



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Committee

Friday, 4 March 2016
2.15 pm
Pittville Room - Municipal Offices

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

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 February 2016.	(Pages 3 - 6)
5.		APPLICATION FOR PERMISSION TO PLACE AN OBJECT ON THE HIGHWAY - A BOARD ELLA AND FLEUR HOT YOGA, 23A PITTVILLE STREET Report of Licensing Officer	(Pages 7 - 16)
6.		TRANSFER AND RENEWAL OF SEX ESTABLISHMENT VENUE LICENCE Report of the Licensing Team Leader	(Pages 17 - 44)
7.		ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	
8.		DATE OF NEXT MEETING 1 April 2016	

Contact Officer: Annette Wight, Democracy Assistant, 01242 264130

Email: democratic.services@cheltenham.gov.uk

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Licensing Committee

**Friday, 5th February, 2016
2.15 - 2.28 pm**

Attendees	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Wendy Flynn, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton, Jon Walklett and Helena McCloskey
Also in attendance:	Phil Cooper and Peter Lewis

Minutes

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

Cllr Whyborn declared an interest in relation to agenda item 3.

3. PUBLIC QUESTIONS

The Chair, Councillor Roger Whyborn, had declared a personal interest relating to the question asked, so the Vice Chair Councillor Diggory Seacome took the Chair for this item.

Question from Mr Will Capstick to the Licensing Committee

In 2015 my business partner (Mr Bambas Shaouna) and I attended a council Licencing meeting where we discussed the possibility of locating an ice cream selling bicycle in the promenade. I would like to raise another question in the hope the council will change their view on a current issue.

We run Mr Whippy Cheltenham and we attend many events in Cheltenham both large and small, from weddings to festivals with our ice cream vans. We have held street trading licences for many years and donate lots of money to local schools and charity's every year.

My request is simple. Over the years we have petitioned to be allowed to trade just outside Pittville park but have been unsuccessful, we have accepted this decision and have moved on. But I am now asking permission to be allowed to attend events inside that park where we have been invited. A prime example is the National Play Day event held every July, this is a large event where many different caterers and entertainers set up in the park and provide a fun day for the people of Cheltenham. I have attended this event as a member of the public and have spotted quite a variety of caters including burger vans, candy floss sellers and coffee vendors but for some reason ice cream vans are not permitted to attend. I have emails from the organisers saying they would be happy for us to attend but have been told that due to some rule have been told we are not allowed.

My concern is why all these other caterers are allowed to attend when we, who are local and provide a great deal to our area are not. I kindly ask that the council review this rule and allow us to attend events held in the park when invited.

Officers prepared a response that was read out by the Vice Chairman

The licensing of mobile ice-cream sellers in Cheltenham is subject to a number of conditions. These are set out in the Council's street trading policy under Appendix B (Special Conditions for Mobile Ice Cream Traders).

The abovementioned conditions restrict access to most roads adjacent to the Town's parks including Pittville Park.

The restrictions on the licence does not restrict trading in the parks for mobile ice-cream sellers because parks are council owned property and therefore access rights are subject to permission from the council.

Addressing the specific issue raised by Mr Capstick, there is no restriction on his street trading licence that prohibits him from trading in parks as part of special events. However, access and the ability to trade in a park will be subject to the express consent of the council either directly or indirectly (via the event organiser who will have the permission).

4. MINUTES OF LAST MEETING

The minutes of the last meeting held on 8 January 2016 were approved and signed as a true record.

5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer, Phil Cooper, introduced the report regarding an application from Mr Dean Makey for a private hire driver's licence. Mr Makey's certificate from the Disclosure and Barring Service showed a number of convictions and a caution and these were outlined in the background papers together with an explanation of how the current policy treated each conviction. A report of the interview with Mr Makey was also contained in the background papers, which provided an explanation of the circumstances surrounding each conviction.

The Officer advised members that due to the time that had elapsed, none of the convictions alone would normally result in an applicant being refused a licence, but due to the number of convictions the Officer recommended the application be brought to committee for members to decide whether Mr Makey was a fit and proper person to hold such a licence.

There being no questions to the Officer, the Chair invited Mr Makey to address the committee. Mr Makey informed members that he had been between 16-18 years of age for all but one of the offences and that he had not been in any trouble for a long time since. He said he was not that person any longer. He was 35 years of age and married with two children.

In reply to a question from a member, Mr Makey said that he was a full time house husband looking after the children, whilst his wife worked, but now that the children were at school he was looking to do something else. He explained that being a taxi driver would give him the flexibility of being able to work around

his wife's hours of work and family life and that although he had not driven for a living before, he had been driving for ages and was always driving the family around.

There being no further questions, the Chair asked members to consider the circumstances and conclude whether they considered Mr Makey a fit and proper person to hold a private hire driver's licence.

Upon a vote it was unanimous, (10 for, 0 against)

RESOLVED THAT, that Mr Dean Makey's application for a private hire driver's licence be granted, subject to Mr Makey completing all the relevant tests and assessments, because the Committee was satisfied that he was a fit and proper person to hold such a licence.

6. BRIEFING NOTE

The Licensing Officer, Phil Cooper, explained the briefing note that had been circulated showing data relating to new Private Hire Driver applications, following concern about the drop in the number of new private hire drivers applying for licences. Members were advised this could be discussed with the Officer at the conclusion of the meeting.

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

As a result of the decision to use the Pittville Room instead of the Council Chamber for Licensing meetings, it had been necessary to alter the start time of the meetings to 2.15pm. The chair asked members if they were happy with this time and all were in agreement.

8. DATE OF NEXT MEETING

4 March 2016.

Roger Whyborn
Chairman

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Cheltenham Borough Council

Licensing Committee – 4 March 2016

Highways Act 1980 Part VIIa Local Government (Miscellaneous Provisions) Act 1982

Application for permission to place an object on the Highway – ‘A’ Board

Report of the Licensing Officer

1. Executive Summary

- 1.1 Mr Roman Wroath, of Ella and Fleur Hot Yoga, Cheltenham, has made an application to place an advertising board outside 23A Pittville Street, Cheltenham, GL52 2LN. The proposed advertising board is 110cm x 60cm.
- 1.2 It is intended that the ‘A’ board be displayed:

Monday	1000-2000
Tuesday	0900-2000
Wednesday	0900-2000
Thursday	0900-2000
Friday	0900-1900
Saturday	0830-1400
Sunday	0830-1400

- 1.3 The Committee will note that the size of the advertising board complies with the standard sizes recommended in the council’s policy.
- 1.4 A picture of the proposed structure is attached at **Appendix A**.
- 1.5 Width of footpath available is 4.2m.
- 1.6 A plan of the proposed location is attached at **Appendix B** and a photograph of the front of the premises is attached at **Appendix C**.
- 1.7 The Committee can:**
- 1.7.1 Approve the application because Members are satisfied that the location is suitable, or**
- 1.7.2 Refuse the application because it does not comply with the provision of the Street Scene policy.**
- 1.8 Summary of implications**

Legal No right of appeal.

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Tel no: 01684 272693

2. Introduction

- 2.1 Following the loss of the highways agency and the associated transfer of responsibility for this aspect of highways enforcement to the borough council.

3. Policy Principles, Aims & Objectives

- 3.1 All new applications for 'A' boards/display stands are considered by the Licensing Committee.
- 3.2 Such objects are subject to a maximum width of 60cm in any one direction and a height of 1 metre and must be of a colour, design, finish and materials which are of a high standard appropriate to the conservation area.
- 3.3 The Town Centre Policy for Street Trading and Objects on the Highway in relation to Advertising 'A' boards, states:

"It is accepted that some businesses operate from premises which are not in a prominent location and yet rely in large part on passing trade, and it is appropriate to assist in the promotion and success of those businesses to allow the use of 'A' boards or similar advertising displays. The Council does not however, want to see a proliferation of such items and will restrict to one per business with a clear need. It is not intended that every business in the town centre will be permitted to display an 'A' board".

- 3.4 Cheltenham Borough Council's Outdoor Advertising Protocol states:

"No 'A' board will be approved within Conservation Areas except in the following circumstances, having regard to the position and location of the premises:

- a) where those premises are located at basement or first floor level i.e. the premises has no shop-front at street level;*
- b) the premises are situated along a side alleyway and / or on private land which is not a public thorough fare / right of way."*

4. Consultee Comments

- 4.1 During the consultation process one objection was received from Highways Enforcement Officers at Gloucestershire County Council, who said: "A-Boards are a nuisance to pedestrians and disabled using footway. Unless the premises cannot be seen at ground level we would not allow the A Boards"

5. Licensing Comments

- 5.1 The committee must determine the application with a view to promoting the Council's adopted policy.
- 5.2 This report has been brought to Members' attention as prescribed in the scheme of delegation set out in the Street Scene Policy (page 6) adopted on 1st April 2013, whereby all new applications are referred to the Licensing Committee.
- 5.3 Members will note that the policy refers to looking favourably at applications for A-boards for premises which are not in a prominent location and therefore have a clear need to promote the business to passing trade through the use of advertising displays. The Council's Advertising Protocol goes on to give an example of such a business: "where those premises are located at first floor level, i.e. the premises has no shop front at street level".

- 5.4 In this case the premises operate on the 1st floor, but they also benefit from a shop front at street level – please refer to the photograph at **appendix C**. The question for Members is whether the location of the business, being on the 1st floor, disadvantages them and means they have a clear need for additional advertising to promote the business. Alternatively Members may be satisfied that the presence of a street level shop frontage – small though it may be – is sufficient advertising to mean they do not need to obstruct the highway with further advertising.
- 5.5 Members will note that there are a small number of premises in the town centre that have been granted permission for an A-board in similar circumstances – i.e. that they operate on the 1st floor but have a small street-level shop frontage. These were either granted historically under old policies since reviewed and replaced (example: Love Salon, High Street) or the licensing committee made a decision in an individual case that there were sufficient reasons to permit the A-board in those circumstances (example: Slaters, Promenade). Those decisions do not in themselves form a precedent as each case is determined entirely on its own merits.
- 5.6 Mr Wroath has been sent a copy of this report and invited to attend the meeting and advised that he may be represented if he so chooses.

6. Officer recommendation

- 6.1 The officer recommendation is that this application be refused.

Reason(s): The Council's Outdoor Advertising Protocol permits the use of A-boards where premises are disadvantaged due to their location, for example where they are on first floor level and have no shop front at street level. In this case, although the operational part of the premises is on the first floor, the photograph provided clearly shows a shop front at street level, albeit smaller than some others.

Background Papers

Service Records

Case Officer

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

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WESBY CUM

The
Core
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WAITING FOR YOUR BUS?

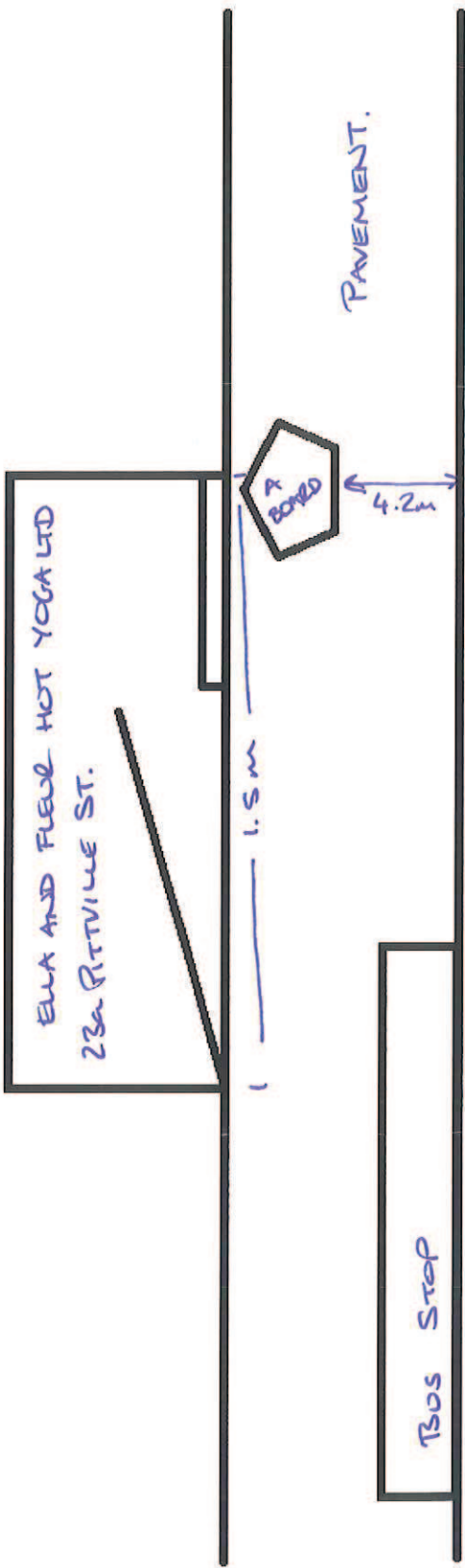
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& HERBAL TEA!



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Cheltenham Borough Council

Licensing Committee – 4 March 2016

Transfer and Renewal of Sex Establishment Venue Licence

Report of the Licensing Team Leader

1. Executive Summary

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended by section 27 of the Policing and Crime Act 2009, allows applicants to apply for, renew, vary and/or transfer a Sexual Entertainment Venue (“SEV”) licence where they wish to offer “relevant entertainment” (as defined at paragraph 2.3 of the report) on a frequent basis (as defined at paragraph 2.4 of the report).
- 1.2 In this case, an application for the transfer and renewal of a SEV licence was received on 11 January 2016 from Mr Massimo Salatino in respect of the premises located at 12-14 Bath Road, Cheltenham. The SEV licence was formerly held by Bath Road Property Limited. That company was dissolved on 1 December 2015.
- 1.3 A copy of the application form is attached at **Appendix A**. A copy of the premises layout is attached at **Appendix B**, a location map at **Appendix C** and a copy of the current licence at **Appendix D**.
- 1.4 The applicant has not applied to change any of the terms or hours of the existing licence.

2. Implications

How does the decision contribute to the council’s Corporate Priorities?

- Cheltenham’s natural and built environment is enhanced and protected.
- Communities feel safe and are safe.
- Our residents enjoy a strong sense of community and are involved in resolving local issues.

Legal

Any applicant, who is refused the renewal of a licence, may, within 21 days of being notified of the refusal, appeal to the local magistrates’ court.

However, the right to appeal does not apply where the licence was refused on the grounds that:

- the number of sexual entertainment venues in the area exceeds the number which the authority considers is appropriate
- the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves

Contact officer: Vikki Fennell
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2. Background

- 2.1 On 1 October 2010, full Council approved the adoption of the amended provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to take effect in the borough on 1 December 2010.
- 2.2 Since the adoption, any premises that want to offer “relevant entertainment” on a frequent basis can only do so by obtaining a SEV licence.
- 2.3 Relevant entertainment is defined as any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 2.4 Under the Act premises can provide relevant entertainment on an infrequent basis without the need for a SEV licence. An infrequent basis is defined under the Act as no relevant entertainment has been provided on more than 11 occasions within a 12 month period and no such occasion has begun within a period of one month beginning with the end of the previous occasion, and no such occasion has lasted longer than 24 hours. Any premises which wish to offer relevant entertainment more frequently are required to apply for a SEV licence.

3. Consultation

- 3.1 The applicant has advertised the application in accordance with the statutory requirements set out in Schedule 3 of the Act.

Consultation – Objections

- 3.2 In determining the application, Members must have due regard to any observations made by the Chief Officer of the Police and any other comments made by anybody else.
- 3.3 Members are to note in particular that any objection must relate to either the mandatory or discretionary grounds for refusal set out below.
- 3.4 Objections made on moral grounds or values are not relevant to either the mandatory or discretionary grounds for refusal and should therefore not be considered relevant.

Consultation – Chief Officer of Police

- 3.5 No objection or comments were received from the Chief Officer of Police for Gloucestershire Constabulary.

Consultation – Other Persons

- 3.6 Five representations were received in relation to this application from local residents and ward councillors. These are enclosed as background papers.
- 3.7 A summary of the salient issues raised by the objectors is below. Members are to note that the intention of the summary below is to identify the salient issues raised by the objectors. Members should read the accompanying background papers to ensure you are aware of all the issues raised by the objectors.
 - **Policy** – The premises in question are situated in an area which, under the council’s current adopted policy, is deemed unsuitable for the licensing of sexual entertainment venues.

- **Character of the relevant locality** – The operation of the premises as a SEV is inappropriate given the character of the locality in that it is situated near a public park, places sensitive for religious purposes, places that provide lunch clubs for the elderly and activities for children, a nursery, a theatre, local businesses and other leisure facilities used by families.

The licensed SEV detracts from the character and appeal of the local area and could harm efforts to restore Bath Road / The Strand.

Following the licensing of the SEV, women “flooded” the town promoting nude dancing, to the detriment of the town’s character.

- **Discomfort and intimidation** – The operation of the premises has caused people to feel uncomfortable working or using premises nearby and when walking past the venue.
- **Demand** – The closure of the premises shortly after last year’s Gold Cup race week indicates a lack of demand for such premises in the town and the premises should therefore be used for other purposes.

3.8 The Environmental Health Department and Gloucestershire Fire and Rescue have both made comments relating to the physical condition of the premises, which are also included as background papers.

4. Policy Considerations

4.1 The council’s adopted policy statement in relation to the regulation and control of SEV’s was adopted by full Council on 13 October 2014 and this policy statement sets out the council’s guidance, application procedure, terms and conditions relating to the regulation of SEVs.

4.2 Below (para. 4.3 – 4.17) are relevant extracts from the policy to highlight relevant issued to Members. However, Members should read these in conjunction with the policy document for completeness and contextual understanding.

Renewal of a Licence (Section 8)

4.3 The Council will determine renewal applications on individual merits taking into account the facts of the application and any objections received. Opposed applications will be referred to the Council’s licensing committee for determination. The Courts have confirmed that Councils are entitled to look afresh at renewal applications and, accordingly, it is open to the Council to refuse to renew a licence even where there has been no change in the character of the relevant locality, or in the use to which any premises in the locality are put. (para 8.3)

Transfer of Licence (Section 9)

4.4 A person may apply for the transfer of a licence at any time.

The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Determination (Section 10)

Mandatory Grounds for Refusal

4.5 A licence *cannot* be granted:

- a) to any person under the age of 18 years;

- b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Discretionary Grounds for Refusal

4.6 A licence *may* be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of SEVs in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality (nil may be an appropriate number for these purposes);
- d) the grant or renewal of the licence would be inappropriate, having regard:-
 - to the character of the relevant locality; and/or
 - to the use to which any premises in the vicinity are put; and/or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Location of Premises (Section 11)

- 4.7 In deciding the appropriate number of premises to be licensed, the Council must consider the character of the relevant locality and what is the appropriate number of SEVs for the relevant locality. The number can be 'nil'.
- 4.8 Cheltenham is a relatively small urban borough that is predominantly residential in nature. The Council has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the Council's policy therefore that there is no locality outside of the adopted Central Shopping Area in which it would be appropriate to license a SEV. Accordingly the appropriate number of SEVs for outside of the adopted Central Shopping Area is nil.
- 4.9 The Council recognises however that the Central Shopping Area offers a more unique situation in as much as it has a much wider mix on offer, particularly in the night time economy and it may therefore be appropriate to consider applications for SEVs in the area. The Council has therefore resolved that it will not set a limit on the number of permitted SEVs in the adopted Central Shopping Area providing those premises are not near properties with sensitive uses or in sensitive locations.

4.10 A copy of the plan showing the adopted Central Shopping Area is attached at **Appendix E**.

Properties with sensitive uses or in sensitive locations

4.11 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put, the Council shall consider, inter alia, whether the grant of the application would be appropriate, having regard to:

- a) The fact that the premises are sited in a residential area;
- b) Whether the premises are sited near shops used by or directed at families or children, or on frontages frequently passed by the same;
- c) Whether the premises are sited near properties which are sensitive for religious purposes e.g. churches, mosques, temples; and/or
- d) Whether the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets.

Objections (Section 13)

- 4.12 When considering an application for the grant, renewal, variation or transfer of a SEV licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory consultation period.
- 4.13 Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.
- 4.14 Objections should not be made on moral grounds or values and the Council will not consider objections that are not relevant to the grounds mentioned above.
- 4.15 Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 4.16 Where the Council receives notice of any objection it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 4.17 Objections may only be made within the period of 28 days following the date on which the application was made to the Council.

5. National Guidance (March 2010)

- 5.1 The Government has issued non-statutory guidance to aid local authorities carrying out their functions under Schedule 3, as amended by section 27.
- 5.2 Although it is non-statutory guidance, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 5.3 Below (para. 5.4 – 5.14) are relevant extracts from the policy to highlight relevant issued to Members. However, Members should read these in conjunction with the guidance document for completeness and contextual understanding.

Meaning of Sexual Entertainment Venue

- 5.4 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a ‘sexual entertainment venue’ and ‘relevant entertainment’ for the purposes of these provisions. A sexual entertainment venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.” (para 2.1)
- 5.5 The meaning of ‘relevant entertainment’ is “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person (e.g. where the entertainment takes place in private booths). (para 2.2)

Refusal of a Licence

- 5.6 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection. (para. 3.23)
- 5.7 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights. (para. 3.30)
- 5.8 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing. (para. 3.31)

Relevant Locality

- 5.9 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined, the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number. (para. 3.32)
- 5.10 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:
- a. in relation to premises, it is the locality where they are situated; and
 - b. in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment. (para. 3.33)
- 5.11 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application. (para. 3.34)

- 5.12 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits. (para. 3.35)

Licence Conditions

- 5.13 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3. (para. 3.39)

The Services Directive

- 5.14 Schedule 3 to the 1982 Act constitutes an authorisation scheme under Article 9 of the EU Services Directive 2006/123/EC (“the Directive”) which was implemented in the UK by the Provision of Services Regulations 2009 (“2009 Regulations”), which came into force on 28th December 2009. Local authorities must ensure they comply with the Regulations when applying the licensing provisions in Schedule 3. (para. 3.53)

6. Probity in Licensing (Relevant extracts)

- 6.1 Cheltenham Borough Council’s Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.
- 6.2 The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.
- 6.3 Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions must:
- Be made on the individual merits of a case.
 - Have regard to all relevant national and local guidance.
 - Be made impartially and in good faith.
 - Be made by the body that receives all the relevant information and evidence.
 - Relate to the issue or question placed before the committee.
 - Be based only on consideration of relevant and material matters.
 - Be rational and reasoned.
 - Be made in a way that does not give rise to public suspicion or mistrust.
- 6.4 Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.
- 6.5 Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.

- 6.6 Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.
- 6.7 Where Members propose to make a decision contrary to the officer recommendation, clear licensing reasons must be established and these must be seconded and minuted.

7. Officer Comments

- 7.1 This is an application for both the transfer and the renewal of the SEV licence. As has been previously mentioned in this report, the current SEV licence holder is Bath Road Property Limited. However, since the company has been dissolved it is no longer a legal entity that can hold the licence and it was therefore necessary for the applicant, who was a director in the now dissolved company, to apply to transfer the licence. At the same time, they have also applied to renew the licence.
- 7.2 Both applications can be determined at the same time on the basis that the grounds for refusal are the same (para 4.5 & 4.6). Officers would however recommend that the committee deals with the suitability of the applicant in the first instance (4.6(a) & (b)) and, subject to that assessment, move on to deal with the relevant locality matters (4.6(c) & (d)). Both these relate to the discretionary grounds for refusal.
- 7.3 When determining an application for the renewal of an existing licence, the committee must also have regard to the relevant statutory provisions and any objections or comments made by the Chief Officer of Police and other persons and should have regard to the relevant guidance issued by the Home Office,
- 7.4 In relation to this application, 5 representations were received from local residents and local councillors. A number of issues have been raised by objectors that require clarification:

- a) **Moral objections** – Members are to note that moral objections cannot be considered relevant because the council recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this council's role as the licensing authority to administer the licensing regime in accordance with the law.

Furthermore moral objections do not relate to any of the specified grounds for refusal.

- b) **Parks and antisocial behaviour** – Members will note that one of the objections states that it is "well-documented" that such venues attract antisocial behaviour to public parks in the vicinity, but Members will also note that no evidence has been provided to support that assertion.

Members are reminded that Gloucestershire Constabulary are a statutory consultee on applications for SEVs and have not objected to this application or provided evidence that the operation of the premises has been linked to antisocial behaviour or crime.

- c) **A lack of demand for such premises in Cheltenham** – Members will note that a lack of demand for sexual entertainment venues cannot be considered relevant as it is not related to any of the specified grounds for refusal as listed in paragraphs 4.3 and 4.4.

- 7.5 Comments relating to the physical condition of the building – as made by the Environmental Health Authority and the Fire and Rescue Service, included as background papers – can be considered relevant because it relates to one of the discretionary grounds for refusal (4.6(d)).

- 7.6 For Members' information, the council's licensing department has been advised that on condition that the SEV licence is in place, the venue will trade under the name Eroticats for March 2016 after which it will close for a total refit. This is relevant owing to the fact that two of the discretionary grounds for refusal relates to management competency therefore, if the premises will be managed by someone other than the applicant, Members should satisfy themselves of their competency and ability to operate such a licensed SEV.
- 7.7 The council's adopted policy on the licensing of SEVs defines areas that it considers appropriate for the licensing of SEVs and other areas in which it has resolved to adopt a zero limit.
- 7.8 In relation to this application, the premises in question is situated in the relevant locality deemed to be *inappropriate* under the policy for the licensing of SEVs. See **Appendix E** for reference.
- 7.9 This is an important point for the committee to consider because notwithstanding the policy position, paragraph 3(d) of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 states that a licensing authority *may* refuse a licence application if "...the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality".
- 7.10 Furthermore, notwithstanding the committee's decision in 2015 to grant the licence contrary to the council's policy, common law has dictated that licensing authorities are entitled to take "a fresh look" at an application and accordingly, it is open to it to refuse to renew a licence even where no change in the character of the relevant locality. The 2015 decision has therefore not set a precedent.
- 7.11 Members are to note that the policy must not fetter the committee's discretion to consider the individual circumstances and merits of the application but equally the committee must not arbitrarily deviate from its policy without good reason.
- 7.12 Having considered all the relevant matters, the committee must decide whether to:
 - a) Grant the application as applied for;
 - b) Grant the application subject to any additional terms, conditions and/or restrictions that are either specific to the licence or standard conditions; or
 - c) Refuse the application.

Background Papers

Service records

Sexual Entertainment Venues: Guidance for England and Wales (March 2010)

Cheltenham Borough Council Sexual Entertainment Venue Policy Statement adopted October 2014

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009

Contact Officer

Mr Louis Krog

E-mail: licensing@cheltenham.gov.uk

Tel no: 01242 775200

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CHEL TENHAM
BOROUGH COUNCIL

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COUNCIL
MUNICIPAL OFFICES
PROMENADE
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GL50 1PP

Tel: 01242 775200
Fax: 01242 264210
email: licensing@cheltenham.gov.uk
www.cheltenham.gov.uk

LICENCE APPLICATION

16/00004

NOTE Please read the explanatory notes attached before completing this application form

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 3
APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE**

PLEASE NOTE

**All applicants must complete Section A.
Section B to be completed if applicant is a company.
All applicants must sign declaration in Section C.**

SECTION A

Application type (please tick ✓) New application Renewal of existing licence
 Transfer of licence Variation of licence

If renewal please state existing licence number

11/02355

Applicant's details:
Surname

MASSIMO SALATINO

Forename(s)

Address:

Date of birth [dd/mm/yyyy]

National Insurance number

Daytime telephone number

Fax number

Email address

Agent acting on behalf of applicant
(eg solicitor) if applicable:

Name of agent:

Address of agent:

Daytime telephone number of agent

Email address of agent

Name under which the business is to
be known and traded as

FANTASY
~~MASSIMO SALATINO~~

Address of premises for which this
application is made

12 BATH ROAD CHELTENHAM

Post code GL53 7HA

For what purpose do you intend to
use this premises?
eg sex shop, sex entertainment venue

SEX ENTERTAINMENT VENUE

Do you have planning consent to use
the premises stated above for the
purpose intended?
(please provide details, and forward appropriate
documentation to evidence this)

YES

If this application relates to a vehicle,
vessel or stall please give description
(including site to be situated on)

Proposed days and hours of
operation

(please tick ✓ and specify times for each day
using the 24 hour clock)
eg: 23:00 that day or 02:00 on the
day following

- | | | | | |
|-------------------------------------|-------------|------------|-------------|-------|
| <input checked="" type="checkbox"/> | Sunday - | from 22:00 | until 04:00 | hours |
| <input checked="" type="checkbox"/> | Monday - | from 22:00 | until 04:00 | hours |
| <input checked="" type="checkbox"/> | Tuesday - | from 22:00 | until 04:00 | hours |
| <input checked="" type="checkbox"/> | Wednesday - | from 22:00 | until 04:00 | hours |
| <input checked="" type="checkbox"/> | Thursday - | from 22:00 | until 04:00 | hours |
| <input checked="" type="checkbox"/> | Friday - | from 22:00 | until 04:00 | hours |

Saturday - from 22:00 until 04:00 hours

Have you ever been convicted by a Court for any offence which is not now spent under the terms of the Rehabilitation of Offenders Act 1974?

- Yes
 No

(please tick ✓ as appropriate)

If **Yes**, please give details
 All unspent convictions must be disclosed (if renewal application, since you last applied for a licence)

(please continue on a separate sheet if necessary)

Date of Conviction	Name of Convicting Court	Nature of Offence

Are there any criminal proceedings against you pending?

- Yes
 No

(please tick ✓ as appropriate)

If **Yes**, please give full details including date of hearing and name of Court

Have you been a director or company secretary of a company involved in the ownership or operation of a sexual entertainment venue licence previously?

- Yes
 No

(please tick ✓ as appropriate)

If **yes**, please give details

SWINDON

Were there any convictions recorded against that company?

- Yes
 No

(please tick ✓ as appropriate)

If **yes**, please give details

SECTION B

To be completed if the applicant is a company

Company name

MASSIMO SALATINO

Company address

[Redacted area]

Company telephone number

Company fax number

Company email address

Full names and private addresses of all directors or other persons responsible for management of the company:

1	2	3
Name MASSIMO SALATINO	Name: DOMENICO SALATINO	Name:
		Address:
		Post Code:
		Date of birth:
		National Insurance no.

Any convictions recorded against that person or those persons

Name and date of conviction	Name of convicting Court	Nature of offence	Sentence (if imposed)

Are there any criminal proceedings against that person or those persons pending?

Yes

No

(please tick ✓ as appropriate)

If **Yes**, please give full details including date of hearing and name of Court

SECTION C

Declaration

All new and variation applications for sexual entertainment venue licences are considered by the Licensing Committee. Opposed applications for renewal and/or transfer will also be considered by the Licensing Committee. The applicant and/or their representative are required to attend the meeting of the Licensing Committee at which their application is due to be considered to speak in support of their application. They should be prepared to answer any questions which the Licensing Committee may wish to ask.

PLEASE NOTE

This application must be signed by the applicant personally or, in the case of a company, by a director or other duly authorised agent of the company.

I/We confirm that the contents of this application are true and correct.

I/We agree that if a licence is granted by Cheltenham Borough Council for a sexual entertainment venue licence, that I/we will comply with all Acts, Byelaws, Regulations and Conditions relating thereto and for the time being in force.

I/We understand that non-compliance with any relevant Acts, Byelaws, Regulations and Conditions will prejudice the continuance of any licence granted.

I/We understand that the council may utilise the information contained herein for internal purposes and may disclose the information to persons or organisations in accordance with the council's registration under the Data Protection Act 1998.

I/We, the undersigned, hereby apply for registration as a sexual entertainment venue licence within the Borough of Cheltenham and I/we declare that to the best of my/our knowledge and belief the foregoing statements are true and correct.

I/We understand that this licence will expire 1 year after it has first been granted or after a period of time decreed by the Licensing Committee, and a newly completed application form will need to be submitted to the local authority **two months before the expire of the existing licence, together with the licence fee current at that time.**

I/We further understand that once the completed application form has been submitted it will be submitted to environmental health, planning, building control and community safety officers of Cheltenham Borough Council together with the local police, fire service, parish councils, ward members or any other interested party for comment.

I/We understand that I/we must submit a copy of this application form to the chief officer of police for the area in which the premises are located and all other Responsible Authorities.

Signature of applicant (s) _____

Name (s) in BLOCK CAPITALS MASSIMO SALATINO

Capacity in which application is signed GENERAL MANAGER
(see note above)

Date 11/01/2016

How to apply for a sexual entertainment venue licence

This application and the appropriate supporting documentation should be forwarded to the Licensing Team at the address on the front of this form.

Please read the guidance notes that accompany this application form. Failure to comply with the application procedure could result in a licence not being granted.

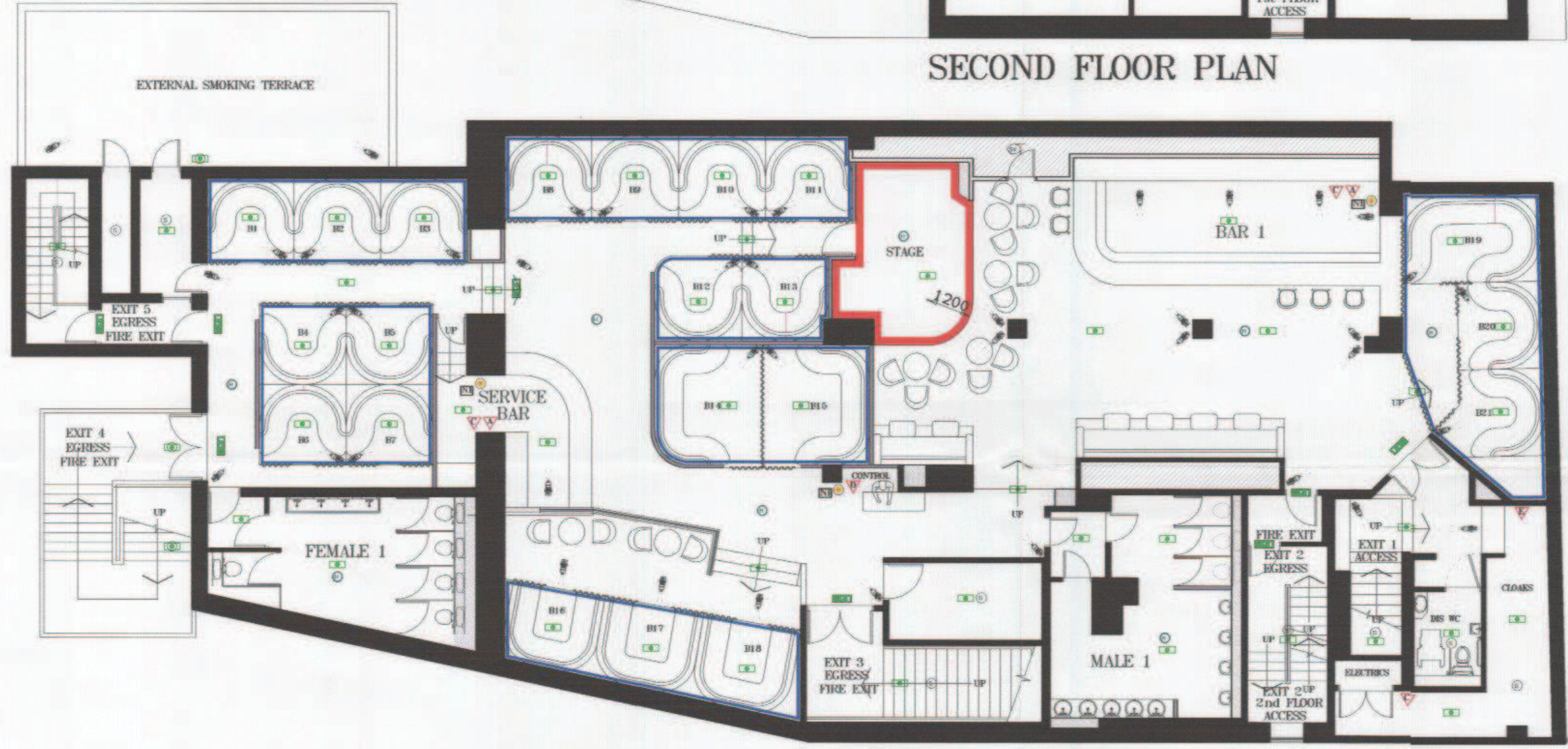
The following are required in order to proceed with the application:-
please tick the boxes below ✓ to confirm you have sent them

- **Application form** (all sections completed)
- **Copies of plans** delineating the specific rooms or premises to which this application relates, with escape routes (in case of emergency) indicated. AS BY
- **Copies of a location plan** showing the vicinity of the proposed premises with the premises themselves clearly marked. AS BY
- **Planning consent documentation** as confirmation that you have permission to use the premises for the purpose for which you are making this application. AS BY
- Any **additional information** in support of the application.
- **What you need to show to establish your identity**
This will be required from the applicant named in Section A
- **Driving Licence original(s) for inspection (paper and photo card counterpart)** which will be photocopied by an officer from Licensing Team. *If you do not have a valid photo card driving licence then a valid passport must be shown to the Licensing Officer.*
- **If none of the above are available then please supply one of the following original documents-**
 - Original birth certificate (or similar official document if born outside UK)
 - P45 / P60 Statement
 - Marriage certificate, passport

If you have any queries or require assistance in completing the application form, please contact our Licensing Team at the address on the front of this form, or telephone 01242 775200.



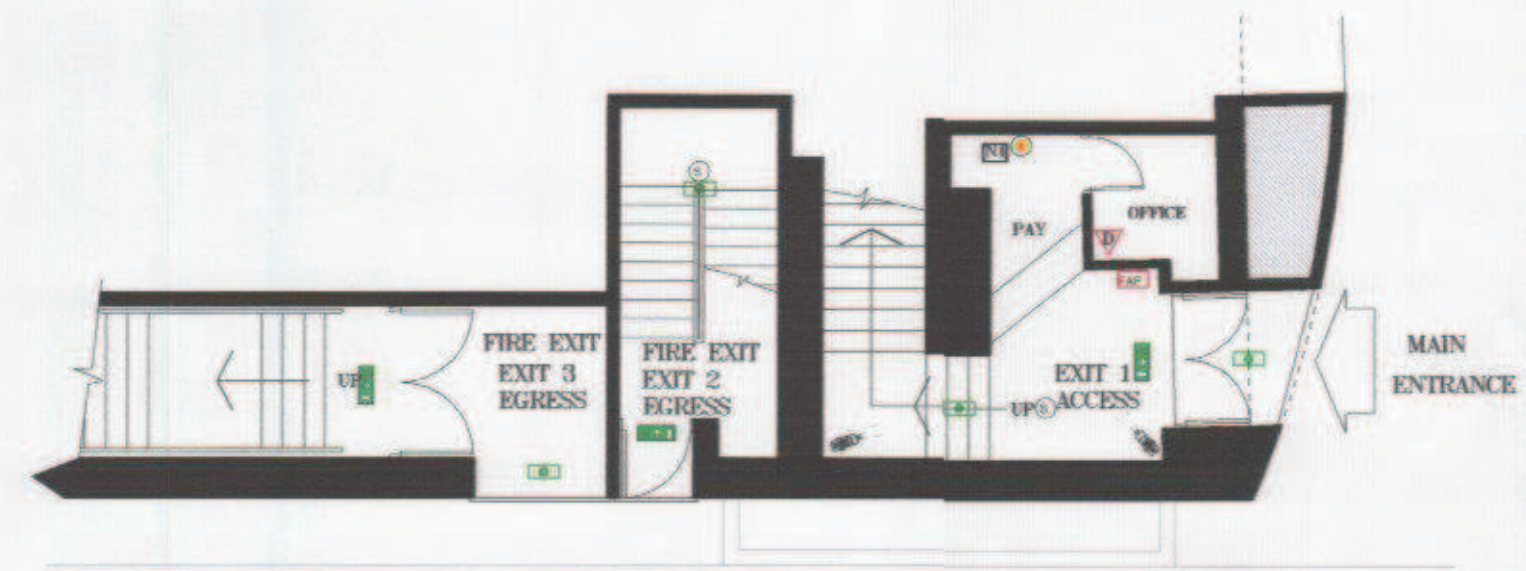
SECOND FLOOR PLAN



FIRST FLOOR PLAN

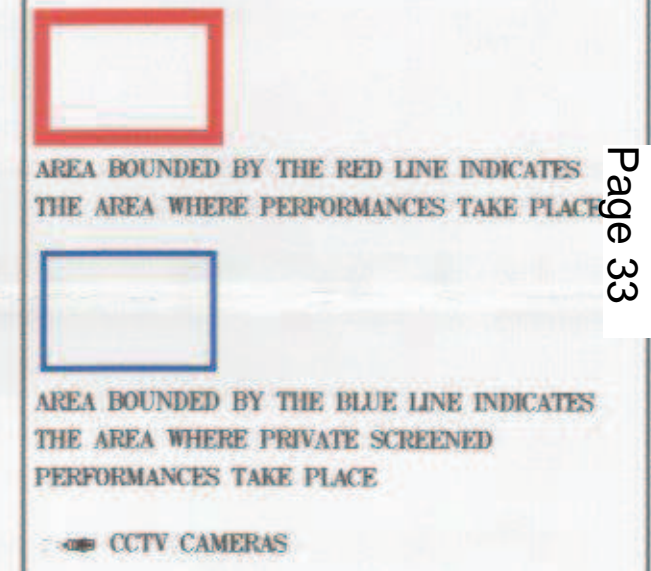


FRONT ELEVATION



GROUND FLOOR PLAN

- FIRE ALARM**
- ⊙ VIB DETECTOR
 - ⊙ FIRE LINE
 - ⊙ SMOKE DETECTOR
 - ⊙ SMOKE DETECTOR / FIRST STAGE SOUNDER
 - ⊙ HEAT DETECTOR
 - ⊙ HEAT DETECTOR / FIRST STAGE SOUNDER
 - ⊙ COMBINE SMOKE & HEAT DETECTOR
 - ⊙ MANUAL CALL POINT
 - ⊙ FIRST STAGE SOUNDER-LED
 - ⊙ FIRST STAGE SOUNDER-NEON
 - ⊙ VOICE EVACUATION SOUNDER
 - ⊙ VOICE EVACUATION PROJECTION SOUNDER
 - ⊙ FLASHING BEACON
 - ⊙ INTERSPACE
 - ⊙ FIRE ALARM PANEL
 - ⊙ FIRE ALARM REPEATER PANEL
 - ⊙ DISABLE REFUGE INTERCOM POINT
- EMERGENCY LIGHTING**
- ⊙ EMERGENCY LIGHT 240V N/MS BULKHEAD LIGHT BOH
 - ⊙ PUBLIC AREA COMBINE 28 WATT 2D DECORATIVE FITTING
 - ⊙ EMERGENCY SIGN 240V MS
 - ⊙ BOH REF AC5004 PUBLIC AREA AC5019
 - ⊙ EMERGENCY / CLEANERS LIGHT 240V N/MS IP20 TWIN SPOT WITH MULTI DIRECTIONAL HEADS REF AC5007
- FIRE EQUIPMENT**
- ⊙ 6kg MULTI-PURPOSE FOAM EXTINGUISHER
 - ⊙ FIRE BLANKET
 - ⊙ 2kg CARBON DIOXIDE EXTINGUISHER
 - ⊙ AQUARIUS FOAM FILLED
 - ⊙ 6lt MULTI PURPOSE WATER EXTINGUISHER
 - ⊙ DRY POWDER
- FIRE NOTICES**
- ⊙ GENERAL BY EACH CALL POINT
 - ⊙ STAFF
 - ⊙ KITCHEN
 - ⊙ DUTY MANAGER

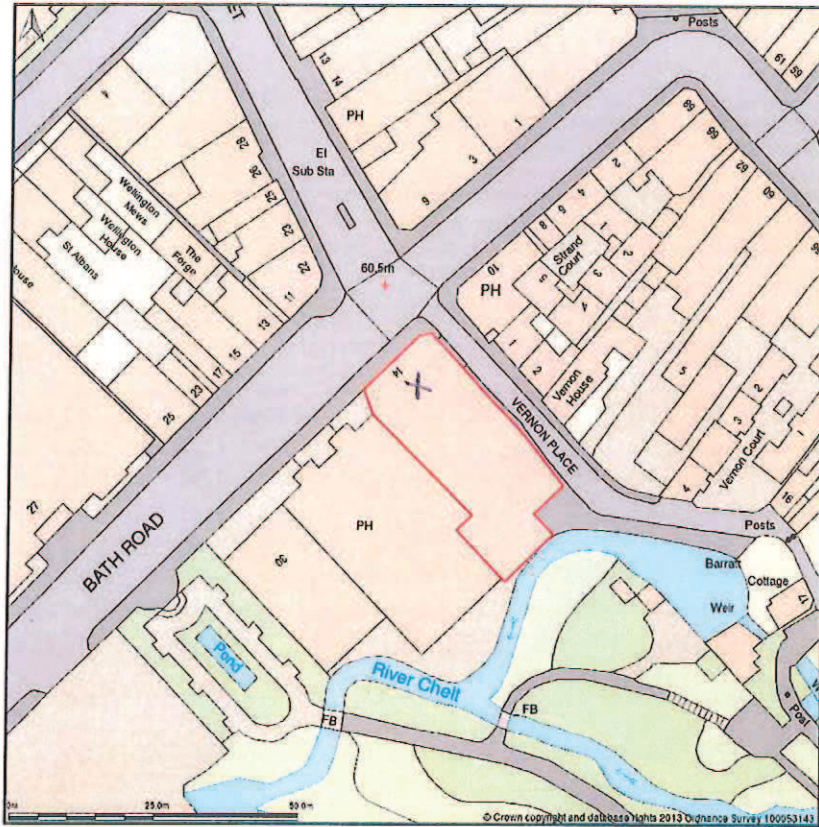


Easy Design Solutions
EDS Studio 48
 Bachelor Road
 Harrogate
 HG1 3EQ
 grt@easy-designs.co.uk
 mob: 07903730044

Client	FEVER BARS
Project	VOODOO CHELTENHAM GL53 7HR
Title	PROPOSED LAP DANCING CLUB
Drawn by	GRT
Date	SEPT-13
Scale	1:100 @ A2
Directory	FEVER GROUP
Drawn Name	VERDI
Proj Lib	FEVERGROUP
Layered	VD-13-102

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12-14 Bath Road, Cheltenham, GL53 7HA



Site Plan shows area bounded by: 395056.78,222044.94 395198.2,222186.36 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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CHELtenham
BOROUGH COUNCIL

Local Government (Miscellaneous Provisions) Act 1982

SEXUAL ENTERTAINMENT VENUE LICENCE

Licence Ref No: **14/02355/SEXR**

Cheltenham Borough Council using its powers under the above legislation;

HEREBY GRANT LICENCE to **Bath Road Property Limited**

to use the premises known as: **Fantasy**
and situate at: **12 - 14 Bath Road**
Cheltenham
Gloucestershire
GL53 7HA

This licence shall be in force from **13 February 2015** to **12 February 2016**.

A fee of **£500.00** has been paid (Receipt No. 232771)

Date of issue: **09.02.2015**

Hours which premises may be open for entertainment:

Sunday:	22:00 - 04:00	Thursday:	22:00 - 04:00
Monday:	22:00 - 04:00	Friday:	22:00 - 04:00
Tuesday:	22:00 - 04:00	Saturday:	22:00 - 04:00
Wednesday:	22:00 - 04:00		

THIS Licence is granted subject to the Council's Standard Conditions for Sexual Entertainment Venue licences and any additional Special Condition(s) set out in the Schedule attached.

A handwritten signature in black ink, appearing to read 'M. Robinson', written over a faint circular stamp.

Director – Environmental & Regulatory Services

Second Schedule

General Conditions:

The premises shall only permit adult entertainment between the hours of 22:00 hours and 04:00 hours the following morning as determined by the licensing committee.

Only activities which have previously been agreed in writing by the Licensing Authority shall take place.

The agreed activities shall take place only in designated areas approved by the Licensing Authority.

There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.

There are to be no hand bills delivered/handed out in Cheltenham at all.

Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.

A clear Notice shall be displayed inside the entrance to the premises in the following terms:
"Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises."

The performance must not be visible from the street, and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not exhibit themselves in the entrance or in the vicinity of the premises.

When the premises are open for Striptease/Lap/Pole Dancing no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age of 21 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.

Conditions regarding Performers:

Striptease and similar entertainment may only take place in 'designated areas' that are marked on the plan of the premises.

The entertainment shall be provided by professional performers only. The audience must at all times remain fully-clothed.

Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.

A 'Signing-in' Register shall be kept at the premises that records:

- Full name of the performer;
- Address of the performer;
- Telephone number of the performer;
- Date of birth of the performer;
- The time the performer starts & finishes at the premises.

This shall be made available for immediate inspection by a Police Officer or authorised Officers of the Cheltenham Borough Council (who will carry identification).

During any performance there must be no physical contact between the performer and any member of the viewing public.

No performances shall include any sexual act with other performers.

No performances shall include any sexual act with objects.

During any dance in the designated 'public' area of the premises, performers shall at all times wear at least a 'G-string' or similar piece of clothing, on the appropriate part of the body, which shall not be removed as part of the performance. The 'G-string' shall not be 'see-through'.

Performers shall only perform nude in the 'private' designated area which shall be clearly marked on the plan of the premises.

At the completion of the dance the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any area in a state of undress.

Performers are not to solicit, exchange addresses or telephone numbers with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.

An appropriate room shall be set aside to provide changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.

Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.

Entertainers or performers not performing must not be in a licensed area in a state of undress.

Briefing:

Prior to performers carrying out any activity on the premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

Door-Supervisors:

Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the premises whilst Striptease/Lap/Pole-dancing activity is taking place.

The licence holder or his nominated deputy who is authorised in writing or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with Licence conditions by customers and performers.

Door-supervisors shall regularly monitor the area immediately outside the premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.

A dedicated SIA-registered door supervisor shall remain at all times in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.

When performers leave the premises they are to be escorted to their cars or taxi by a door-supervisor or member of staff.

CCTV System:

A CCTV system shall be installed and be maintained in good working order, shall record at all times. The CCTV system is to be installed in all areas as recommended by the Police Crime premises are open, and recordings shall be kept for 28 days (14 days for Digital systems).

The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.

Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Cheltenham Borough Council (who will carry identification.)

No CCTV footage is to be copied, given away or sold (except as required by Police/Council for investigation/enforcement purposes).

Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.

Special Conditions

A phone number and email address to be provided for residents/authorities to contact if there are concerns.

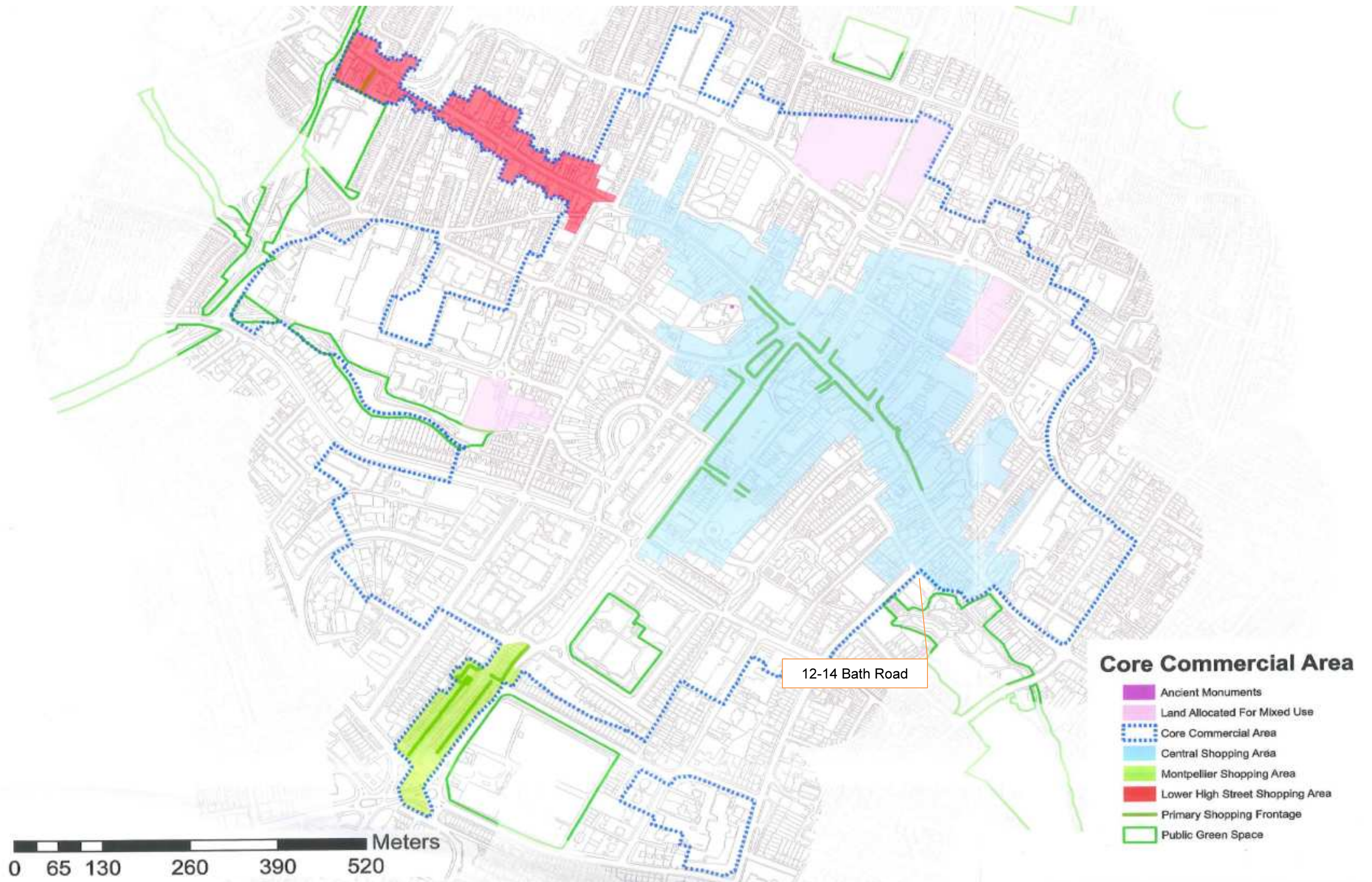
A minimum of one SIA -registered door supervisor shall be employed in the designated area where sexual entertainment is taking place and they shall intervene promptly to ensure compliance with codes of conduct /house rules.

No drinks promotions take place within the premises.

The premises will at all times fully adhere to and strictly enforce its house rules/agreement as to conduct and code of conduct.

Plan

See attached Dwg Ref. FB-14-103



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