

# Notice of a meeting of Licensing Committee

## Friday, 3 July 2015 2.00 pm Council Chamber - Municipal Offices

Membership		
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Garth Barnes, Wendy Flynn, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton and Jon Walklett	

The Council has a substitution process and any substitutions will be announced at the meeting

## Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	PUBLIC QUESTIONS  These must be received no later than 12 noon on the fourth working day before the date of the meeting	
4.	MINUTES OF LAST MEETING  To approve the minutes of the last meeting held on 5 June 2015	(Pages 3 - 6)
5.	APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - BENTLEYS BAR, 76 HIGH STREET, CHELTENHAM Report of the Senior Licensing Officer.	(Pages 7 - 14)
6.	APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - LOUNGE 72, 72 HIGH STREET, CHELTENHAM Report of the Senior Licensing Officer	(Pages 15 - 20)
7.	LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION  That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the	

	proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, 2 and 7, part 1 Schedule 12A (as amended) Local Government Act 1972, namely:	
	Information relating to any individual,  Information which is likely to reveal the identity of an individual,	
	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
8.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE Report of the Senior Licensing Officer	(Pages 21 - 24)
9.	COMMITTEE RESPONSE TO LICENSING ACT 2003 LICENSING POLICY STATEMENT CONSULTATION Report of the Licensing and Business Support Team Leader	(Pages 25 - 26)
10.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	
11.	DATE OF NEXT MEETING 31 July 2015	

Contact Officer: Annette Wight, Democracy Assistant, 01242 264130 Email: <u>democratic.services@cheltenham.gov.uk</u>

### **Licensing Committee**

## Friday, 5th June, 2015 2.00 - 2.40 pm

Attendees		
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Wendy Flynn, Adam Lillywhite, Anne Regan, Jon Walklett and Helena McCloskey (Reserve)	
Also in attendance:	Vikki Fennell and Louis Krog	

#### **Minutes**

#### 1. APOLOGIES

Apologies were received from Councillors Barnes, Reid and Thornton. Councillor McCloskey was in attendance as substitute for Councillor Barnes.

#### 2. DECLARATIONS OF INTEREST

None

#### 3. PUBLIC QUESTIONS

None

#### 4. MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 10 April 2015 were approved and signed as a true record.

#### 5. MINUTES OF SUB COMMITTEE MEETING

The minutes of the Licensing Sub Committee meeting held on 1 May 2015 were approved and signed as a true record.

# 6. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - THE COUNTY KITCHEN, 6 GROSVENOR STREET, CHELTENHAM

The Business Support and Licensing Team Leader, Louis Krog, introduced the report regarding a new application from Mr Richard Warwick in respect of The County Kitchen, 6-8 Grosvenor Street, Cheltenham, seeking permission to place 2 tables and 4 chairs on the pavement outside the premises. In addition, the applicant had also requested that the requirement for barriers around the tables and chairs be disapplied due to pavement width constraints. The Officer informed members that it was intended that the tables and chairs be put out Monday to Saturday from 08:00 to 17:00 and advised that the proposed structures could be seen at Appendix A, with a location plan at Appendix B.

The officer informed members that no objections had been received from interested parties or neighbours and that the Planning Enforcement Officer, whilst making some comments, supported this licence request which he felt would benefit business in this part of the town.

Members were advised that having considered all the relevant information, they needed to decide, in accordance with the current Street Scene Policy, whether to approve this application, together with the request not to have barriers.

To clarify questions from members, the officer confirmed that if a canvas barrier was put up all around, this would reduce the width of the pavement to less than the recommended 1.8 metres, however the applicant was happy to partially comply by putting barriers at each end. One member did observe that barriers would show that there was an obstruction on the highway.

The applicant, Mr Warwick was invited to address the committee. He informed members that County Kitchen opened in April 2015, was a privately owned business, not a franchise, and that as a resident of Cheltenham for over 37 years, he was committed to working for the good of the town and part of his corporate social responsibility would be to source local suppliers and enhance the local community by providing a family friendly venue. Mr Warwick also informed members that he donated food to Cheltenham Open Door and meals to the voluntary sector and YMCA. He was keen to create a vibrant community and hub of retailers in this area of town and felt that tables and chairs outside his premises would give a welcoming and good first impression for people using the nearby car park and for day trippers being dropped off at that end of town. Mr Warwick was aware that previous businesses at this address had not been successful, but he was determined to make this work and since opening only six weeks ago, he could already report business growth and felt that if the committee would support his application this would help to accelerate his business turnover.

He referred to the pictures of the tables and chairs that had been temporarily placed on the highway for the sake of the photographs and, in his opinion, he felt there was plenty of room to pass even with a pram and a pedestrian. He confirmed that barriers would reduce the width to below the recommended 1.8m, but said he would ensure that without barriers, chairs would not stray into that 1.8m area. He said the bases of the tables would be suitably heavy so they could not easily move into the highway, but would be put away when the premises was closed.

In reply to a question from a member, Mr Warwick confirmed that the tables and chairs in the photos were ones from inside the café, but that he was happy to make an investment in providing more suitable outdoor furniture.

Another member questioned whether Mr Warwick had analysed why previous businesses had failed. Mr Warwick informed members that he had spoken to previous occupants and he felt there were obvious reasons why their businesses had failed. He reiterated that the early signs were good showing growth, that his business was well funded and that with his 17 years' experience in sales he had a good idea of sales and marketing and that families were his target market. He also had experience working as a chef. He confirmed that there were 22 covers inside the premises and that he would like to put advertising on the barriers at each end.

Members were happy to support advertising on the barriers, however a member questioned the use of two chalk boards that were shown near the doorway on

the photos. The Officer informed the committee that the use of these boards was a grey area between licensing and planning enforcement and was not part of this application as such.

The applicant confirmed that he would like to continue to use the chalk boards as these highlighted specials of the day and produce available, as well as having end barriers with advertising.

A member questioned the width of the end barriers, to which Mr Warwick replied that they would be a similar width to the chairs which was approximately 40 cms. He also confirmed that the tables would be the same width as the chairs.

The Chairman proposed to move an amendment to 1.5.1, so that it read "the application be approved because members feel the application with the addition of end barriers and the two chalk boards as shown in the illustration is compatible with the current Street Scene Policy".

Upon a vote, it was unanimous that the amendment be approved.

One member commented that if a chair was moved out or shopping bags were on the pavement, that this would greatly hinder people getting past especially with double buggies, wheel chairs etc. Other members however pointed out that further up the road there were other restrictions on the highway and that this was a much quieter street than another street in the town centre that the committee had recently given approval to for tables and chairs outside their premises.

The Chairman advised the applicant that it was his responsibility to ensure that chairs were not moved into the highway and thereby cause an obstruction.

The Chair then took a vote on the substantive that the application for two tables and four chairs be approved in line with the amendment to 1.5.1 as approved above.

Upon a vote, it was 7 for, 1 abstention.

RESOLVED THAT, the application for two tables and four chairs be approved, together with end barriers and two chalk boards as per the illustration, as members felt the application was compatible with the current Street Scene Policy.

- 7. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION RESOLVED THAT in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, 2 and 7, part 1 Schedule 12A (as amended) Local Government Act 1972, namely:
  - Information relating to any individual,

- Information which is likely to reveal the identity of an individual,
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### 8. EXEMPT MINUTES

The exempt minutes from the Licensing Committee held on 10 April 2015 were approved and signed as a true record.

9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None

## **10.** DATE OF NEXT MEETING 3 July 2015

Roger Whyborn Chairman

## Agenda Item 5

## Cheltenham Page 7gh Council

## Licensing Committee – 3<sup>rd</sup> July 2015

## **Highways Act 1980**

## **Local Government (Miscellaneous Provisions) Act 1982**

# Application for Permission to Place Tables and Chairs on the Highway Bentleys Bar – 76 High Street Cheltenham

## **Report of the Senior Licensing Officer**

- 1. Executive Summary and Recommendation
- 1.1 An application has been received from Mr Alexander Heslop in respect of 76 High Street Cheltenham GL50 1EG, trading as Bentleys Bar. The applicant has existing permission to place 4 small tables and 8 chairs on the highway during the operating hours of the premises, and is now applying to extend that permission to 10:00 03:00 Sunday to Wednesday and 10:00 04:00 Thursday to Saturday with 2 larger tables and 8 Chairs
- 1.2 The existing permission authorises the street furniture to be in place at the following times:

Monday	10:00 – 23:00
Tuesday	10:00 – 23:00
Wednesday	10:00 – 23:00
Thursday	10:00 – 23:00
Friday	10:00 – 23:00
Saturday	10:00 – 23:00
Sunday	10:00 – 23:00

The application under consideration is to authorise the street furniture to be in place 10:00 - 03:00, Sunday to Wednesday and Thursday to Saturday 10:00 - 04:00.

- 1.3 **Appendix A** shows plans of how the tables and chairs will be positioned during the premises opening hours. **Appendix B** is a letter supporting the applicant's request.
- 1.4 The Committee is recommended to resolve that:
- 1.4.1 The application be approved because Members feel the application is compatible with the current Street Scene Policy, or
- 1.4.2 The application be refused as the application falls outside the provisions of the current Street Scene Policy.

#### 1.5 Summary of implications

1.5.1 Financial Contact officer: Sarah Didcote

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

Tel no: 01242 26 4125

1.5.2 Legal No right of appeal.

**Contact officer: Vikki Fennell** 

E-mail: Vikki.Fennell@tewkesbury.gov.uk

Tel no: 01684 272015

	Last updated 24 June 2015

#### 2. Background

2.1 The current policy for *Town Centre Street Activities: Street Trading & Objects on the Highway* was approved on 1<sup>st</sup> April 2013. A copy of the whole policy has previously been circulated to members and extracts are included in the application pack that was given to the applicant.

#### 3. Consultation and Feedback

3.1 Consultation was undertaken in accordance with the Council's consultation procedure for applications in respect of tables and chairs. Representation was received David Lewis of Gloucestershire Police, whose objection is as follows:

"The Police object to this extension of hours on the grounds of Public Safety, Crime and Disorder and Public Nuisance".

The receipt of this application at the same time, falling within the volatile hours for the night time economy, places a significant number of customers into the street at a time when the risk of public nuisance is high. It is our considered view that this proposal will combine to increase ambient noise, the opportunity of confrontation between persons resorting to the premises in question and passers-by and providing encouragement for them to loiter in the area, thereby increasing the risk of crime and disorder.

### 4. Policy Principles, Aims and Objectives

- 4.1 This section outlines the policies the Council will apply when making decisions on applications for consents.
- 4.2 In particular, this part of the policy will aim to promote the following aims and objectives:
  - To have a clear & transparent policy governing all decisions relating to objects placed on the highway.
  - To enable the Council to manage all objects placed on the highway in order to provide effective control measures.
  - To ensure that all objects placed on the highway meet the required quality standards, pose no risk to public health, safety & protection and to ensure that these objects do not obstruct the highway.
  - To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

Each application is assessed against the outlined conditions included in the application pack and this policy.

No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.

Any object given consent to be placed on the highway must be sufficiently weighed down or secured to ensure that the object will not cause any harm or damage.

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.

Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.

	Last updated 24 June 2015

For health and safety reasons, the Council will not permit glass top tables.

Where consent has been issued for tables and chairs to be placed on the highway the Council may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers.

#### 5. Licensing Comments

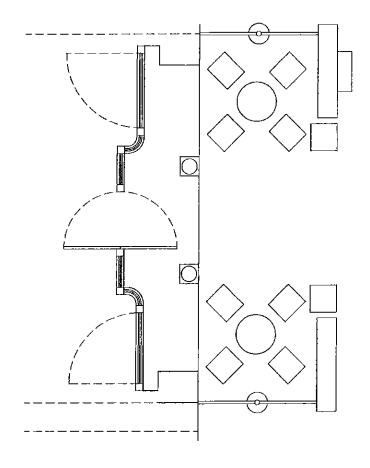
- 5.1 The Committee must determine the application with a view to promoting the Council's adopted policy.
- 5.2 Members are to note that the applicant already has permission to place 4 tables and 8 chairs from 10:00 23:00. The applicant is not seeking to alter the style or location of the furniture but will be looking at now using only 2 larger tables and 8 chairs. The existing permission was made in April 2003 and the consultation attracted no objections,
- 5.3 The application relates solely to extending the times during which permission is held. For that reason Members should base their decision on the effects of the furniture being *in situ* late at night when the premises are trading, rather than the style of the furniture.
- In accordance with the current Street Scene Policy members must determine and consider if an application of this type positively enhances the enjoyment and reputation of the town as a tourist and leisure destination whilst being in keeping with the streetscape.

Background Papers Service Records

**Report Author Contact officer:** Andy Fox – Senior Licensing Officer

E-mail: licensing@cheltenham.gov.uk

Tel no: 01242 775004



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NOTES!

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Page 13



# bentleys bar & kitchen

27/05/15

To Licensing,

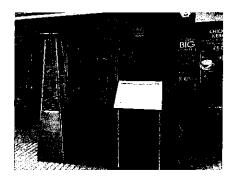
Please find enclosed the variations for out permission to place tables and chairs on the highway for:

Bentleys Bar & kitchen Ltd & Lounge 72 Ltd

I have had previous communication with Andrew Fox who is aware of these variation requests but I would like to take the opportunity to quickly confirm what they contain.

In Bentleys we have requested the extension of hours we are permitted to keep our outside furniture out until. This is to match our opening hours as our current license permits us to be open very late daily. This will give us an area for patrons gather and in turn being much safer and easier to manage by security and management. We also have limited space internally to store the furniture when trading.

We have included new images and scale drawings of the new furniture setup we wish to use. This includes stainless steel outside heaters, wooden planters with greenery to the front of the building, a brushed steel food menu stand. We have also had the frontage recently painted and feel it is a great improvement on our previous setup.





Bar Company Cheltenham Ltd

72 High Street, Cheltenham GL50 1EG

Registered Company Number: 8798867 VAT Number: 187 3000 18



# bentleys bar & kitchen

In Lounge 72 we would also like to request that we are able to leave the outside furniture and barriers out while we trade for the same reasons as above. We have also provided new scale drawings and an image of two plant pots to add to the current setup pictured below.



As stated I have enclosed copies of both applications and cheques to the value of £94 per site for the admin fee to consider our request.

If you have any further information you require that I may not have provided please do contact me on 07919578874 or via email at office@barcompany.co.uk

Yours sincerely

Alex Heslop Director

Bar Company Cheltenham Ltd

72 High Street, Cheltenham GL50 IEG

Registered Company Number: 8798867 VAT Number: 187 3000 18

## Agenda Item 6

## Cheltenham Page 15h Council

## Licensing Committee – 3<sup>rd</sup> July 2015

## **Highways Act 1980**

## **Local Government (Miscellaneous Provisions) Act 1982**

# Application for Permission to Place Tables and Chairs on the Highway Lounge 72 – 72 High Street Cheltenham

## **Report of the Senior Licensing Officer**

- 1. Executive Summary and Recommendation
- 1.1 An application has been received from Mr Alexander Heslop in respect of 72 High Street Cheltenham GL50 1EG, trading as Lounge 72. The applicant has existing permission to place 3 tables and 8 chairs on the highway during the operating hours of the premises, and is now applying to extend that permission to 10:00 02:00 every day
- 1.2 The existing permission authorises the street furniture to be in place at the following times:

Monday	09:00 - 23:00
Tuesday	09:00 – 23:00
Wednesday	09:00 – 23:00
Thursday	09:00 – 23:00
Friday	09:00 – 23:00
Saturday	09:00 - 23:00
Sunday	09:00 – 23:00

The application under consideration is to authorise the street furniture to be in place 10:00 - 02:00 every day.

- 1.3 **Appendix A** shows plans of how the tables and chairs will be positioned during the premises opening hours.
- 1.4 The Committee is recommended to resolve that:
- 1.4.1 The application be approved because Members feel the application is compatible with the current Street Scene Policy, or
- 1.4.2 The application be refused as the application falls outside the provisions of the current Street Scene Policy.

#### 1.5 Summary of implications

1.5.1 Financial Contact officer: Sarah Didcote

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

Tel no: 01242 26 4125

1.5.2 Legal No right of appeal.

Contact officer: Vikki Fennell

E-mail: Vikki.Fennell@tewkesbury.gov.uk

Tel no: 01684 272015

	Last updated 24 June 2015

### 2. Background

2.1 The current policy for *Town Centre Street Activities: Street Trading & Objects on the Highway* was approved on 1<sup>st</sup> April 2013. A copy of the whole policy has previously been circulated to members and extracts are included in the application pack that was given to the applicant.

#### 3. Consultation and Feedback

3.1 Consultation was undertaken in accordance with the Council's consultation procedure for applications in respect of tables and chairs. Representation was received David Lewis of Gloucestershire Police, whose objection is as follows:

"The Police object to this extension of hours on the grounds of Public Safety, Crime and Disorder and Public Nuisance".

The receipt of this application at the same time, falling within the volatile hours for the night time economy, places a significant number of customers into the street at a time when the risk of public nuisance is high. It is our considered view that this proposal will combine to increase ambient noise, the opportunity of confrontation between persons resorting to the premises in question and passers-by and providing encouragement for them to loiter in the area, thereby increasing the risk of crime and disorder.

#### 4. Policy Principles, Aims and Objectives

- 4.1 This section outlines the policies the Council will apply when making decisions on applications for consents.
- 4.2 In particular, this part of the policy will aim to promote the following aims and objectives:
  - To have a clear & transparent policy governing all decisions relating to objects placed on the highway.
  - To enable the Council to manage all objects placed on the highway in order to provide effective control measures.
  - To ensure that all objects placed on the highway meet the required quality standards, pose no risk to public health, safety & protection and to ensure that these objects do not obstruct the highway.
  - To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

Each application is assessed against the outlined conditions included in the application pack and this policy.

No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.

Any object given consent to be placed on the highway must be sufficiently weighed down or secured to ensure that the object will not cause any harm or damage.

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.

Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.

For health and safety reasons, the CouncPage 17mit glass top tables.

Where consent has been issued for tables and chairs to be placed on the highway the Council may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers.

#### 5. Licensing Comments

- 5.1 The Committee must determine the application with a view to promoting the Council's adopted policy.
- 5.2 Members are to note that the applicant already has permission to place 3 tables and 8 chairs from 09:00 23:00. The applicant is not seeking to alter the style, quantity or location of the furniture. The existing permission was made in October 2011 and the consultation attracted no objections,
- 5.3 The application relates solely to extending the times during which permission is held. For that reason Members should base their decision on the effects of the furniture being *in situ* late at night when the premises are trading, rather than the style of the furniture.
- 5.4 In accordance with the current Street Scene Policy members must determine and consider if an application of this type positively enhances the enjoyment and reputation of the town as a tourist and leisure destination whilst being in keeping with the streetscape.

**Background Papers** 

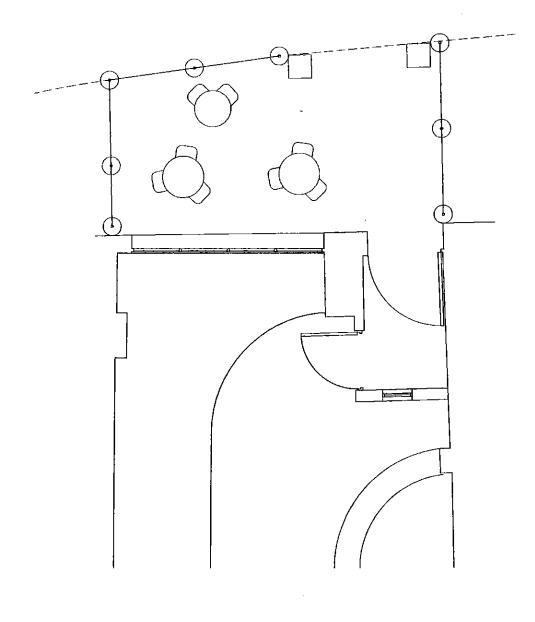
Service Records

**Report Author** Contact officer: Andy Fox – Senior Licensing Officer

E-mail: licensing@cheltenham.gov.uk

Tel no: 01242 775004





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70-72 High Street
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Gloucestershire
GL50 IEG

Dutdoor Seating Plan

Date Hay 2015
Scale 155883

Drawing No.

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## Agenda Item 8

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule page 21 of the Local Government Act 1972.

Document is Restricted

## **Cheltenham Borough Council**

## Licensing Committee - 3 July 2015

# Committee Response to Licensing Act 2003 Licensing Policy Statement Consultation

## Report of the Licensing & Business Support Team Leader

#### 1. Executive Summary

- 1.1 Under the Council's constitution, the Licensing Committee acts as consultee to the Lead Member on recommendations and responses for the adoption and review of the Licensing Policy Statement and national licensing policy.
- 1.2 Under the above mentioned delegation, the Licensing Committee met on Friday 5 June 2015 to discuss the policy and formulate a response.
- 1.3 This reports sets out the Committee's response for ratification.

#### 2. Recommendation

- 2.1 The Committee is recommended to:
- 2.1.1 Note the comments in Chapter 4; and
- 2.1.2 Approve these as the committee's response to the consultation.

#### 3. Implications

How does the decision contribute to the Council's Corporate Priorities?

- Cheltenham has a clean and well-maintained environment.
- Cheltenham's natural and built environment is enhanced and protected.
- Cheltenham has a strong and sustainable economy.
- Our residents enjoy a strong sense of community and are involved in resolving local issues.

Financial Contact officer: Sarah Didcote

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

Tel no: 01242 26 4125

Legal

Contact officer: Vikki Fennell

E-mail: vikki.fennell@tewkesbury.gov.uk

Tel no: 01684 272693

### 4. Committee's Response

#### 4.1 **Late Night Levy** (Paras 6.6 – 6.7)

Some Members of the Licensing Committee expressed a need for permitted exemptions under the levy to be reviewed to also include premises offering overnight accommodation. It was felt that the levy unfairly affected hotels which only offer alcohol to residents.

#### **Designated Public Places Order** (Para 6.15)

Members recommended that more details of the DPPO be included in the policy particularly the adoption date and the implications of the order.

#### Core Hours for Licensable Activities (Paras 6.38 – 6.40)

The committee recommended that the terminal hours for takeaways be extended so that they are open for an hour past the terminal hour for pubs/bars and nightclubs. The committee recommended a proposed 04:00 terminal hour for takeaways.

#### **Last Admission Times** (Paras 6.43 – 6.45)

The committee commented that the proposed terminal hours should only apply to premises licensed past midnight.

#### Film Classifications (Chapter 7)

The committee recommended that officers be delegated authority to classify films up to a 15 rating. Anything with a higher classification will be referred to the committee.

#### **Events on Council Land** (Chapter 8)

The committee commented that the requirement to submit documents at least 3 months in advance of an event is too onerous for small events. They recommended that the minimum time limit be based on predicted numbers attending.

**Background Papers** Service records.

**Contact Officer** 

Contact officer: Louis Krog

E-mail: licensing@cheltenham.gov.uk

**Tel no:** 01242 775200