



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Licensing Sub-Committee

Friday, 23 October 2015  
10.30 am

Council Chamber - Municipal Offices

<b>Membership</b>	
<b>Councillors:</b>	Andrew Chard, Rob Reid and Diggory Seacome
<b>Reserve Councillor:</b>	John Payne
<b>Officers:</b>	Phil Cooper, Licensing Officer Vikki Fennell, Solicitor

### Agenda

<b>1.</b>	<b>ELECTION OF CHAIRMAN</b>	
<b>2.</b>	<b>APOLOGIES</b>	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>4.</b>	<b>DETERMINATION OF APPLICATION FOR A PREMISES LICENCE</b> The Old Fire Station and Engine House, St James Square, Cheltenham	(Pages 3 - 50)

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### Cheltenham Borough Council

#### Licensing Sub Committee – 23 October 2015

#### Licensing Act 2003: Determination of application for a Premises Licence

#### The Old Fire Station and Engine House, St James Square, 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 28<sup>th</sup> August 2015 from Pioneer (City) Pub Company Limited, in respect of The Old Fire Station and Engine House, St James Square, Cheltenham GL50 3PU. A copy of the application is attached at **Appendix A**.

1.2 The licensable activities sought are:

The sale / supply of alcohol	10:00 – 23:00 Sun-Thurs
The sale / supply of alcohol	10:00 – 00:00 Fri-Sat
The provision of late night refreshment	23:00 – 23:30 Sun-Thurs
The provision of late night refreshment	23:00 – 00:30 Fri-Sat

### 1.3 Implications

1.4.1 Financial      **Contact officer: Sarah Didcote**  
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**Tel no: 01242 26 4125**

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

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## 2. Application (Ref. 15/01274/PRMA)

2.1 Applicant: Pioneer (City) Pub Company Limited

2.2 Premises: The Old Fire Station and Engine House, St James Square, Cheltenham GL50 3PU

2.3 The applicants have identified in their operating schedule a number of steps that they propose to take to promote the licensing objectives. These steps are listed below and are included in Appendix A as an annex to the application form. If the premises licence is granted it will be subject to conditions consistent with these steps.

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

3. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

4. An approved proof of age scheme shall be adopted) implemented and advertised within the premises such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.

Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card. photo-card driving licence and passport.

5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

6. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom) is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

7. (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by (insert date). Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by (insert date) and the system be fully operational on that date.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the licensing Authority

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the

Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time) date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing Authority and the Police shall be informed when faults are rectified.

(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.

8. The venue shall provide information of local taxi firms and transport links to all patrons leaving the venue.

9. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.

10. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of focal residents and leave the premises and the area quietly.

11. Notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

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10. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of focal residents and leave the premises and the area quietly.

11. Notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

2.4 Plans showing the location of the premises and its internal layout are attached at **Appendices B and C**.

### **3. Responsible Authorities**

3.1 The Act identifies 9 responsible authorities as statutory consultees for applications for premises licences. Those consultees are:

- relevant licensing authority (Cheltenham Borough Council);
- chief officer of police;
- local fire and rescue authority;
- relevant health and safety enforcing authority;
- local authority with responsibility for environmental health;
- local planning authority;
- body with responsibility for the protection of children from harm;
- local director of public health;
- local trading standards authority.

3.2 No representations were received from any of the responsible authorities, but the Council's senior environmental health officer agreed the following additional conditions with the applicant and as a consequence of that agreement did not object to the application:

- The full height doors to the ex-fire house are to remain closed whenever live or amplified recorded music is played at the premises and after 9:00PM each night.
- No live or amplified recorded music is to be played between 6:00PM and 9:00PM on Fridays. No noise from amplified music will be audible in neighbouring premises at any time.
- No customers will be permitted to take drinks outside the premises.
- The Management will take effective action to prevent nuisance arising from customers outside the premises.
- No deliveries or collections of waste from the site will take place between 11:00PM and 7:30AM.

#### 4. Other People

4.1 Seven representations have been received. These are summarised below and are reproduced at **Appendix D**. The relevance or otherwise of some of the objections is discussed further at paragraph 7 onwards under Licensing Comments.

4.2 **Louise Drew** has objected to the application due to concerns about noise disturbance caused by people using the premises and deliveries and other vehicles.

**Rev Robin and Felicity Littlewood** have objected on the grounds of public safety, noise and light pollution, crime and disorder and the protection of children. They have requested that if the licence is granted, the contact details of the designated premises supervisor should be made available to residents.

**Mrs L Elliott** has objected to such a licence being granted in a residential area.

**Jenny Silverston of Cheltenham Hebrew Congregation** has objected due to concerns about noise nuisance potentially travelling from the premises into the adjoining synagogue.

**Maggie Powell** has objected on the grounds of nuisance caused by the premises being in a residential area and adjacent to a place of worship and potential nuisance problems relating to smokers and increased traffic.

**Dr Rebecca Nicholson and Dr Liam Stanbury** have objected on the grounds of potential noise disturbance with their property adjoining the premises and the noise of increased traffic and people congregating outside. They have also spoken about the potential for nuisance caused by smells of cooking, antisocial behaviour by people who have been drinking, and the potential for their privacy to be compromised.

**Roger Gilbert** has objected due to concerns about noise and increased traffic caused by the operation of the premises.

#### 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.

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- 5.2 The 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. (Paragraph 1.3)
- 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. (Paragraph 1.4)
- 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. (Paragraph 1.5)
- 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. (Paragraph 1.6)
- 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)

### **Crime and disorder**

- 5.16 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)
- 5.17 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)
- 5.18 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include (a) Underage drinking; (b) Drunkenness on premises; (c) Public drunkenness; (d) Drugs; (e) Violent behaviour; and (f) Anti-social behaviour. (Paragraph 5.13)
- 5.19 Where relevant representations are received the Council may impose appropriate conditions on premises licences and club premises certificates. Appropriate conditions include:-
- (a) adoption of a 'Challenge 21 or Challenge 25' policy;
  - (b) adoption of best practice guidance including our voluntary code of practice for Reducing Alcohol Related Violence (RARV);
  - (c) agreeing a prescribed capacity for the premises;
  - (d) requirements for an appropriate ratio of tables and chairs to customers, based on capacity, and for areas to be allocated permanently for seated customers in order to prevent overcrowding, which can lead to disorder and violence;
  - (e) a requirement for Security Industry Authority registered door supervisors to control numbers of persons entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime;
  - (f) requirements that drinking vessels be made of toughened glass or plastic or other materials that do not form a sharp edge when broken, and that glass bottles are not passed to customers. This may be a particular concern if drinks are to be consumed outside premises;
  - (g) restrictions on drinking in areas within and outside the premises;
  - (h) limitations on the types of promotions of alcoholic drinks, so as not to encourage excessive drinking, or drunkenness;
  - (i) the maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted;
  - (j) dedicated communications networks between management teams, local police and other licensed premises to provide early warning of disorder;
  - (k) warning signs about crime prevention measures;

- (l) clear policies and measures to prevent weapons or illegal drugs being brought onto the premises and measures to discourage the use of illegal drugs; and/or
- (m) the installation and maintenance of appropriately sited closed circuit television cameras (CCTV) to be operational during the period of the licence, and other appropriate times both inside and immediately outside the premises which can provide images of a suitable quality for use as evidence. (Paragraphs 5.15-5.16)

**Public safety**

- 5.20 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)
- 5.21 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)

**Prevention of Public Nuisance**

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

- 5.26 Where relevant representations are received, the Council may attach appropriate conditions to licences, necessary 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)
- 5.27 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. (Paragraph 5.27)
- 5.28 More recently the introduction of the new ‘smoke free public places’ legislation in July 2007 has led to an increase in the number of people outside licensed venues. Where outside facilities are provided the licensing authority expects applicants to provide details in their application of:-
- (a) the location of open air areas;
  - (b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public. (Paragraph 5.28)
- 5.29 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)
- 5.30 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)
- 5.31 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**

- 5.32 The Council needs to satisfy itself that there are appropriate measures in place to protect children from harm. (Paragraph 5.32)
- 5.33 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)
- 5.34 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)
- 5.35 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)

5.36 Issues for consideration include:-

- (a) installing effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises;
- (b) the supply of alcohol for consumption on the premises is the;
- (c) exclusive or primary purpose of the services provided at the premises;
- (d) accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance;
- (e) the hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises;
- (f) due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;
- (g) there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;
- (h) the likelihood of children being attracted to the premises; eg by the nature of activities or facilities provided whether or not these are licensed;
- (i) there is evidence of heavy, binge or underage drinking on the premises;
- (j) the premises commonly provides entertainment or services of an adult or sexual nature;
- (k) there is a strong element of gambling on the premises;
- (l) age restricted films are to be shown classified in accordance with the recommendations of the British Board of Film Classification;
- (m) the number of adults required for the supervision of children and the suitability and vetting of those adults to ensure they pose no risk to children. Obtaining Enhanced Disclosure from the Criminal Records Bureau may be appropriate in some cases. (Paragraph 5.36)

## 6. National Guidance

6.1 Statutory guidance has been issued under Section 182 of the Licensing Act 2003 (guidance updated March 2015). The committee must have regard to the guidance when determining this application. Below are relevant extracts for the benefit of the committee. Emphasis added.

### Licensing objectives and aims

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)*

**Crime and disorder**

6.9 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. (Paragraph 2.3)

**Public safety**

6.10 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. (Paragraph 2.6)

6.11 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). (Paragraph 2.7)
- 6.12 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. (Paragraph 2.8)
- 6.13 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. (Paragraph 2.9)
- 6.14 “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. (Paragraph 2.11)

**Public nuisance**

- 6.15 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. (Paragraph 2.14)
- 6.16 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 may 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. (Paragraph 2.15)
- 6.17 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 persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter

events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues. (Paragraph 2.16)

- 6.18 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. (Paragraph 2.17)
- 6.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave. (Paragraph 2.18)
- 6.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues. (Paragraph 2.19)
- 6.21 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, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night. (Paragraph 2.20)

**Protection of children from harm**

- 6.22 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 directly with alcohol consumption 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). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions. (Paragraph 2.21)
- 6.23 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. (Paragraph 2.22)
- 6.24 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. (Paragraph 2.25)
- 6.25 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. (Paragraph 2.26)

6.26 Licensing authorities should give considerable weight to representations about child protection matters. (Paragraph 2.28)

6.27 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10. (Paragraph 2.29)

6.28 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency. (Paragraph 2.30)

## 7. Licensing Comments

7.1 When determining this application the sub-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. In particular, the sub-committee must seek to promote the four licensing objectives when determining the application.

7.2 The four licensing objectives 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. The sub-committee must base its decision on protecting these objectives and should not take into account objections which relate to other matters.

7.3 Some objectors have referred to potential problems from music and entertainment at the premises. Members are advised that the licensable activities being applied for are the sale / supply of alcohol and the provision of late night refreshment. No regulated entertainment is sought as part of the application. Some forms of entertainment can be provided without a licence as they are not regulated in law, such as live and recorded music, which can be provided between 8am and 11pm on any premises that are licensed to sell alcohol for consumption on the premises.

- 7.4 Some objectors have expressed concerns about potential crime and disorder, noise nuisance, public safety problems and potential harm to children, but not all of the objectors have explained *why* they think such problems will exist. Members should avoid the assumption that licensable activities will automatically have harmful effects, as it does not automatically follow that premises licensed to sell alcohol and provide late night refreshment will cause such problems. There are many well-run premises where such problems do not exist. Therefore such concerns should only be taken into account where Members are satisfied that there are sufficient reasons *in this individual case* to believe that such problems will occur.
- 7.5 The sub-committee is reminded that each application is determined entirely on its own merits and not in relation to other premises. Consequently Members should disregard comments relating to there being “no need” for another licensed premises, or comments relating to there already being sufficient premises nearby. Likewise Members should not take into account comments regarding problems associated with other licensed premises. The applicants have the right to make an application without it being prejudiced by other premises in the vicinity over which they have no control. Likewise Members should not be concerned over whether their decision will set a precedent, because each application is determined on its own merits.
- 7.6 Objections relating to planning permission should not be taken into account because planning legislation is in place and the sub-committee must avoid duplicating legislation. The local planning authority has been consulted on this application and has not submitted representation. Likewise matters relating to construction of the premises, such as damp-proofing, should only be taken into account if Members are satisfied that those matters relate to one or more of the licensing objectives and that they are a result of the licensable activities being applied for (the sale / supply of alcohol and the provision of late night refreshment).
- 7.7 Objections relating to such matters as traffic, parking, litter and smoking should be taken into account only if Members are satisfied that there is evidence that such problems are likely to happen, and that they would be a result of the licensable activities being carried out at the premises, and that those problems relate to one or more of the licensing objectives.
- 7.8 The role of the licensing authority is to ensure the promotion of the licensing objectives and, in so doing, to maintain an appropriate balance between the legitimate aspirations of applicants and businesses, and the reasonable needs and expectations of residents and other users of the town, who have a right to expect the licensing authority to take such steps as are appropriate and within its power to protect children from harm, prevent public nuisance, prevent crime and disorder and protect public safety.
- 7.9 The sub-committee, having full regard to the steps the applicants have proposed in their operating schedule, the conditions agreed by the applicant and the Council’s as well as the relevant representations received, must take such steps as it considers appropriate for the promotion of the licensing objectives.
- 7.10 Having considered all relevant issues, the sub-committee may:
- Grant the application subject to such conditions as are consistent with the operating schedule, and any additional conditions that the sub-committee considers appropriate for the promotion of the licensing objectives; or
  - Refuse all or part of the application.

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**Background Papers**

Service Records

Licensing Act 2003

Revised Guidance issued under section 182 of the Licensing Act 2003

Cheltenham Borough Council's Statement of Licensing Policy

**Report Author**

**Contact officer:** Mr Philip Cooper

**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)

**Tel no:** 01242 264346



**Cheltenham**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
 Telephone: 1242775200

\* required information

**Section 1 of 19**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes       No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

**Is the applicant:**

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

Applying as an individual

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

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes       No

\* Registration number

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number  Put "none" if the applicant is not registered for VAT.

\* Legal status

Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

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

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

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

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

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

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

Pioneer (City) Pub Company Limited

**Details**

Registered number (where applicable)

09359735

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

A modern brasserie

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

<i>Continued from previous page...</i>
<b>Section 6 of 19</b>
<b>PROVISION OF PLAYS</b>
Will you be providing plays?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 7 of 19</b>
<b>PROVISION OF FILMS</b>
Will you be providing films?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 8 of 19</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 9 of 19</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 10 of 19</b>
<b>PROVISION OF LIVE MUSIC</b>
Will you be providing live music?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 11 of 19</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will you be providing recorded music?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 12 of 19</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will you be providing performances of dance?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 13 of 19</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
Will you be providing anything similar to live music, recorded music or performances of dance?
<input type="radio"/> Yes <input type="radio"/> No
<b>Section 14 of 19</b>
<b>LATE NIGHT REFRESHMENT</b>
Will you be providing late night refreshment?

Continued from previous page...

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, If the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

none

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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.

Continued from previous page...

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Please see Annex A attached.

b) The prevention of crime and disorder

Please see Annex A attached.

Continued from previous page...

c) Public safety

Please see Annex A attached.

d) The prevention of public nuisance

Please see Annex A attached.

e) The protection of children from harm

Please see Annex A attached.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00

Continued from previous page...

Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

315.00

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

## Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to 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.

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

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

\* Full name

Jedson Wilson LLP

\* Capacity

SOLICITORS FOR AND ON BEHALF OF THE APPLICANT

Date (dd/mm/yyyy)

28/08/2015

Add another signatory

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

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

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

**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**

ANNEX A

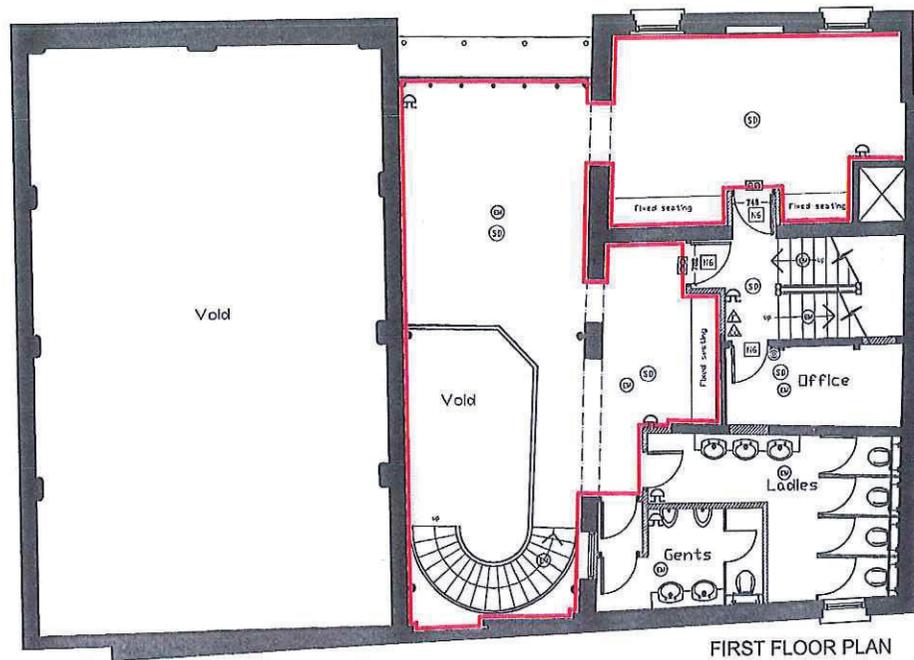
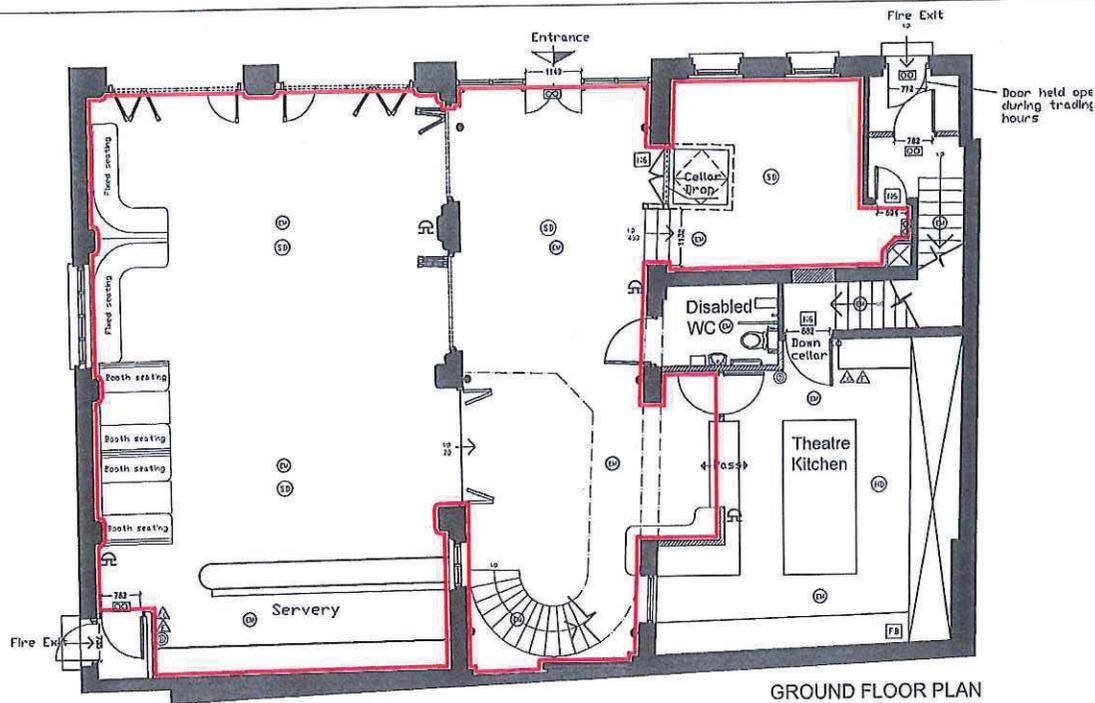
1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.
4. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
6. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
7. (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by (insert date). Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by (insert date) and the system be fully operational on that date.  
(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.  
(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority  
(iv) The correct time and date will be generated onto both the recording and the real time image screen.  
(v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.  
(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.  
(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.

8. The venue shall provide information of local taxi firms and transport links to all patrons leaving the venue.
9. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
10. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.
11. Notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.





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FIRE REQUIREMENTS	
(EM)	EMERGENCY LIGHT FITTINGS
(EO)	ILLUMINATED EMERGENCY EXIT SIGN (MAINTAINED)
(SD)	SMOKE DETECTOR
(HD)	HEAT DETECTOR
(CP)	FIRE ALARM CALL POINT
(AB)	ALARM BELL
(CD)	CARBON DIOXIDE EXTINGUISHER
(F)	FOAM EXTINGUISHER
(W)	WATER EXTINGUISHER
(NI)	FIRE PROCEDURE NOTICE
(FB)	FIRE BLANKET
(PB)	EXIT DOORS FITTED WITH PUSH BARS AND PANIC BOLTS 'PUSH BAR TO OPEN' NOTICE TO BE FITTED ABOVE THE PUSH BAR IN 50mm HIGH WHITE LETTERING ON GREEN BACKGROUND. PUSH BARS FITTED BETWEEN 900mm & 1100mm ABOVE FINISHED FLOOR LEVEL FASTENINGS INSTALLED TO B.S.5725 : PART 1 : 1981
(N3)	NOTICE 'FIRE DOOR KEEP LOCKED SHUT' IN 50mm HIGH WHITE LETTERING ON BLUE BACKGROUND.
(N6)	NOTICE 'FIRE DOOR KEEP SHUT' IN 50mm HIGH WHITE LETTERING ON BLUE BACKGROUND.
FIRE SAFETY SIGNS AND NOTICES	
Fire exit signs conforming to the requirements of B.S.5499 Directional fire exit signs conforming to the requirements of B.S.5499 to be positioned at each change of direction or each part escape route where the exit doors are not readily visible to persons using the escape route.	
EMERGENCY LIGHTS The emergency lighting system which must illuminate the escape route if the mains supply fails, must be fitted in accordance with B.S.5266	
FIRE ALARM The fire alarm system should comply with B.S.5839, Part 1 1988 and should be audible throughout the building	
Fire fighting Equipment. 9 litre water type fire extinguisher. 4.5kg. capacity (34B rating) carbon dioxide content extinguisher. Extinguishers to be placed on wall brackets so that the top of the extinguisher is about 1m above floor. An approved fire blanket and container should be provided for the kitchen	

RED LINE DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, INCLUDING REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENTS

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY

August 2015

Scale: Drawing Number: 1:100 @A3 Rev: 2948-80

Project: The Old Fire Station St James Square, Cheltenham

Project:

**PembrookDesign**

South House, Woodlands Road, The Pembrook, Water, Essex, CH11 8EN. Tel: 01274 432388. Fax: 01274 432391.

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## **Representations**

**From:** Louise.Drew

**Sent:** 14 September 2015 11:59

**To:** Internet - Licensing

**Subject:** The Old Fire Station, St James Square, Cheltenham, GL50 3PR - application for a premises licence

Dear Sirs

I write in my personal capacity as the occupier of 4 St James Square, Cheltenham that is directly opposite The Old Fire Station.

I strongly object to the Licensing Application for the premises as the Fire Station is in a residential area and adjoins properties on St Georges Terrace where young children have bedrooms overlooking the road and I have both a bathroom and my bedroom overlooking the premises. I object on the basis that there is no need for licensed premises in this area as the area has enough places to eat and drink on St Georges Road, which is an area of commercial use including the Bayshill within 50 metres of this property, the Chelsea Bar & Brasserie and the Thai Emerald. We also already have No 7 restaurant opposite the premises in a road that is otherwise nearly purely residential. A public house on a residential street cannot be justified under any circumstances, especially when I note that an extended License has been requested on a Friday and a Saturday.

We are already woken on a regular basis at the weekend by people under the influence walking down our street and fighting, shouting and talking in loud voices. We have seen people take off their jackets and hang them on our railings to have a fight outside and this is without a licensed premises across the road. We have had things stolen from our front garden and a neighbour has had their food waste bin thrown through their front window. There is enough crime in the street already to not warrant any further disturbance from a new licensed premises being given approval. We have even had our brand new car written off outside our house by a driver who failed to stop and the street cannot be subjected to any additional drinking house that will enhance the likelihood of further disorder and further crime from that already experienced by the residents.

In the absence of any vegetation in the street, noise reverberates significantly against the rendered walls and people leaving the Old Fire Station between 11:30pm and 12:30am will undoubtedly consistently wake residents. The opening hours of 8am will limit the amount of uninterrupted sleep any of us will be able to achieve. We have Doctors, a Solicitor, a teacher and journalists in the street, all of who work long hours and are entitled to the right of quiet enjoyment in their homes. The licensing hours will be a major nuisance to us. It also sends the wrong message from a Council that is seeking to bring residents back into the central area. It will lead to more traffic congestion from the taxi's dropping people off on the double yellows outside the premises and outside our homes, in a road where our residents parking is consistently being taken by non-permit holders and disabled badge holders. It is hard enough now to find a space without enticing diners/drinkers to take up our spaces. Also, the noise of deliveries in the early hours of the morning will be totally unacceptable, together with food deliveries etc. Where are these vehicles going to park? We already have issues with the Document Exchange van delivering to the Solicitors at Wynstay House and parking outside our homes. The noise of bottles and kegs arriving and being taken away is unacceptable in a street

that cannot dampen such sounds. The properties are old and do not contain proper soundproofing most notably between the Old Fire Station and the family living at No 9 St Georges Terrace.

Finally, the upstairs terrace area will be used for smokers and this directly overlooks my bathroom and my bedroom where I sleep and this will smell. This is unacceptable in a road occupied mainly by residential properties. This will be a further noise nuisance with the voices of those outside being completely audible to those in the street.

These are my reasons for objecting to the licensing application. Whilst I am fed up of looking at the mess that is this building with torn tarpaulin that flaps dangerously in the wind and the fact it is such a shame that this beautiful dwelling remains void after so many years, an application for a Brasserie in this area is not suitable, given the residential use in the street and the lack of need for another business such as this.

Yours faithfully

**Louise Drew**

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No. 3, Saint James' Square,  
Cheltenham.  
Glos.. GL50 3PR.

18th September 2015.

**Licensing Act 2003**  
**Application for a premises licence:**  
**The Old Fire Station, Saint James' Square, Cheltenham. GL50 3PR.**

We submit the following representations:  
Concerning prevention of **Crime and Disorder**:

1. No detail of a Designated Premises Supervisor or of his/her experience generally, the time he/she has held a Personal Licence or as to his/her experience of the intended use of the premises. Should the Application be granted, Notification of his/her contact details to be available, as required elsewhere, and provided to households living within 100m.

2. Likewise, as to enforcement of the conditions that may be imposed and the practical running of the establishment, in any event. The Council's CCTV at the Jessop Avenue roundabout is not very active, as found previously.

3. a. Within two to five minutes' walk, there are nearby premises selling alcohol and food, (including: literally over the road, the No 7 Wine Bar, which is virtually self-contained on three sides, with limited opening, then St George's Place (Chelsea Brasserie, Thai Emerald Restaurant and the Bayshill public house), with Royal Well Tavern. On the corner with Clarence Street, there is St George's Vaults, then The Quaich, with others towards the Town Centre. In Knapp Road, the Railway Inn. The George Hotel is also nearby. There is also the intended use of the groundfloor of Gibson House, on St James' Square, as a restaurant).

3.b. These premises have an established custom, which already affects the residents in the vicinity. Should there be an increase, the more people there are, the greater the risk of Crime and Disorder and Public Nuisance on the premises and nearby, noise, disruption, vandalism and damage to property.

#### Concerning **Public Safety**:

4. The increase in traffic (taxis, dropping off and collecting), customers and employees trying to find parking space during the day, evenings and coming and going. The premises are on the route of several buses. Rush hours are already crowded and it is hard to cross road, particularly with children. Construction traffic would have to be specifically provided for.

5. To date, there has not been mention of the number of anticipated users, throughout the morning, afternoon, evening and early hours, as to customers and staff, with or without vehicles (noting the intended licensed premises are on two floors and, possibly, with non-alcoholic sale and use of the second floor). This affects all **four** licensing objectives.

#### Concerning our **perspective of prevention of Public Nuisance**:

(noting, the prevention of public nuisance includes low-level nuisance perhaps affecting a few people living locally. (rf Home Office Guidance under Licensing Act 2003.)

6. Noise and light pollution are one of the greatest concern: from an unavoidable increase of people in the vicinity, particularly late at night (past midnight), cars dropping off & collecting customers, doors slamming and "Goodnights" carrying on the night air. During the day, particularly during rush hours the buses and traffic, deliveries to the premises, rubbish collection, (food and refuse), deliveries & collection, customers' and employees' parking, there will be disruption and nuisance, additionally during construction/conversion building works, when already very limited residents' parking provision, possibly only seven?

7. Threat of customers' smoking and drinking & coffee (not alcohol sales) including consumption of food on the second floor terrace overlooking the frontage, the unavoidable noise carrying far at night and beyond midnight.

The bedrooms of the terrace of houses opposite, being of much the same height, if not lower.

8. No mention of provision of noise prevention reducing fabric/building materials for the 2\* Listed Buildings subject premises or particularly for the adjoining Listed 2\* Buildings, No 8, St Georges' Terrace with young family and the Synagogue, an established Place of Worship, both would be subject to vibrations of building, use, recorded and live music as well, to which also nearby residents would be subject. The proposed condition 2 in Annex A to the Application is not detailed or effective.

Both sides of Saint James' Square are listed: the Southern side grade 2\* with the Northern side in the local Conservation Area.

9. There would be unavoidable public nuisance, not just to nearby residents,

9.a. The frontage of the subject premises, Synagogue Lane and the rear of the premises are not adequate for the placing of food refuse and any other refuse, either because of the public footpaths or that the neighbours abut the premises. It would not be viable for daily collection vehicles, which would not be a silent operation, in any event, with "tumbling glass" noise and other nuisance.

9.b. It is accepted the increase of noise during construction/conversion would be temporary (6mths?) but nonetheless and unacceptable increase, for which provision not made.

9.c. No mention of measures to reduce recorded, live or other music and also as to enforceability of possible conditions, particularly if the front fire door requires to be open; the summer months would be particularly vulnerable to this nuisance. Condition 2 of the Appendix A to the Application does not address the requirements in practice or as to their enforceability.

9.d. Opening the premises at 8am, (breakfast customers &/or deliveries, rubbish and refuse collections, then licensed hours till 11.30pm, midnight and beyond, with drink and food, in light of the surrounding residential area, is not acceptable: for too long and too late.

9.e. The actual smell and the drifting odour of cooking fat and food, particularly in the middle of the day and then at night time till late, would permeate the nearby vicinity. Condition 3 of Annex A to the Application does not in reality address the problem or its enforceability.

9.f. If granted the licence, albeit with strict conditions, would create precedent for successors, which possibly include a club or similar.

### **Child Protection:**

Wherever there is an increase in the users of a location or area or a gathering, there is a consequent risk of danger to children and families on the premises from other people,

crowds, use of the premises and vehicles outside, particularly with leisure or other entertainment and licensed premises nearby. There is no indication of the number of customers, at any time, or as to which part of the premises, which are virtually three "units."

### **Overall.**

Should the application be granted, it absolutely essential the conditions at Appendix A of the Application be imposed, with stringent terms as to enforcement.

Even then, we remain most concerned as to their enforceability, in practice on the ground, as it were, in practical terms, particularly in the evening, late at night and early morning, every day and night of the week .

The application, if granted, would materially affect the reasonable comfort and convenience of the nearby residents.

If the Application is to be granted, we assume that a Change of Use Planning Application would be made that the premises would be within Class A3: Restaurant and Cafes. The primary use being for the sale of food and drink on the premises.

We submit the application should not be granted.

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Rev. Robin and Felicity Littlewood

Cheltenham Borough Council, Licensing Team, Municipal Offices, Promenade, Cheltenham. GL50 1PP

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**Sent:** 19 September 2015 22:49

**To:** Internet - Licensing

**Subject:** Pioneer city Pub

Dear Sir

I am writing to express my objection to the licensing of a Pub at the Old Fire Station at the corner of St James Square and Synagogue lane.

Considering the residential character of the area , generally quiet, with little movement of people and the fact that a well established neighbourhood pub already exist few yards away in the main road, I see no reason for the licensing of a new pub.

Respectfully

Mrs L Elliott

---

**Sent:** 19 September 2015 11:33

**To:** Internet - Licensing

**Subject:** Pioneer ( City ) Pub Co. premises at Old Fire Station corner of ST James SQ and Synagogue Lane

Dear Sir

With regard to the above I am detailing my concerns as Chairman of Cheltenham Hebrew Congregation. We own and use the Synagogue which is located in Synagogue Lane and is next to the planned Pub and shares a common wall and is linked at the roof level.

1. The Synagogue itself. The building was constructed in 1839 and is Grade 2\* listed. Damp has been allowed to pass from the Old Fire Station to the Synagogue premises causing serious concern in the past and we are very concerned that this fragile building should be protected from this as well as damage caused by any building modifications.

2. The Community using the Synagogue.

It is very quiet during our services, any noise from people using the proposed premises, especially if they congregate outside the building is likely to interfere with this. Such groups might include groups meeting up or leaving the premises, those not permitted access or smokers. Noise or vibration from extractor fans or other equipment would also not be acceptable.

We are also concerned about the impact on our neighbours, some of whom have young families.

If there are conditions attached to any permission given how will this be enforced, by whom and within what time frame?

Yours sincerely

Jenny Silverston

Chairman

Cheltenham Hebrew Congregation

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

From: Maggie Powell

Sent: 24 September 2015 11:06

To: Internet - Licensing

Subject: The Old Fire Station, St James Square

Regarding this licensing application, I would like to put on record certain concerns:

Whilst not an immediate neighbour, I have concerns about the risk of public nuisance from licensed premises attached to residential accommodation and adjacent to a place of worship. Other restaurants and bars in this area are standalone or attached to commercial premises.

There is no obvious smoking area apart from the street with associated noise and litter.

What about increased traffic and parking? Have I not read that there are plans to reduce the parking spaces in the St James Square car park?

I realise that you are constrained by licensing legislation, but I have increasing concerns about the drift of licensed premises and entertainment venues (licensed premises can now provide live music without an additional license) into primarily residential areas. Although these are economically important to the Town Centre, logically the boundary of the "town centre" is the eastern side of St George's Place. Neighbourhood facilities are important but not one's that will only survive by drawing people into the area.

Maggie Powell  
4 Shaftesbury Hall  
St George's Place  
Cheltenham GL50 3PX

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Dear licensing committee

I am writing to object about the licensing application for the old fire station on St James's Square.

**Background to location:**

We are a primarily residential street, although St Georges Terrace is located close to the town centre, we are located on the residential side of the St Georges Place, which would appear the natural cut off for licence premises in our area. There are already numerous restaurants and brasserie style eateries along this road and on the town centre side of it. The bus station and taxi rank, being located where they are, mean that current footfall from restaurants and bars do not tend to encroach on our road as a result. Although Number 7 St James Square is a small restaurant, it is separated from the residential properties of St Georges Square, not open every night and relatively small with limited covers. It has outside space, to contain smokers and refuse. We find festive periods particularly troublesome with noise and disturbance from this restaurant and the Bayshill Pub, situated behind our property, given the size and location of the Engine House and Fire Station and its adjoining

nature to our listed property we fear the disturbance, noise, litter, vandalism and local crime may increase as a result.

### **Public nuisance:**

#### **Nose disturbance:**

Our property is grade 2 listed and we directly adjoin the property concerned. The sash windows in our property are glazed in original thin millimetre thick crown glass, secondary glazing is not an option. The walls are thin and noise between the buildings travels easily. We are able to hear our neighbour walk up and down the stairs, the phone ring and doors opening and closing. We are able to hear cars doors open and conversations of people walking past, even at normal conversational volume. We hear people walking up and down the stairs within the Engine house and heard a disturbance within the property, which transpired to be a robbery. This was easily heard from our bedroom. We are able to feel the vibration of passing buses within the house.

In their proposal they state 2. *'No noise will emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'* would appear whole unlikely. I do not see how this is possible given the structural nature of these listed Georgian properties, there will be continuous noise from the proposed bar, kitchen and people coming and going, plus the proposal for music. I have already mentioned we are already disturbed by passers by and the surrounding pub (Bayshill) and Number 7 restaurant at times.

We are a young family. Our property directly adjoins the building in mention. Looking at the proposals the upstairs dining area, which would appear an area that could be cordoned off for private functions/events directly adjoins our daughters bedroom, she is a light sleeper and entering important years at school. The toilets would appear to adjoin our bedroom, given the volume of covers this size property could cater for, I would expect constant use of these toilets and the noise from flushing toilets, banging doors and conversations would be very difficult to mask and cause a considerable disturbance. We are both professionals and it is important for home time to be quality and not constantly disturbed.

Looking at the plans they have a comment stating that the fire door will be open during trading hours. This directly adjoins our property and again is likely to cause increase noise from the property and therefore disturbance.

We are already disturbed as previously mentioned by cars and passers-by, however, this would rise exponentially if a restaurant was licence next door, where people are bound to be talking while departing and walking back to cars or to the taxi rank and noise would be continuous.

*9. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so as not to disturb residents within the vicinity.*

Again this provision is highly unsatisfactory. The licence owner is not going to be able to guarantee this and once out of the premises the licence owner would have no responsibility for the behaviour of its patrons. Unacceptable behaviour is a constant problem within the town centre at the time bars and restaurants close and this is well known and evident by the increased police presence at these times. Antisocial behaviour due to alcohol consumption is likely and there would be no way of ensuring or enforcing this proposal. The patrons would need to walk past every residential property in the street to access the taxi rank on the town side of the Bayshill road.

10. *'A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and area quietly'*

I'm afraid this suggestion is not adequate. Firstly, how do you enforce something that is written on a notice, that may or may not be read, and even if it is, it is unlikely to be reliably adhered to, this suggestion would appear wholly unsatisfactory and we would suggest not adequate provision nor realistic.

**Smoking provision:**

Another grave concern is the lack of outside space within the property. There is no provision for smokers and as a result there is likely to be constant foot fall of people smoking outside the property and spilling on the pavement outside our home. Firstly there is the issue of noise, secondly the issue of litter and thirdly the issue of smoke, both of my children bedrooms are at the front of the house and as I have mentioned our home is old and the windows drafty, which we are unable to adapt given its listed status. The wellbeing of our children is a primary concern.

Likewise, in the summer months, we often have the windows to childrens bedrooms open, cigarette smoking from the front of the premises, is therefore likely to become more of a health hazard for our children.

They state 11. 'Notice shall be displayed prominently at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. And the area will be cleared of customers within 30 minutes of the last supply of alcohol on any day.'

They have not suggested where these smoking areas may be and the only adjacent space would be directly outside the property, they can not expect smokers not to have conversations while smoking and therefore there would be continued disturbance from this also. To suggest that displaying a notice would be satisfactory indeed is not. Secondly the licence promises to sell alcohol daily and until midnight, disturbance is likely therefore until the early hours of the morning daily and this is unacceptable in a residential area (and we all work).

In the summer months, it is likely that the premises will wish to open their windows. Thus, being unable to contain noise and disturbance. Use of an air conditioner system, may reduced the need for this, however, containment for this, and the disturbance, from the noise of the air conditioner unit, would also need to be a consideration.

**Smell:**

Given the licence is for a bistro, there will be considerable cooking smells, there would appear to be limited provision for the containment of these smells and as a result they are likely to encroach on our home and garden. And on this basis we object.

**Refuse:**

There is no outside space for refuse storage at the property concerned. The storage of these along Synagogue lane would lead to inadequate safe passage for pedestrians accessing the Honeybourne line and poses a safety issue. Likewise storage of these on the frontage of St Georges Terrace would be unsightly. There is not adequate space on either pavement for the storage of refuse.

**Protection of children from harm:**

### **Adult content conversations and swearing**

Given our children sleep at the front of the house, we are gravely concerned they will be exposed to inappropriate adult conversation and swearing as people stand and smoke, arrive or leave the premises. This we feel is potentially harmful and unavoidable if the licence were granted.

### **Traffic and safety crossing the roads**

The road is already hazardous to cross. With increased delivery vehicles parking up outside the property obscuring the roundabout and increased traffic caused by increased footfall this is likely to increase exponentially. Not only are we concerned for the safety of our own children and those that live within our neighbourhood, but also those walking to the local school (St Gregorys), who typically walk up Synagogue Lane from the Honeybourne line to get to school.

### **Smoking**

As previously mentioned smoking outside our property by smokers from the bistro is a grave concern. Given Number 7 has outside space, smokers are contained within a hedged area. However, The Engine House and Fire Station has no outside space for this provision.

Smoke entering our house from smokers on the street would pose direct adverse health implications for our children. In the summer months this would be more problematic, with open windows.

There is a significant volume of medical evidence supporting the negative health implications of cigarette smoking and children.

### **Invasion of privacy**

Our garden is directly overlooked by the rear window of the Engine House where the toilets are planned to be. Additionally the windows at the front of the house are large and easy to look into and we notice people looking in as they walk past. Given the number of additional people walking past, or looking directly into our garden where our young children play is of significant concern to us, from a privacy and safety point of view.

### **Public safety:**

#### **Traffic congestion and road crossing danger**

Given the limited space for parking in our area, it is likely vehicles will double park to drop off outside the venue. This is potentially very dangerous, given its close proximity to the roundabout. There is no safe crossing at all on St James Square, with increased parking, delivery vehicles, refuse collection in the street, this is likely to become more hazardous.

#### **Prevention of crime and disorder:**

Vandalism, theft and damage:

We have had local vandalism within our area, cars have been damaged, graffiti to local buildings and items stolen from outside the house. Given the increased footfall and increased number of people under the influence of alcohol this is again likely to increase.

Looking at local police crime reports, there is evidence of an increased number of criminal activities on St Georges Place, compared to St James Square/St Georges Terrace. Likely to directly relate to the number of licenced properties in these vicinities.

Evidence of local crime likely to increase again can be supported by the increase in number of crime rates within our area when Chemistry was open, compared to recent years, when we have become an entirely residential neighbourhood.

Places of worship:

The property involved is adjacent to a place of worship. The synagogue. It is a place for quiet reflection, and a grade 2star listed building and part of our history as a town. It would appear entirely inappropriate to have a licenced potentially busy and noisy restaurant adjoining a quiet place of worship and contemplation.

Conclusion:

We are not in objection to the Engine House and Fire Station being developed, in fact we would love to see the historic building restored to its former glory as a residential property or offices, where the foot fall, noise disturbance, smoking issues would be significantly less in what is a friendly residential community.

In conclusion, we feel very strongly regarding this matter and strongly object to the licensing of the premises and the proposals on the basis of noise disturbance, smell pollution, invasion of privacy, increased crime and vandalism and increased litter, all resulting in public nuisance, in what is a residential community area. Our main priority is the safety of our children and again feel a licensed property next door with the plans suggested are very worrying. Despite being located close to the town centre, we are separated by the Bayshill Road divide and would appeal that this is not allowed to change.

Thank you for your consideration.

Your sincerely

Dr Rebecca Nicholson and Dr Liam Stanbury

PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Glos GL50 1PP

Dear Sir/Madam

I am writing in response to the notice being posted on 'The Old Fire Station' in St George's Terrace stating that an application for a premises licence under Section 17 of the Licensing Act 2003 has been made by The Pioneer (City) Pub Company.

As the owner of a small publishing company operating from 7 St Georges Terrace, two doors along from 'The Old Fire Station', I wish to object strongly to this application.

My objections are based on the following:

- 1) This is a quiet residential street with a mix of families (with young children) and other residences – there are some 14 living apartments and houses adjacent to The Old Fire Station alone, Opposite there are more
- 2) The Council is trying to promote this area as a family-friendly living area in Cheltenham, given that it is establishing children's play areas on the other side of the Cheltenham Walk car park for example
- 3) We have experienced our fair share of vandalism and damage in our street without there being a pub remaining open until 00:30 on some nights with its associated noise and incidents likely
- 4) This part of town is already well served with drinking establishments that are longstanding and their residential neighbours are well away from their establishments – such as The Tavern and the Bayshill. This would not be the case with 'The Old Fire Station'
- 5) Our road is to become a major thoroughfare for traffic around Cheltenham, once the Boot's Corner development takes place. There is already restricted parking on our side of St James' Square and opening a pub will attract more stopping/parking traffic than the street can cope with
- 6) The Synagogue, which is one of the finest in the country apparently, backs directly onto 'The Old Fire Station' and is functioning on Fridays

We would not be objecting if the 'The Old Fire Station' was being put to a more suitable use – such as living accommodation or even a restaurant - given the nature of the area. But allowing it to be turned into a pub is totally unsuitable for all concerned in our neighbourhood. Therefore, I appose the granting of a premises licence under Section 17.

Yours faithfully

~  
Roger Gilbert  
Publisher  
Perendale Publishers Limited