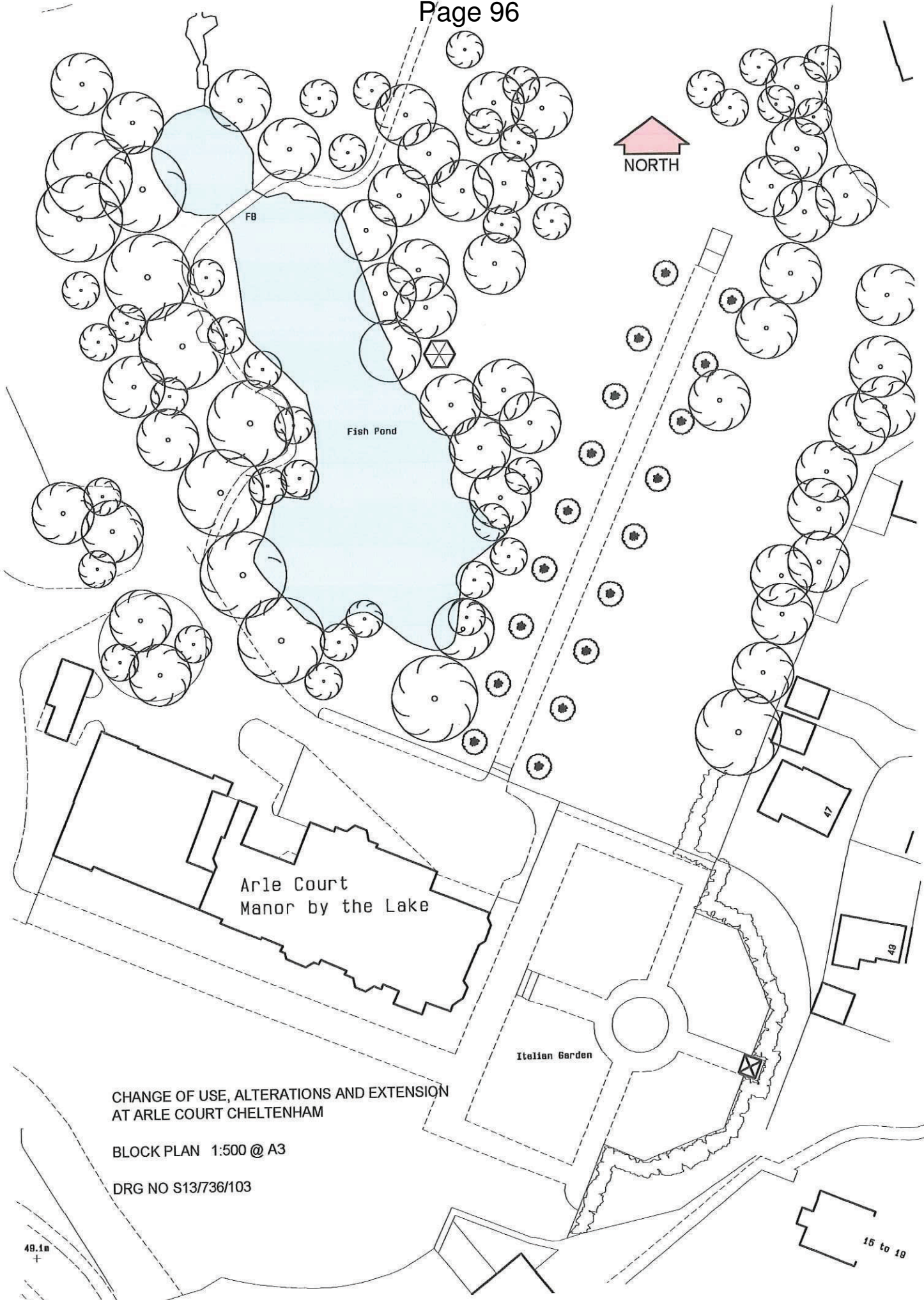
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1:100 @ A1
1:200 @ A3



REVA - ROOM NAMES UPDATED JUNE 2013

DAVID SCOTT ARCHITECTURAL DESIGN AND PLANNING CONSULTANT
 Dublin House Seilly Hill Stroud Gloucestershire GL5 5JZ Tel/Fax 01457 766008 email david@scottsdsg.co.uk www.scottsdsg.co.uk
 CLIENT : MANOR BY THE LAKE LTD DATE : FEBRUARY 2012 @A3
 PROJECT : ALTERATION AND ENLARGEMENT AND CHANGE OF USE DATE : 2012 @A3
 DRG TITLE : PROPOSED FLOOR PLANS DRG NO : S13/765/001 rev A



CHANGE OF USE, ALTERATIONS AND EXTENSION
AT ARLE COURT CHELTENHAM

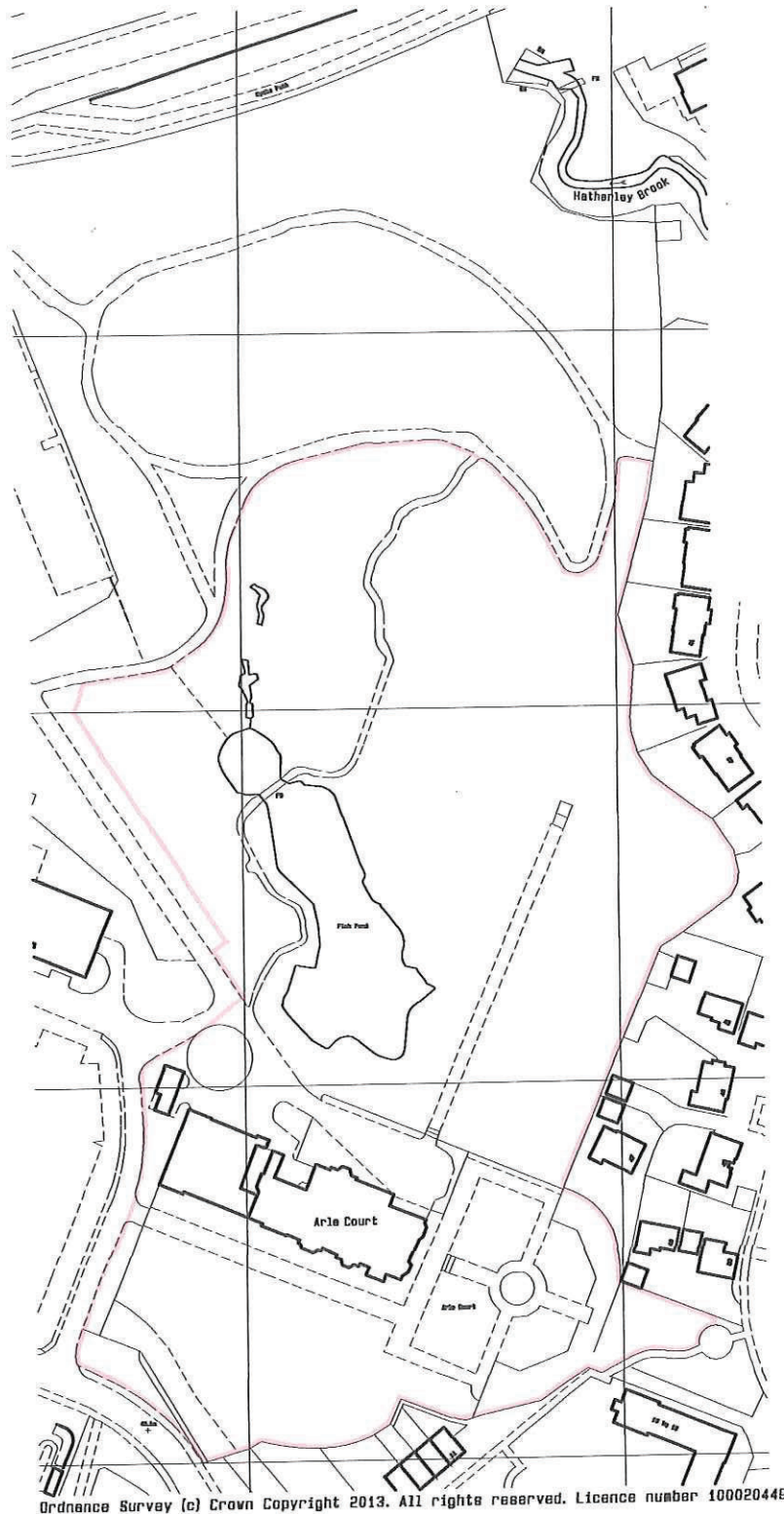
BLOCK PLAN 1:500 @ A3

DRG NO S13/736/103

48.1m

15 to 19

MANOR BY THE LAKE, ARLE COURT, CHELTENHAM.



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LOCATION PLAN 1:1250 @ A3

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