



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

Friday, 3 January 2014
10.00 am
Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes, Andrew Chard, Anne Regan
Reserve Councillor:	Roger Whyborn
Officers:	Louis Krog, Licensing & Business Support Team Leader Fiona Samuda

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DETERMINATION OF APPLICATION FOR A PREMISES LICENCE The Cricket Club, Princes Street, Cheltenham	(Pages 1 - 62)

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Cheltenham Borough Council

Licensing Sub Committee – 3 January 2014

Licensing Act 2003: Determination of Application for a Premises Licence

Cheltenham Cricket Club, Princes Street, Cheltenham

Report of the Licensing Officer

1. Introduction

- 1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a premises licence at any time. In this case, an application for a new premises licence was received on 7 November 2013 from Cheltenham Cricket Club, Princes Street, Cheltenham. A copy of the application is included at **Appendix A**. (See pages 17)

- 1.2 Cheltenham Cricket Club currently benefits from a Club Premises Certificate which was granted in 2005. The Club Premises Certificate authorises the Club to supply alcohol and provide certain forms of regulated entertainment *to Members of the Club and their guests, but not to the wider public*. A copy of the existing Club Premises Certificate is at **Appendix B**. (See pages 35)

- 1.3 If this application for a Premises Licence is granted it would enable the following licensable activities to be provided to the general public as well as Members of the Club and their guests.

Licensable activities	Dates and times	
Sale/Supply of Alcohol	Sunday	14:00 - 23:00
	Monday to Thursday	18:00 - 23:00
	Friday to Saturday	12:00 - 00:00
Performance of Live Music (Indoors)	Sunday	14:00 - 23:00
	Monday to Thursday	18:00 - 23:00
	Friday to Saturday	12:00 - 00:00
Performance of Recorded Music (Indoors)	Sunday	14:00 - 23:00
	Monday to Thursday	18:00 - 23:00
	Friday to Saturday	12:00 - 00:00
Other/Similar Entertainment (Indoors)	Sunday	14:00 - 23:00
	Monday to Thursday	18:00 - 23:00
	Friday to Saturday	12:00 - 00:00

Late Night Refreshment	Friday to Saturday	23:00 - 00:00
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1.4 Representations have been received from 6 local residents. The objections are summarised below and are attached at **Appendix C**. (See pages 39)

1.5 For purposes of comparison, **Appendix D** shows the activities and times authorised by the existing Club Premises Certificate alongside those applied for by way of this Premises Licence application. (See page 57)

1.6 Implications

1.6.1 Financial

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1.6.2 Legal

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

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

2.1 Applicant: Cheltenham Cricket Club

2.2 Agent: Russell Manning

2.3 Premises: Cheltenham Cricket Club, Princes Street, Cheltenham, Gloucestershire, GL52 6BE

2.4 The applicant has volunteered to take various steps to promote the four licensing objectives which are as follows and will become conditions on the licence if it is granted.

(a) Suitable notices shall be posted to request members, guests and customers to leave the premises quietly and behave in ways that respect the interests of residential neighbours.

(b) Use of the outdoor areas will cease at 23:00 every day.

(c) Openings such as doors and windows to be closed when the premises is open (other than for normal access and exit or emergency use) - ventilation within the premises should be sufficient to cope with maximum activity / occupation on a warm summer evening without leaving doors and windows open.

(d) Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.

(e) A 'Challenge 21' scheme (or equivalent) shall be adopted so that any customer attempting to purchase alcohol who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (e.g. passport, driving licence or PASS-approved card) and that a sale shall not be made unless this evidence is produced.

3. Responsible Authorities

3.1 No objections were received from responsible authorities.

3.2 **Police:** Members are to note however that the following condition proposed by Gloucestershire Constabulary has been agreed by the applicant:

“The need for door supervisors shall be assessed by the Licence Holder or Designated Premises Supervisor on a regular basis and door supervisors shall be employed when and where the risk assessment deems it to be appropriate.”

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

3.4 **Environmental Health:** The Senior Environmental Health Officer did not object to the application or ask for additional conditions to be added, but made the following comments.

“In relation to the application for Cheltenham Cricket Club there are no objections or adverse comments to make from environmental protection.

The last noise related complaint received was September 2009 and since then the premises has used a number of TEN's and there have been no noise complaints made as a result of these.

I have contacted the applicant and the following is a summary of our discussion:

- the club will be open the same hours as it is now, Russ applied for the full premises license so that club members can have more than one guest in and non-member residents can come in too e.g. when the beer festival is on or fireworks, the residents etc. can come in too

- Russ wants to make it more of a community facility as other pubs in the area are now closed

- advised if there is any music nights on or similar to alert local residents about it with end times as well as a contact number should there be a problem at the time they can phone in and speak to someone on site

- also advised to keep good management of any outside smoking areas and noise levels which he agreed to do”

4. **Other People**

4.1 6 relevant representations have been received from local residents.

4.2 **Rachel and Daniel McCauley (18 Princes Street)** have objected to the application on the grounds of potential noise nuisance. They have expressed concern that having a Premises Licence rather than a Club Premises Certificate could increase the number of events at the premises which could in turn increase noise and other nuisance

4.3 **Sarah Mustoe (17 Princes Street)** has objected to the application on the grounds of potential noise nuisance caused by live music at the premises, the potential for crime and disorder caused by customers leaving the premises, and the potential adverse effect on children in the area.

4.4 **Marilyn Brien (22a Princes Street)** has objected to the application on the grounds of potential noise disturbance and potential crime and disorder resulting from the change of operation at the premises.

4.5 **Jonathon Beddoes (15 Princes Street)** has objected to the application on the grounds of all four licensing objectives: public safety, the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

4.6 **Sharon Bateman (20 Princes Street)** has objected to the application on the grounds of potential public nuisance, crime and disorder and public safety.

4.7 **Rod Brien (address not given)** has objected to the application on the grounds of the potential for public 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)

Crime and disorder

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

Public Safety

- 5.19 The Council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes. (Paragraph 5.17)
- 5.20 Consideration should be given to whether:
 - (a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
 - (b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;

- (c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
- (d) patrons can arrive at and depart from the premises safely;
- (e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
- (f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services, and/or
- (g) the levels of compliance with conditions on existing licences relating to public safety. (Paragraph 5.18)

- 5.21 The Borough-wide Nightsafe network encourages its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the Council, the police and other responsible authorities. The Council actively supports the scheme and is keen to support the development of more schemes where there is a demand. (Paragraph 5.20)
- 5.20 Best Bar None (BBN) is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night time economy, with premises now competing to participate. The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities. The Council will actively encourage licensed premises to sign up to the BBN scheme. (Paragraph 5.21)

Public Nuisance

- 5.21 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)
- 5.22 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)
- 5.23 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)
- 5.24 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)
- 5.25 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)

- 5.26 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)
- 5.27 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)
- 5.28 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)

Protection of children from harm

- 5.29 The Council needs to satisfy itself that there are appropriate measures in place to protect children from harm. (Paragraph 5.32)
- 5.30 The Council will expect applicants, where necessary to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises. (Paragraph 5.33)
- 5.31 These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:-
(a) the sale of alcohol;
(b) children's performances;
(c) attractions or performances likely to attract children. (Paragraph 5.34)
- 5.32 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Act are that unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" (eg "alcohol led" premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00. (Paragraph 5.35)

6. National Guidance

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

Licensing objectives and aims

- 6.2 The legislation provides a clear focus on the promotion of four statutory objectives *which must be addressed when licensing functions are undertaken*. (1.2)
- 6.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm. (1.3)

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

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

They include:

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

Legal status

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

Licence conditions – general principles

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

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format. (1.16)

Each application on its own merits

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

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)

Crime and disorder

- 6.15 *Conditions should be targeted on deterrence and preventing crime and disorder.* For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition. (2.3)
- 6.16 *Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.* The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety. (2.6)

Protection of children from harm

- 6.17 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). (2.25)
- 6.18 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

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

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

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

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

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

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

Public safety

6.23 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene. (2.8)

6.24 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV in and around the premises (this may also assist with promoting the crime and disorder objective). (2.9)

6.25 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that. (2.10)

Ensuring safe departure of those using the premises

- 6.26 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks. (2.11)

Maintenance and repair

6.27 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

6.28 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. (2.1)

- 6.29 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises. (2.14)
- 6.30 Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be. (2.15)
- 6.31 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations. (2.16)
- 6.32 Public safety includes the safety of performers appearing at any premises. (2.17)

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 A plan of the location of the premises is attached **Appendix E** (See page 59) and an plan of the premises itself is attached at **Appendix F** (See page 61).
- 7.3 Members should take into consideration only those objections which relate to this individual application and only those which relate to one or more of the licensing objectives, which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- Members should disregard objections which do not relate to the licensing objectives or which are not specifically to do with this application and these premises.
- 7.4 The objectors have raised a number of issues that are dealt with in turn below:

- **Extension of hours** – Several residents have referred in their objections to this application being one to extend opening hours. Members are to note that, in fact, the activities and times applied for in this application are broadly the same as those already authorised by the existing Club Premises Certificate. This application does not seek to extend the times during which licensable activities may be authorised at the premises, but to enable those activities to be provided to people who are not Club Members or guests of Club Members.
- **Litter** – Members are to note that comments relating to litter cannot be considered relevant because they do not relate to any of the four licensing objectives and there is other legislation that can be deal with the problem of litter.
- **Traffic, speeding vehicles and parking** – Comments relating to problems caused by traffic and parking cannot be considered relevant because they do not relate to the licensable activities applied for or to the licensing objectives and there is other legislation that can deal with problematic parking and traffic.
- **Proliferation of other premises** – Some objectors have questioned why this application is necessary given that there are other premises in the area. Members are reminded that such comments are not relevant as this application should be considered solely on its own merits and not in relation to other premises.
- **Property prices** – One objector has referred to the possible effect of this application on property prices in the local area. As the value of property is not related to any of the licensing objectives, such comments should be disregarded.
- **Sale of Liquor Act 1989** – An objector has referred to this piece of legislation. Members are advised that the Sale of Liquor Act 1989 is valid in New Zealand only and that this application has been made under UK legislation, specifically the Licensing Act 2003.
- **How the application was publicised** – Some objectors have made reference to the way the application was publicised to residents. Members are advised that the legislation prescribes how such applications must be publicised (by way of public notices displayed at the premises and in the local newspaper) and that the applicants took such steps to publicise the application as they were required to take in law.

7.5 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.

Background Papers

Service Records

Report Author

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Cheltenham Cricket Club
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Cheltenham Cricket Club Princes Street			
Post town	Cheltenham	Postcode	GL52 6BE

Telephone number at premises (if any)	01242 523364
Non-domestic rateable value of premises	£ 4,200

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Cheltenham Cricket Club
Address Cheltenham Cricket Club Princes Street Cheltenham Gloucestershire GL52 6BE
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Members Club
Telephone number (if any) 01242 523364
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)
Cricket club with club house and playing field

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music 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			
Mon	18:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	18:00	23:00			
Wed	18:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	18:00	23:00			
Fri	12:00	00:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends. The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.		
Sat	12:00	00:00			
Sun	14:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	18:00	23:00	Please give further details here (please read guidance note 3)		
Tue	18:00	23:00			
Wed	18:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	18:00	23:00			
Fri	12:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	00:00	The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends.		
Sun	14:00	23:00	The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.		

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	18:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	18:00	23:00	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	18:00	23:00			
Thur	18:00	23:00	<p><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)</p>		
Fri	12:00	00:00			
Sat	12:00	00:00	<p><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) The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends. The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.</p>		
Sun	14:00	23:00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends. The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.		
Sat	23:00	00:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<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)		
Mon	18:00	23:00			
Tue	18:00	23:00			
Wed	18:00	23:00			
Thur	18:00	23:00			
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	14:00	23:00	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) The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends. The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.		

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

Name Russel Manning	
Address The Hewlett Harp Hill Charlton Kings Cheltenham Gloucestershire	
Postcode	GL52 6QG
Personal licence number (if known) Cherwell PSL0008	
Issuing licensing authority (if known) Cherwell District Council	

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	18:00	23:00	<p>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)</p> <p>The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends. The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.</p>
Tue	18:00	23:00	
Wed	18:00	23:00	
Thur	18:00	23:00	
Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	14:00	23:00	

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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Suitable notices shall be posted to request members and guests to leave the premises quietly and behave in ways that respect the interests of residential neighbours.

Use of the outdoor areas will cease at 23:00 everyday

Openings such as doors and windows to be closed when the premises is open (other than for normal access and exit or emergency use) – ventilation within the premises should be sufficient to cope with maximum activity / occupation on a warm summer evening without leaving doors and windows open.

Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.

e) The protection of children from harm

A challenge 21 scheme' (or equivalent) shall be adopted, so that any customer attempting to purchase alcohol who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (eg passport, photo driving licence, or PASS -approved card) and that a sale shall not be made unless this evidence is produced.

Checklist:

Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	7/11/13
Capacity	AGENT

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Russel Manning The Hewlett Harp Hill Charlton Kings			
Post town	Cheltenham	Postcode	GL52 6QG
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

Licensing Act 2003 Club Premises Certificate

Club Premises Licence Number	05/01219/CLUBCV
-------------------------------------	-----------------

Club Details

Name of club in whose name this certificate is granted and relevant postal address of club	
Cheltenham Cricket Club Victoria Ground Princes Street Cheltenham Gloucestershire GL52 6BE	
Telephone number	01242 603931

If different from above the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description
Telephone number

Where the club premises certificate is time limited the dates
Not applicable

Qualifying club activities authorised by the certificate and the times the certificate authorises the carrying out of qualifying activities.			
Supply of Alcohol	Sunday to Thursday	11:00 - 23:00	
Supply of Alcohol	Friday & Saturday	11:00 - 00:00	
Performance of Dance	Sunday to Thursday	18:00 - 23:00	Indoors
Performance of Dance	Friday & Saturday	18:00 - 00:00	Indoors
Provision of Facilities for Making Music	Sunday to Thursday	18:00 - 23:00	Indoors
Provision of Facilities for Making Music	Friday & Saturday	18:00 - 00:00	Indoors
Provision of Facilities for Dancing	Sunday to Thursday	18:00 - 23:00	Indoors
Provision of Facilities for Dancing	Friday & Saturday	18:00 - 00:00	Indoors
Provision of Facilities for Similar Entertainment	Sunday to Thursday	18:00 - 23:00	Indoors
Provision of Facilities for Similar Entertainment	Friday & Saturday	18:00 - 00:00	Indoors

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Performance of Recorded Music	Monday to Thursday	18:00 - 23:00	Indoors
Performance of Recorded Music	Friday & Saturday	12:00 - 00:00	Indoors
Performance of Recorded Music	Sunday	14:00 - 23:00	Indoors
Performance of Live Music	Monday to Thursday	18:00 - 23:00	Indoors
Performance of Live Music	Friday to Saturday	12:00 - 00:00	Indoors
Performance of Live Music	Sunday	14:00 - 23:00	Indoors

Non-standard timings: The terminal hour for qualifying club activities shall extended to 00.00hrs on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Fridays to Mondays (incl) of the Spring & August Bank Holiday and Easter weekends. The terminal hour for qualifying club activities shall extended to 00.30hrs on days of the Cheltenham National Hunt Racing Gold Cup & November meetings. Permitted qualifying club activities may take place continuously from the terminal hour for permitted for qualifying club activities on New Years Eve until the normal starting time on 1 January.

The opening hours of the club

Not Restricted

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

Both

Signature of Issuing Officer

Date of issue

3 August 2005

Annex 1 – Mandatory conditions

1 Not Applicable

Annex 2 – Conditions consistent with the Club Operating Schedule

- 1 a) Unaccompanied children under 16 years shall not be permitted in the bar at any time.
- b) Children under 16 years who are not accompanied by an adult person shall not be permitted in the bar after 21.00hrs. nightly.
- b) Suitable notices shall be posted to request members and guests to leave the premises quietly and behave in ways that respect the interests of residential neighbours

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

1 Not Applicable

Annex 4 – Plans

See Attached

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Page 38

Cooper, Phil

From: Rachel McCauley [redacted]
Sent: 05 December 2013 22:19
To: Cooper, Phil
Subject: Concerns about licensing application for Cheltenham cricket club, Princes Street

Dear Phil,

Firstly, thank you for taking the time to read our email detailing our concerns about the above. We will keep this short and sweet as I am sure you have received rather a lot of correspondence about this application from other residents.

We live at no.18 Princes Street, just a few doors down from the only entrance to the cricket club. We bought our property in March 2012 and have since then slogged our hearts out to restore this very early Victorian house back to its former glory, we are still not finished- the work has been expensive and extensive (and all done with our own fair hands) and now we are so disheartened to hear that our usually tranquil little street (unless the cricket ground is holding an event) may soon become over run with cars and noise.

We bought this house (as first time buyers) due to the safeness and quietness of the area, to start a family was always on our minds and Princes Street seemed the perfect spot. Now I am 35 weeks pregnant with boy/girl twins and can think of nothing worse than having their sleep disrupted night after night with drinkers passing the house gone 11pm every night of the week and live music blaring out - who in their right minds would want that going on in their street, and so close to our front door, I ask - would you?

We do not have front gardens here, our houses open out right onto the pavement, so disruption from the punters is unavoidable. We also already have a lack of parking in the street, as do the nearby streets such as Leighton Road and Duke Street. Every time the cricket club has an event on, their members/visitors bombard our streets with their cars and I end up having to park streets away. This I do not mind a few times a year (I.e. During their yearly fireworks display and the cider festival etc) but if this becomes a frequent thing it will be an absolute nightmare for me with two tiny twins to get in and out of the car, two dogs, a double buggy, shopping bags etc... you can imagine the scenario.

If this application is successful it will unbalance the whole equilibrium of our street, it will affect the children and the elderly residents in the street not just because of the noise of the punters, but also the live music and the constant stream of cars driving in and out of the cricket ground entrance. In the summer we will have to keep all of our windows shut to try and minimise the noise. This simply is not fair, the cricket ground was never supposed to be a pub/live music venue- we would not have bought our property in the first place if we thought that was the case.

Please do consider young couples/families like us when you read over the cricket clubs licence application, a couple who have spent their life savings trying to build a safe and quiet environment to raise a family in.

Thank you Phil, please do keep us residents informed.
Rachel & Daniel McCauley
[redacted]

Sent from my iPad

From: Marilyn Brien

Sent: 02 December 2013 16:02

To: Cooper, Phil

Subject: CHELTENHAM CRICKET CLUB PRINCES STREET.

In respect of the new licence applied for by the above I wish to raise my objection (as do many other people living in this residential area""").

As we understand.

This is a residential area which hosts a cricket ground.

This is not an area whose primary purpose is to accomodate the cricket ground.Indeed as far as we are aware quite a few members of the club do not appear to live in this area.

It appears the application for this license has not been published obviously, many residents are still not even aware of it, but the few who do are very upset, at not even being made aware of it.

When the cricket club has events, the parking is not only impossible (we often come home from work and have to park several blokes away from our homes).

There have also been incidents of collisions. Kings Road and Princes street are not equipped for this level of traffic.

After a recent event at the club, we had smashed glasses thrown into a neighbours garden. |Also we were told that the noise that woke us , was a drunk person leaving the premises making noise that woke us up in the early hours with a neighbour contacting the police, because the person drove off after damaging a parked car. Apparently this was reported to the police.

Again this is a quiet residential area with young and old (working people) living here. How on earth do the licencing committee think we/children will be able to sleep at reasonable hours, with the hours applied for"".

--
Marilyn Brien

The Licensing Team,
Public Protection Division,
Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
Promenade,
Cheltenham,
Glos. GL50 1PP

Name: Mr. Jonathon Beddoes
Address: 15 Princes Street,
Cheltenham,
Gloucestershire,
GL52 6BE

Date: 29th November 2013

To whom it may concern,

[Representation against Public Premises Licence for Cheltenham Cricket Club, GL52 6BE]

RE: Cheltenham Cricket Club
Address: Princes Street,
Cheltenham,
Gloucestershire,
GL52 6BE
Type of licence: Public Premises Licence

I wish to confirm that I have an interest in this application which is greater than the public generally on the following basis:

- *I live in the immediate vicinity of the premises in question, close to the entrance to the Cricket Club on Princes Street and would be particularly affected by the rise in noise nuisance, public disorder and crime the granting of a Public Premises Licence would bring*
- *I have already dealt with the effects of public safety, public nuisance, crime and disorder, incorporating a risk to children from liquor misuse and public licensing linked to this premises, notably having glasses and bottles thrown into my garden and smashed, nuisance and noise disturbance related to the premises and road traffic incidents (a road traffic collision on Monday 14th October)*
- *I have a real concern for the health, well-being and safety of children, young people and the schools using the facilities and living and passing in the vicinity which a Public Premises Licence and all day/ late night drinking, increased traffic and intoxication would bring*
- *The vicinity around Princes Street, King Street and the top of Leighton Road is a quiet well established residential area with a high proportion of older residents or working families with school aged children and is wholly unsuited to a late night drinking and music/ entertainment venue open to the general public (bringing all the attendant problems and nuisances that brings)*

Replacing the existing Club Premises Certificate, currently enabling the sale of alcohol and the provision of entertainment to genuine club members, with a Public Premises Licence

allowing entry to the general public under the same licensing hours of any late night drinking establishment, late licensed pub or nightclub in the town centre, will bring profound noise, nuisance and disruption, elevated crime and public order offences, health and safety risks and hazards to the local residents, particularly children and those living near to the entrance premises. The granting of a Public Premises licence to these premises will seriously undermine the quality of life of local residents and change the nature of a relatively safe, quiet residential area forever.

As such I request that the Planning Committee consider my objections with the utmost integrity and act accordingly and reject this application out of hand on the grounds that I list below.

My objections to the granting of a Public Premises licence to this premises are based on the harmful impact it would have on the residents, particularly those of Princes Street and Kings Road and would contravene all four "licensing Objectives" established under the 2003 Licencing Act ;

- The Prevention of Public Nuisance
- Public Safety
- The Prevention of Crime and Disorder
- The Protection of Children from Harm

Plus,

- Further grounds which should be considered by the Licencing Committee but don't currently apply to the four objectives.

Grounds for Objections to this licencing application

The particular impact on me as a resident and on the local residents from the potential grant of this Public Premises Licence would be as follows:

• The Prevention of Public Nuisance

1. **Noise nuisance, general:** The area is a densely populated well-established residential area with a high proportion of older residents and working families with children and is completely unsuited to a late night public drinking and music/ entertainment venue operating all day and at anti-social hours which a Public Premises Licence rather than a Club Premises Certificate would create.
2. **There is no history of a public licenced premises or nightclub at this location** and as such this is a largely quiet residential area. Local residents are in agreement that this was is of the prime attractions of this area and defines its unique character; its attraction as a quiet and safe location for families, children and older residents. The nature of this pleasant quiet residential area would invariably be changed for the worse by the granting of a Public Premises Licence in a location unused and entirely unsuited to one.
3. **Noise nuisance and disturbance caused by regular live and recorded music:** Princes Street and the surrounding area is a long established and very quiet residential area with a dense residential population and old narrow streets in which noise carries.

Many of the houses front directly onto the pavement, significantly increasing the impact any additional noise nuisance would create. The lives of countless residents would suffer from any increase in the number of incidents of loud live and recorded music and the associated noise disturbance that a late night Public Premises Licence will invariably bring.

4. **Noise nuisance, increase in the volume of patrons:** The granting of a Public Premises Licence will invariably bring a significant increase in the volume of patrons (in significantly greater numbers than the current Club Premises Certificate caters for), both arriving and leaving the premises, particularly drunken and noisy patrons at anti-social hours between 2300 and 0100 hours on evenings and weekends. After "drinking-up" time this could be 01:00AM at weekends and into the early hours! This will be even more significant during the summer months and is wholly unacceptable.
5. **Entrance and exit via Princes Street only:** Patrons leaving late at night and into the early hours will invariably disrupt the sleep patterns of local residents near the premises, particularly those with children, those working and the elderly. Again this will be even more significant during the summer months and again, for local residents this would be wholly unacceptable.
6. **Volumes of patrons and corresponding increase in noise nuisance:** With the decline in alcohol sales and the failure of many late opening City Centre pubs and nightclubs it is logical to assume that by operating a Public Premises Licences this premises will only survive by significantly increasing its volume of patrons and significantly increasing its alcohol sales, particularly late at night. This is the clear business driver behind the survival of any Public Licenced Premises. As such the club would have to target greater volumes of patrons, which will inevitably increase all aspects of noise nuisance and disturbance to the residents living within the vicinity, both in terms of noise nuisance from rowdy and intoxicated patrons leaving the premises at night and in the anticipated increase in vehicle traffic, particularly taxi's late at night.
7. **Noise nuisance, increase in noise disturbance caused by vehicles and taxi's dropping-off and picking-up late at night:** The only vehicle access to the premises is on Princes Street, which is already the common drop-off and pick-up point for events held at these premises. Noise nuisance and disturbance to residents from vehicle traffic into and out of the premises late at night and during busy periods (sports, local and club related events) is already a serious problem and disturbance for residents. An increase in the volume of traffic, numbers and the disturbance caused by an increased number of cars starting-up, vehicles/ taxi's arriving and leaving, particularly late at night and in the early hours of the morning which the granting of a late drinking and live and recorded music licence (a Public Premises Licence), rather than a Club Premises Certificate, would create is unacceptable to Princes Street residents.
8. **Noise nuisance, impact at the entrance to the premises on Princes Street:** The houses along the approach to the only entrance to the premises in Princes Street, face directly onto the pavement and are in very close proximity to the public highway and are particularly susceptible to noise disturbance from pedestrian and taxi/ vehicle traffic. Furthermore the narrow streets at this point have an amplifying effect on noise for these properties, particularly for bedrooms and living rooms at the front of these properties where pedestrian and taxi/ vehicle traffic would pass, congregate and pick-up/ drop-off.

The residents of Princes Street already encounter significant noise nuisance and disturbance when public and larger club events are conducted at the premises, but accept these as they are currently infrequent and largely community based events. However, the increase in noise disturbance, particularly late at night and on a regular (7 nights a week) basis for a late night drinking and live/ recorded music venue which the granting of a Public Premises Licence to this applicant would provide, will disturb the resident's lives every night of the week. This simply is unacceptable and must be rejected.

• **Public Safety**

1. **Increase in the volumes of patrons and traffic hazards:** vehicle traffic & public safety hazards: As it is logical to conclude that the survival of these premises as a commercially licenced Public Premises rather than a Club Premises would be predicated on an increase in the volume of patrons for late night drinking it is also logical to assume that this will equate to an increase in traffic and an increase in traffic related incidents. With limited parking at the premises but free on-street parking in the vicinity there will inevitably be an increase in traffic using the licenced premises both during the day as well as late at night.
2. **Increase in existing public safety issues during public events at the premises:** During public events held at the club there have already been a number of close call's involving pedestrians, children and fast moving vehicles in the vicinity dropping-off or picking-up from the club – and the risk of a serious incident occurring will only increase significantly by the granting of a late night Public Licence.
3. **Increased vehicle traffic to licenced premises & risk to public safety caused by an anticipated surge in incidents of drink driving:** As is well documented (significant precedent available to corroborate this point) it is inevitable that there would be an increase in drink driving offences related to intoxicated patrons driving to and from Public Licenced Premises, particularly where parking is seen as being readily available – both late at night – and worryingly given the proposed licencing hours, also during the day, when children are around – 7 days a week! I have already witnessed one such incident on the corner of Princes Street and Kings Road, a road traffic collision with a clearly drunken driver crashing into a parked car on Monday 14th October and fleeing the scene of the accident. This was reported to the local police who attended the scene and I should be able to provide further details if required.
4. **The misuse and abuse of alcohol and public safety:** The grant of a licence to this applicant would increase, rather than reduce, the misuse and abuse of alcohol and increase the risk of crime and disorder/ public safety in the vicinity due to the late licencing application and sale of alcohol to the general public in an area which has poor street lighting, the presence of dark poorly lit areas in the immediate vicinity of the premises, dark low lit streets and the residential nature of the neighbourhood.
5. **The misuse and abuse of alcohol and crime and public safety/ the safety of young people:** Given the extensive use of the site by young people there is also a genuine risk that the sale of alcohol to the general public in such close proximity to the playing field areas and around the premises would act as a magnet and encourage

underage drinking, vandalism and foul litter. There is published data which supports these concerns that granting a Public Premises Licence will increase the occurrence of these incidents.

• **The Prevention of Crime and Disorder**

1. **Criminal damage, crime and disorder and public order offences related to public events at the premises:** As described earlier it is the logical and obvious conclusion that the only way this premises will survive as a Public Licenced Premises is by significantly increasing its volume of alcohol sales and by greatly increasing its volume of patrons for late night drinking. This will inevitably lead to an increase in public order offences, drunken disorderly offences, criminal damage and damage to motor vehicles and an increase in public safety risks to the residents living within the vicinity of the premises.

These are already problems faced by local residents during busy public events held by the cricket club involving the sale of alcohol to the public and held at the premises, with smashed glasses and bottles being left in front of residents property, on residents window ledges, glass and litter thrown into residents gardens, vomiting and urinating against property, minor damage to residents motor vehicles (most commonly wing mirrors being damaged) and other litter being left on residents window ledges, in gardens or in the street. I have already personally experienced this during the Cider Festival, held at the premises in early September since moving into my property in early September where my car was scratched and where branded glasses from the Cider Festival were thrown into my garden and smashed. I have had friends with their young children round and have still been finding glass until recently. And I understand that many local residents have experienced similar problems and feel that this is already a problem associated directly with the cricket club and which have consistently been inadequately addressed.

There is published data which supports these concerns that granting a Public Premises Licence will only increase rather than decrease the occurrence of these types of incidents and this would be a serious problem for residents.

2. **Expected increase in vehicle traffic and damage to resident's vehicles:** With an increase in road traffic expected should the club be awarded a Public Premises Licence it is expected there will inevitably be incidents of damage to resident's motor vehicles, both as a result of patrons attempting to park in the already fully stretched local area, particularly at night. This is expected to result in both accidental and deliberate damage to resident's vehicles and increase the risk to public safety. This will be inevitable.
3. **Parking levels and potential for increased friction with residents:** With parking limited at the premises but the premises being located in a quiet residential area with free on-street parking there will inevitably be an increase in patrons attempting to park in the already congested residential area to use the premises and the potential for increased road traffic incidents in the vicinity of the Cricket Club and particularly around Princes Street, Kings Road and Leighton Road. When combined with already overstretch parking in the area and the increased risk of damage to resident's vehicles this will lead to an increase in existing friction and the real

possibility of the occurrence of public order offences between the cricket club, its patrons (particularly when these are increased significantly to include the general public and late night drinking and music/ entertainment) and local residents.

4. **Drink driving:** As already described in my concerns over public safety and is well documented it is inevitable that the granting of a Public Licenced Premises would be followed by an increase in drink driving offences by intoxicated patrons driving to and from the venue, particularly where parking is seen as being readily available - both late at night. This concern applies to both public safety for residents and children and to the residents' concerns over an increase in crime and disorder which the granting of an all-day/ late night drinking licence would provide. There have already been incidents related to drink driving, including one road traffic collision which I witnessed, involving a clearly drunken driver crashing into a parked car on the corner of Princes Street and Kings Road and fleeing the scene of the accident. This was reported to the local police who attended the scene. Again I repeat that this is a residential area and unsuited to hosting a late night drinking venue with the potential for this type of activity.
5. **General public disorder and nuisance associated with late licensing in a residential area:** On the basis of the experiences of other areas in town with (already established) late night drinking and music venues it is inevitable that public nuisance, drunkenness, crime & public disorder; including anti-social behaviour, liquor misuse and abuse, general drunkenness, noise nuisance and shouting, fighting, glass and bottles litter providing the potential for more serious offences should be expected should the licence application be accepted. And it will be the residents of Princes Street who will suffer most. Local crime data would support this assertion. Again this is a residential area unsuited to hosting a late night drinking venue with the potential for this type of activity and this application must be rejected.

• **The Protection of Children from Harm**

1. **Detrimental to the health and well-being of children:** Being located in a densely populated residential area with a high proportion of families with young and school aged children, the granting of a late night **Public** drinking and music Licence to this premises would have a particularly serious impact on the health and well-being of children and younger residents living in the vicinity. The increase in noise disturbance late at night and into the early hours of the morning inevitably associated with a substantial increase in intoxicated patrons, late night vehicles traffic (car engines starting-up, vehicle pick-up's and taxi's) particularly between 2300 and 0100 hours, will disrupt and have a serious and harmful effect on the quality of sleep of children living in adjacent streets, and particularly those living near or adjacent to the entrance to the premises. In the narrow streets around the premises sound carries and can even be amplified. Any sleep disruption caused will directly harm the well-being and health of the children affected. This would be even more significant during the summer months and around exam times. This would be unacceptable.
2. **Risk to children's safety: The unsuitability of a this premises for a Public Premises Licence to sell and consume alcohol with open access to areas where school sports**

events are conducted and children play unaccompanied: The areas of the premises for which the applicant proposes be granted a Public Premises Licence is widely used as leisure and recreational area by local residents, including unaccompanied children and families with young children and regularly provides sporting facilities for Birkhampstead Private School, where children between the ages of 3-11 use the field for sporting activities.

The granting of a Public Premises Licence open to all members of the public to premises directly attached to the playing field area where children play unaccompanied and where regular sporting events are conducted by schools raises serious concerns over the proposed licencing application for a Public Premises Licence. Residents have grave concerns over this issue in particular. We feel that the supply of alcohol and intoxicating beverages in such close proximity (attached to and overlooking the playing area) would pose a direct threat to the safety and wellbeing of children and pose a risk of harm to the vulnerable. Should the premises be opened up to the public and no longer cater to club members only, will the licence restrict the sale of alcoholic beverages when unaccompanied children are in the vicinity of the playing field area? How will the areas be designated as restricted areas or supervised areas. How will this be policed? We have grave concerns over childrens safety in light of this spurious application and feel it must be rejected.

3. **Risk to children's safety, increase in traffic around the premises:** The area around the premises, particularly in the vicinity Princes Street, Kings Road and Leighton Road is widely used by children, young people and parents with babies and toddlers, both using the field for recreational purposes, or just walking – and there have already been a number of near incidents involving children and motor vehicles in the area. The increase in traffic that the granting of a Public Premises Licence to this premises would bring, particularly whereby potential patrons would be aware that there is (albeit limited) free on-street parking available in the vicinity, would significantly increase the risk of a child being involved in a serious road traffic incident. Residents already report that when sporting and public events are on, traffic to and from the premises increases significantly in both volume and frequently at excessive speeds around the narrow streets in the vicinity Princes Street, Kings Road and Leighton Road. Increasing the traffic level by opening a Public Licenced Premises to the area and the sale of alcohol day and night will significantly increase this risk to children and young people using the area. This is a residential area and not suited to a public drinking establishment day and night. It would only be a matter of time before a child will be seriously injured or killed.
4. **The misuse and abuse of alcohol and young people:** The grant of a licence to this applicant would increase, rather than reduce, the misuse and abuse of alcohol because of the proximity of the proposed internal and external licenced drinking area and easy access to/ from the site frequented by young people. Given the links between the premises and the site (the playing field) with local schools and young people's sports clubs the establishment of a Public Licenced Premises is particularly ill advised. There is an abundance of published data which supports these concerns.

- **Additional grounds for objection which should be considered by the Licencing Committee**

1. Property prices will suffer – causing rising public objection to the cricket club in general.
2. **Other more suited and ESTABLISHED drinking venues:** There are in town other far more suitable locations for the establishment of a late night drinking and entertainment venue, including existing premises vacant (i.e. the Fiery Angel). A long established quiet residential area is completely unsuited to accommodate the noise, disruption, social and unlawful activities which this type of licenced premises invariably attracts. The committee must consider the tone and culture of the local area in reaching a decision on this licencing application, as the damage which may be caused would be long-term and profound.

Rejection of the clubs application for a Public Premises Licence and call for a formal review of the terms of the club's existing Club Premises Certificate

The vast majority of local residents, including those most directly affected along Princes Street, Kings Road and Leighton Road would support the retention of the clubs existing Club Premises Certificate, enabling one-off, annual and occasional organised community events run by the Cricket Club in aid of the community, schools and local clubs, predicated on a review of the terms of its existing certificate relating to clear-up, traffic measures, site access, clean-up in the vicinity of the premises and adjacent streets following events, and greater consultation with local residents, particularly those most closely affected by its activities. But the local residents of Princes Street cannot accept nor support the application for a Public Premises Licence.

I hereby call for a formal review of the terms of the clubs existing Club Premises Certificate.

The reasoning given behind the application for a Public Premises Licence and an alternative route to a solution

The reasoning given by the Cricket Club for the application for a Public Premises Licence to the Licencing Department at Cheltenham Borough Council, the Environmental Health Department and the Police by the applicant, rather than retention of the existing Club Premises Certificate, is that a Public (licenced) Premises Licence is required because the restrictions placed on the club by its existing Club Premises Certificate do not permit the Cricket Club to grant the following:

1. to provide access to the club and its bar to non-members during specific community and public events, and,
2. to enable the club to allow members more than one guest each into the bar area of the club

This is clearly not the case. The 2003 Licencing Act does not stipulate the number of guests a member to a private club may invite during a visit, nor does it restrict the club on the number and composition of its membership, guests nor its affiliates. The restriction placed

on members of the club to only one guest per member is wholly dictated by the internal membership rules of the club – and can easily be amended within the club and under compliance with its existing Club Premises Certificate to enable both an increasing in the number of guests a member may invite from and to enable an increase in club membership to be extended to local residents and those with genuine connections to the community and sporting / community clubs and societies, currently required by internal club policy.

It is clear that the Licencing Act 2003 and the Club Premises Certificate do not impose these restrictions on the clubs membership and policy on the admission of guests, but that these restrictions are placed on the clubs members by the clubs own membership rules and conditions.

Both of these can easily be achieved within the clubs existing licencing privileges and by retaining the safeguards and community protection that the clubs existing Club Premises Certificate currently grants. As such, the grant of a Public Premises Licence is neither required, not sensible.

The area is a quiet well-established residential area, wholly unused and unsuited to hosting a late night public drinking and music/ entertainment premises open to the public.

Furthermore the grant of the licence would be against the Sale of Liquor Act's object of reducing liquor abuse. Under section 35 of the Sale of Liquor Act 1989 the 2003 Act and I ask the Authority to consider the impact on the residents and the neighbourhood generally and the object of the Act specifically when considering this application.

For these reasons I object to the grant of a Public Premises licence for this applicant at these premises. It would contravene the object of the 2003 Act and the council's Licencing Objectives and it is highly likely, negatively impact on those living in the immediate vicinity, near the entrance and approach to the premises and particularly the residents of Princes Street and Kings Road and lead to serious and on-going problems for the residents and children in the area.

On the basis of the objections I have raised herein I strenuously advise that this licensing application for a Public Premises licence be rejected in the interest of the local residents and the local community as a whole.

I wish to appear should a formal hearing of this Application be held.

Yours sincerely

Mr. Jonathon Beddoes, Resident

Sarah Mustoe
17 Princes St.,
Chatterhouse
GL52 6BT
4/12/13

Dear Phil,

As a resident of Princes Street I am writing to register my objections to the licensing of both alcohol and live/recorded music activities at the Chatterhouse Cricket Club.

Having lived in this generally quiet and safe area for over ten years I would like to put forward concerns to all four licensing objectives:

Public Safety:

- All access for traffic and pedestrians is funnelled through this small built up area with difficult and dangerous junctions immediately off Kings Rd and Leighton Rd. The build up of traffic and the small provision for parking results in the vehicles, often in queues, having to resort to reversing and

turning in the street. This congestion present a real danger of traffic and pedestrian accidents, particularly to the old and young residents.

Prevention of Public Nuisance

The introduction of live/recorded music will create noise issues in what is a quiet residential street.

Residents purchased have precisely because it has been recognised as such. Loud music will affect the mental welfare of residents - the noise will heard over loudspeakers around the Cricket Club.

People leaving and arriving at the venue at different hours, by foot and vehicle, will exacerbate the noise disturbance.

Prevention of Crime + Disorder

Damage to both property and vehicles owned by residents has already been experienced when the Cricket Club has held licensed entertainment previously. Plants have been damaged and taken from outside homes, wing mirrors and car

windows broken, and eggs thrown at house fronts, etc. - few examples. Arguments and fights in the early hours also occur.

The Protection of Children from Harassment

- Danger from traffic, see above

Also one may consider what effect the total change in this historically quiet and safe backwater might have on families who did not choose to bring up their children near the kind of licensed premises being proposed. I am deeply unhappy over the application and stress that the proposed changes will affect the wellbeing of the resident children.

Yours sincerely

1st December 2013

Dear Sir/Madam,

I write in connection with the current application for a Premises Licence in regard to Cheltenham Cricket Club in Princes Street.

20, Princes Street is a terraced house approximately 25 yards from the entrance to the Cricket Club, situated between the Cricket Club and Leighton Road.

I own 20, Princes Street jointly with my brother, Robert Hickling, and my sister, Jane Bramley. My 91 year old mother has lived at this address since November 1963.

We are only too aware of the current and ongoing problems in regard to vehicle movements and parking in the immediate area of the Cricket Club, of which the entrance in Princes Street is the only access.

The situation is difficult on normal days and weekends, the majority of the houses in this street only being as wide as a normal vehicle, these properties in the main fronting directly onto the pavement with no off street parking available.

The situation is made worse when a function is held at the Cricket Club, whether that be a sporting or social event at night or during the day. Any event that attracts visitors and/or vehicles to this immediate area automatically has an adverse effect on the residents.

The current application for a Premises Licence to allow general opening hours, the sale and supply of alcohol, live and recorded music to be licensed until either 2300hrs or midnight every day of the week will have a dramatic and very adverse effect on the area of Princes Street, Kings Road and Leighton Road where both young families with small children and elderly persons reside.

The adverse effects should this inappropriate application be granted will be :

1. Greater public nuisance.

As stated any event at the Cricket Club as it currently operates presents a heightened degree of nuisance, in particular regard to noise levels caused by larger numbers of pedestrians passing directly adjacent to ground floor living room windows both towards and away from the premises. There is also greater nuisance caused by visitors arriving in cars, entering/leaving the very restrictive car park of the cricket club with all the manoeuvring that entails, parking or attempting to park in an already vehicle-saturated area.

Any enhanced usage of the club will multiply the above nuisances, with the addition of alcohol and music availability late into the night this will add further noise over protracted periods to the above list.

2. Crime and Anti Social Behaviour

Experience identifies direct links between crime, anti-social behaviour and the availability of alcohol with social gatherings in confined spaces. My partner has been in the Police service for 38 years and

confirms that general anti social behaviour will undoubtedly increase should this application be granted, along with reporting of crimes such as damage (to parked vehicles, residents houses and property), litter etc.

Such criminality then creates "ASB Hot Spots" which become subject of Police Tasking and Co-ordination processes, joint partnership consultations and working etc. This diverts resources from other areas of Policing, at a time when Police resources are stretched to the limit anyway. Far better to prevent this situation, rather than enable it and then try to manage it.

3. Public Safety.

The area at the top of Princes Street adjacent to the Cricket Club, and including the junctions of Kings Road and Leighton Road, already generates safety issues in regard to the interaction of road users and pedestrians. The give way lines at the junction with Kings Road are ignored on many occasions daily, the existing parked cars create serious problems regarding driver lines of sight on closed junctions, and pedestrians and cyclists are regularly subjected to "near miss" situations owing to the amount of vehicular movements in this very restricted area.

Several of the residents within the immediate area affected by activities at the Cricket Club have young children, with more expected.

As previously stated, these domestic dwellings have no front gardens so concerns regarding child safety already exist.

These concerns and dangers will inevitably be greatly increased should this inappropriate application be passed.

Overall we regard the application under consideration from the Cricket Club to be wholly inappropriate to the maintenance of law, good order and the safety of local residents.

The application relates to permission to supply services that already exist within a very short walk or vehicle journey of the applicant premises and is totally out of keeping with the surrounding area.

The undersigned therefore wish the above objections to be noted, and will hold the Council/Licensing Authority to be responsible for any of the adverse consequences relating to the above should the application be granted.

Yours sincerely,

Sharon BATEMAN

pp Robert HICKLING
Jane BRAMLEY

Signed letter sent recorded delivery to : Licensing Section - Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham GL50 9SA.

Attached is a copy of a licensing application which has been submitted to Cheltenham Borough Council.

The application includes, in the evenings – weekdays until 11pm Friday- Saturday 12 midday until midnight. Sale of alcohol 7 days a week. Performances of live music seven days a week. Performances of recorded music seven days a week.

This would increase the lack of parking in Princes Street, which already has parking problems, and nearby streets as many attending events in the cricket ground use vacant places in the streets rather than the car park, which is often full. Local residents are already suffering inconvenience.

Vehicles leaving the events frequently do so at inappropriate speeds for a residential area where small children and elderly people live. There have been incidents of near collisions at the junction of Kings Road and Princes Street where busy parents drive at speed at dropping off and picking up times. Extended alcohol licences are not likely to alleviate this, only make things worse.

Live or recorded music is loud and can be heard over large residential areas. Seven days a week is excessive and will cause a public nuisance. What about parents getting babies and young children to sleep.

It appears the application for this license has not been publicised obviously in the area giving the residents the chance to raise legitimate concerns.

This is a quiet and safe residential area when the cricket ground is not holding events.

IF YOU HAVE CONCERNS ABOUT THIS LICENCE APPLICATION PLEASE CONTACT THE LICENCING CASE OFFICER phil.cooper@cheltenham.gov.uk letting him know your objections before December 5th 2013.

Thank you

M R Brien

22a Princes Street

Sent: 02 December 2013 10:57

To: Internet - Licensing

Subject: Premises Licence - Cheltenham Cricket Club

Dear Sirs,

In respect of the new premises licence applied for by the above.

I wish to raise an objection for the following reasons:

The application includes, in the evenings, sale of alcohol 7 days a week, performance of live music 7 days a week, performance of recorded music 7 days a week.

This is a residential area which hosts a cricket ground. This is not an area whose primary purpose is to accommodate the cricket ground but its primary use is residential. Therefore the possibility of live and recorded music, which is loud, 7 days a week would cause a public nuisance to the residents who live here.

Granting of this application would increase the lack of parking, which is at critical levels, as many attending events in the cricket ground use vacant places in the streets even when there are spaces in the car park. Also when the car park is full this obviously has an adverse effect on parking availability.

Again granting of this application would exacerbate this causing a public nuisance to residents who live here.

Vehicles leaving the events frequently do so at inappropriate speeds for a residential area where children live. There have been incidents of near collisions at the junction of Kings Road and Princes Street. Extended alcohol licenses are not likely to alleviate this and would dilute the protection of children from harm.

It appears application for this license has not been publicised obviously in the area giving residents the chance to raise legitimate concerns.

Kindly acknowledge receipt.

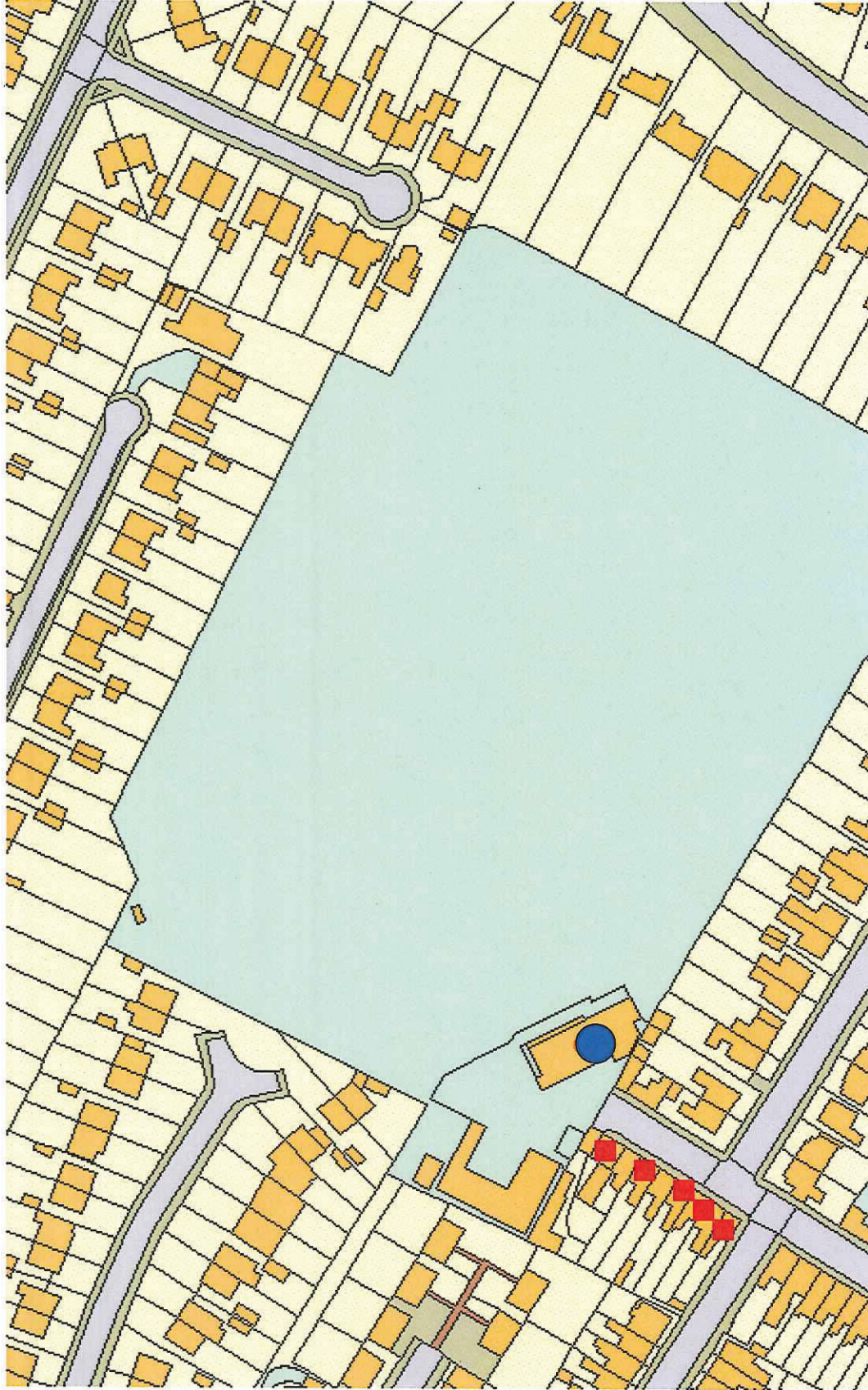
Many Thanks,

Rod Brien.

Activity	Days	Times currently authorised by Club Premises Certificate	Times applied for under Premises Licence
Sale / supply of alcohol	Mon - Thurs Fri - Sat Sun	11:00 – 23:00 11:00 – 00:00 11:00 – 23:00	18:00 – 23:00 12:00 – 00:00 14:00 – 23:00
Performance of dance	Mon - Thurs Fri - Sat Sun	18:00 – 23:00 18:00 – 00:00 18:00 – 23:00	None None None
Performance of recorded music	Mon - Thurs Fri - Sat Sun	18:00 – 23:00 12:00 – 00:00 14:00 – 23:00	18:00 – 23:00 12:00 – 00:00 14:00 – 23:00
Performance of live music	Mon - Thurs Fri - Sat Sun	18:00 – 23:00 12:00 – 00:00 14:00 – 23:00	18:00 – 23:00 12:00 – 00:00 14:00 – 23:00
Entertainment of a similar description to those above	Mon - Thurs Fri - Sat Sun	None None None	18:00 – 23:00 12:00 – 00:00 14:00 – 23:00
Provision of late night refreshment	Mon - Thurs Fri - Sat Sun	None None None	None 23:00 – 00:00 None

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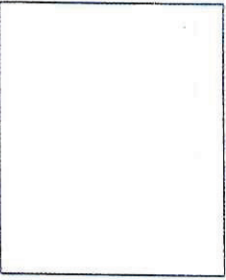
Cheltenham Cricket Club. Princes Street. Cheltenham GL52 6BE



Club house: ●

Locations of residents who have submitted representations: ■ (numbers 15, 17, 18, 20 and 22A Princes Street)

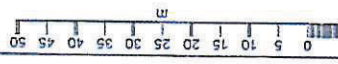
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Page 60



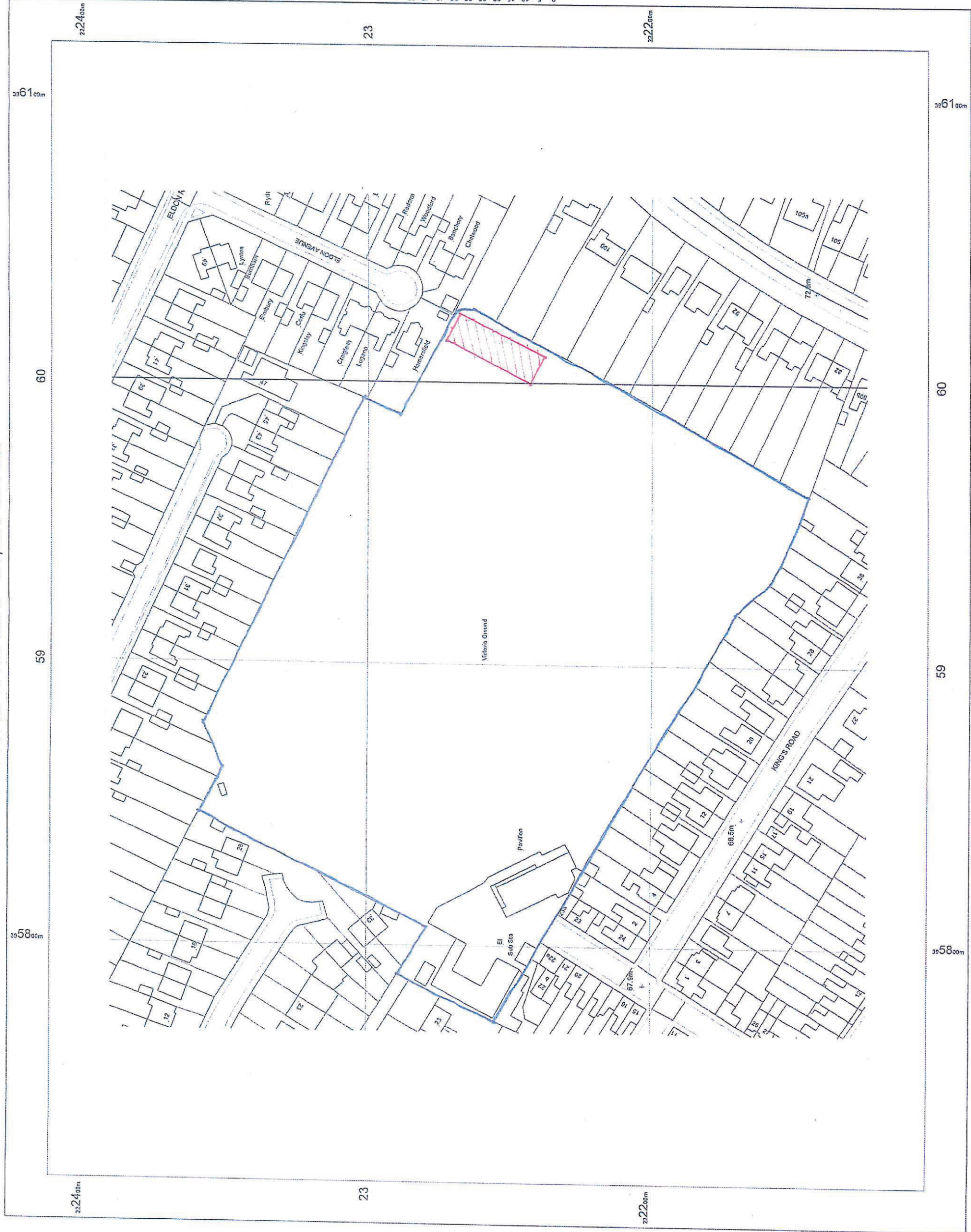
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O.S. MASTERMAP 1:1,250 SCALE



Princes St.



LIMBRICK LIMITED
CHEMORTH HOUSE • FALCON CLOSE • BRISTOL ROAD
QUEDLEY • GLOUCESTER • GL2 4LX
TEL 01452 86200 • FAX 01452 86201

Rev. Amendment
Date Drawn

Date	APRIL 2005
Drawn	JG
Checked	JG

EXISTING FLOOR PLANS

CHELLENHAM CRICKET CLUB

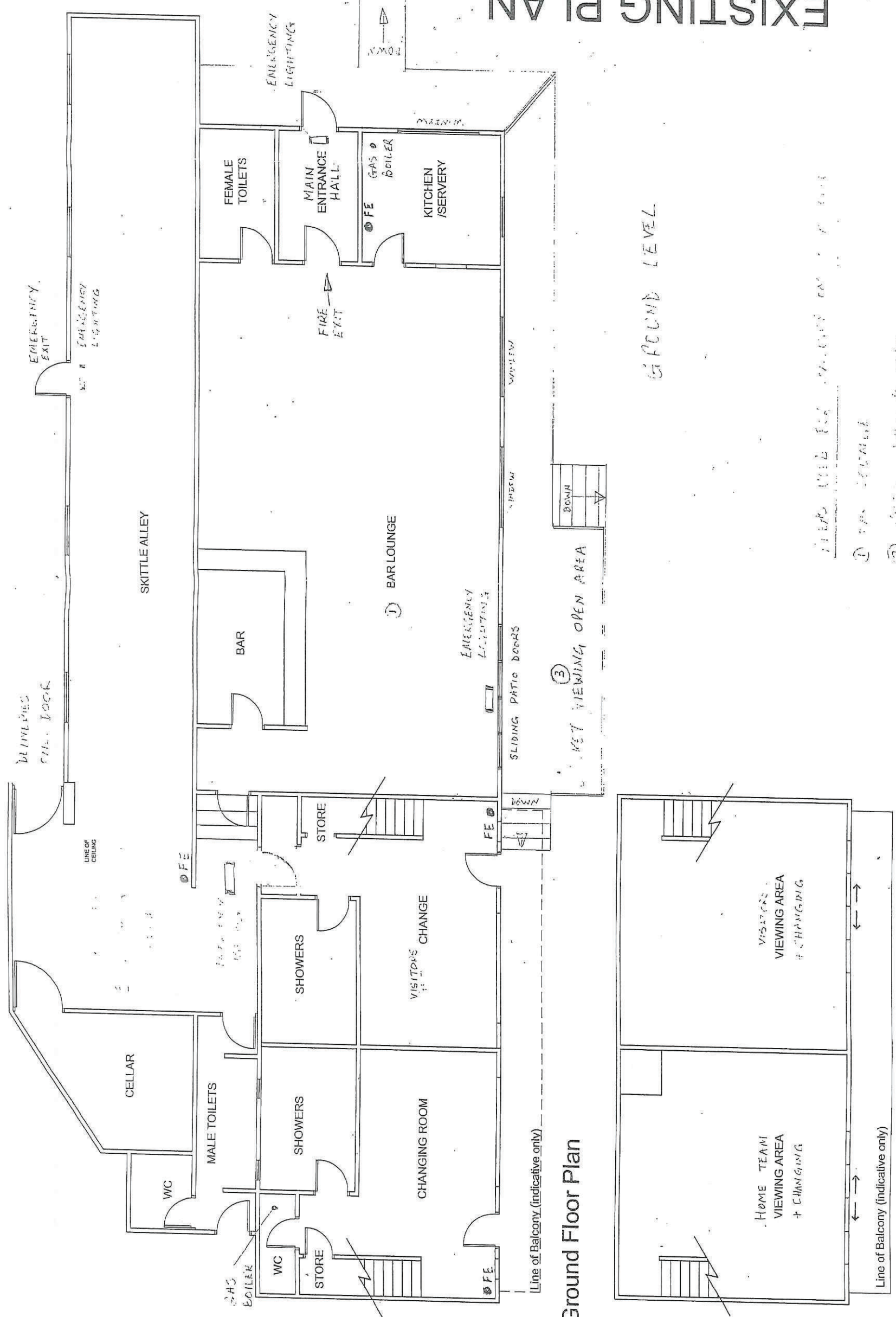
Project No.	911
Project /Dwg. No.	EX (0) 01
Rev.	

Scale 1:100 @ A3

EXISTING PLAN

GROUND LEVEL

- Notes for ground level:
1. Bar Lounge
 2. Kitchen / Servery
 3. Viewing Open Area



Ground Floor Plan

First Floor Plan

01/07