



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

Wednesday, 29 March 2017

2.30 pm

Municipal Offices, Promenade, Cheltenham, GL50 9SA

Membership	
Councillors:	Adam Lillywhite, Diggory Seacome and Wendy Flynn
Reserve Councillor:	John Payne
Officers:	Phil Cooper, Licensing Officer Vikki Fennell, Solicitor

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DETERMINATION OF AN APPLICATION TO VARY A PREMISES LICENCE The Bottle of Sauce, Ambrose Street	(Pages 3 - 50)

Contact Officer: Annette Wight, Democracy Assistant, 01242 264130

Email: democratic.services@cheltenham.gov.uk

Cheltenham Borough Council

Licensing Sub Committee – 29 March 2017

Licensing Act 2003: Determination of an application to vary a premises licence

The Bottle of Sauce, Ambrose Street, Cheltenham

Report of the Licensing Officer

1. Introduction

- 1.1 The Licensing Act 2003 (the Act) allows applicants to apply to vary a premises licence at any time. In this case, an application to vary a premises licence was received on 1 February 2017 from Arkells Brewery Ltd in respect of the Bottle of Sauce, Ambrose Street, Cheltenham, GL50 3LH. A copy of the application is attached at **Appendix A** and a copy of the existing licence is at **Appendix B**.
- 1.2 The variation is to amend the licensable activities and the permitted times for those activities.

Activity	Times authorised by the existing premises licence		Times sought by way of variation of the premises licence	
Sale / supply of alcohol	Mon – Sat	10:00 – 00:00	Sun – Thurs	10:00 – 00:00
	Sun	12:00 – 23:00	Fri – Sat	10:00 – 01:00
Performances of dance Indoors and outdoors	Mon – Sat	10:00 – 00:00	Sun – Thurs	10:00 – 00:00
	Sun	12:00 – 23:00	Fri – Sat	10:00 – 01:00
Performance of recorded music Indoors and outdoors	Mon – Sat	10:00 – 00:00	Sun – Thurs	10:00 – 00:00
	Sun	12:00 – 23:00	Fri – Sat	10:00 – 01:00
Performance of live music Indoors	Mon – Sat	10:00 – 00:00	Sun – Thurs	10:00 – 00:00
	Sun	12:00 – 23:00	Fri – Sat	10:00 – 01:00
Exhibition of films Indoors	None		Sun – Thurs	10:00 – 00:00
			Fri – Sat	10:00 – 01:00
The opening hours of the premises	Mon – Sat	12:00 – 23:30	Sun – Thurs	10:00 – 00:00
	Sun	12:00 – 00:30	Fri – Sat	10:00 – 01:00

- 1.3 The application also seeks to include the following 'non-standard timings':

(a) The approved non-standard hours for permitted licensable activities are 08:00-01:00 (00:00 on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays/Sundays/Mondays of all Bank Holiday weekends, St George's Day, St Patrick's Day and all race days of the Cheltenham Festival in March and the November National Hunt meetings.

(b) Permitted licensable activities may be offered continuously from 10:00hrs on New Year's Eve until the standard terminal hour on 1st January.

1.4 Implications

- 1.3.2 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.

Contact officer: Vikki Fennell
Email: Vikki.Fennell@teWKesbury.gov.uk
Tel no. 01684 272015

2. Application (Ref. 17/00181/PRMV)

- 2.1 Applicant: Arkells Brewery Ltd
- 2.2 Premises: The Bottle of Sauce, Ambrose Street, Cheltenham, GL50 3LH
- 2.3 The applicants have identified in their operating schedule a number of steps that they propose to take to promote the licensing objectives. If the variation application is granted, it will be subject to conditions consistent with these steps:
- (a) Door supervisors will be employed for the Cheltenham Gold Cup events. Risk assessments will be carried out to assess the need for door supervisors at all other times.
 - (b) The courtyard will be shut to guests at midnight every night.
 - (c) All external speakers will be turned off at midnight.
 - (d) All doors and windows to be kept shut to contain noise.
 - (e) Notices to be placed near all exits asking patrons to leave quietly and have consideration for the neighbours.
 - (f) A 'Challenge 25' policy will be adhered to at all times.
- 2.4 In addition to these steps, the following conditions applicable to the existing premises licence will be carried forward to the licence if the variation is granted, except where they are incompatible with the proposed variation:

Annex 2 – Conditions consistent with the Operating Schedule

1. (a) Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the licensed premises
2. (a) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe / Cheltenham Innkeepers' Association (or successor 'pubwatch' body).
- (b) Six colour CCTV cameras will be installed covering the internal and external areas of the premises.

(c) The CCTV system shall be maintained in good working order, shall record at all times that the premises are open, and recordings shall be kept for 14 days and be provided to authorised officers of the council and police on request.

(d) A 30 minute 'drinking up' time shall be provided to allow appropriate dispersal, use of lavatories etc.

(e) Suitable notices shall be posted inside and outside the premises to request patrons to leave the premises quietly and behave in ways that respect the interests of neighbours.

(f) Use of the outdoor area will cease at 23:00 every day.

(g) The designated premises supervisor (DPS) shall ensure effective overall management of live and recorded entertainment, such as monitoring noise levels outside the premises, to ensure that noise from such activities does not cause a noise nuisance at the nearest noise sensitive premises.

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

(i) The 'Challenge 21' (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a PASS approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.

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

1(i) There shall be available to the local community contact names and telephone numbers which they can ring in respect of any concerns regarding the licensable activities.

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

3. Responsible Authorities

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

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

3.2 During the statutory consultation process, no representations were received from any of the responsible authorities.

4. Other People

4.1 Three representations have been received from other people. These are summarised below and are reproduced at **Appendix E**.

4.2 Sue Dodson has objected to the application on the grounds of the prevention of public nuisance. Ms Dodson states that she has been disturbed by loud music from the premises and suggests that the applicants should limit the number of days each week on which live music may be provided to 4 rather than 7, and also that the applicant should install sound insulation and monitor/reduce sound levels.

Clive Hixson has objected to the application on public nuisance grounds. Mr Hixson has referred to excessive noise at unsociable hours both from music at the premises and from customers leaving the premises. Mr Hixson has suggested a reduction in opening hours and a reduction in the noise level from music at the premises.

Debra Hixson has objected to the application on the grounds of public nuisance and has made reference to the same points as above.

5. Local Policy Considerations

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

5.2 The 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 (approved December 2015) includes the following:

5.4 The objective of this policy is to: a) promote the four licensing objectives; b) ensure that the premises are appropriate for their proposed use; c) ensure the premises layout and condition is acceptable for the proposed use; d) ensure that the premises are being managed responsibly; and e) promote the policy vision statement. (para 1.9)

5.5 This policy also seeks to promote the council's wider priorities, in particular that: Cheltenham has a clean and well-maintained environment; Cheltenham has a strong and sustainable economy; communities feel safe and are safe; people are able to lead healthy lifestyles; and our residents enjoy a strong sense of community and are involved in resolving local issues. (para 1.10)

5.6 The council's powers and duties as the licensing authority are delegated by the council to its licensing committee, sub-committees and officers. The council approaches these delegations in accordance with the table of delegation or otherwise in accordance with the council's adopted constitution. (para 1.11)

5.7 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. (para 1.12)

- 5.8 The policy does not: (a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or (b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows. (para 1.13)
- 5.9 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 necessary to promote the licensing objectives will be imposed. (para 1.16)
- 5.10 The council will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure. (para 1.17)
- 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. (para 1.18)
- 5.12 **Measures to limit nuisance**
- 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. (para 3.20)
- 5.13 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. (para 3.21)
- 5.14 Applicants will be expected to have included measures in their operating schedules that make adequate provision to:
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site;
 - b) limit the escape of noise from the premises or open air site;
 - c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping;
 - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it;
 - e) minimise and control noise from staff, contractors and suppliers and their activities;
 - f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers;
 - g) determine whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;
 - h) whether the premises are under or near to residential accommodation;
 - i) the hours of the sale of alcohol in open containers or food for consumption outside the premises;

j) measures to make sure that customers move away from outside premises when such sales cease;

k) measures to collect drinking vessels and crockery, cutlery and litter;

l) the extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking;

m) whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).

n) adequate measures to prevent the following arising from the proposed licensable activity that may cause disturbance to people in the vicinity: a. litter, smells, fumes, dust, smoke, or other emissions; b. street fouling; c. light pollution. (para 3.22)

- 5.15 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. (para 3.23)
- 5.16 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. (para 3.24)
- 5.17 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 23:00, 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. (para 3.25)
- 5.18 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. (para 3.26)
- 5.19 The '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 council expects applicants to provide details in their application of:
- a) the location of open air areas; and
 - b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public. (para 3.27)
- 5.20 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. (para 3.28)

- 5.21 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. (para 3.29)
- 5.22 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies, provision of signs, publicity and dispersal policies. (para 3.30)
- 5.23 **Core Hours for Licensable Activities**
- The council will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and consideration of each application is on its own merit. (para 6.39)
- 5.24 The council believes that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives, address the concerns raised by local residents and businesses and are less likely to attract representations. (para 6.40)
- 5.25 Furthermore, earlier closing will result in less alcohol consumption and drunkenness and would also be consistent with the ability to get crowds dispersed from the town centre.

Table 1: Core Hours for Licensable Activities

Type of premises	Commencement hour no earlier than	Terminal hour no later than
Off licence	09:00	23:00
Restaurant	10:00	01:00
Theatres, cinemas and other performance venues	10:00	00:00
Pubs / bars / nightclubs	Town centre * 10:00	03:00
	Local neighbourhood areas 10:00	00:00
Takeaways	n/a	04:00

(para 6.41)

[*See 'licensing comments', para 7 onwards of this report]

- 5.26 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:
- a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
 - b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
 - c) Potential noise and nuisance from people leaving and entering the premises.
 - d) Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas.
 - e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.

- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter and other pollution of the streets by customers. (para 6.42)

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.

Licensing objectives and aims

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

protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;

recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;

providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. (1.5)

Legal status

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

Licence conditions – general principles

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

Each application on its own merits

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

Public nuisance

- 6.9 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the

effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (Paragraph 2.14)

- 6.10 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It 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)
- 6.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or 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. 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)
- 6.12 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. (Paragraph 2.17)
- 6.13 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)
- 6.14 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)
- 6.15 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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)

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.
- 7.3 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.
- 7.4 Members are advised that the licensing department has no record of any complaints to do with the premises relating to the Licensing Act 2003.
- 7.5 The council's senior environmental health officer (SEHO) has confirmed receipt of 1 complaint relating to noise disturbance. The complaint was received on 17 February 2017 and the SEHO has confirmed that the complaint remains open and is being investigated. That notwithstanding, the SEHO felt that at present there is insufficient evidence to support making a representation in relation to this application.
- 7.6 Paragraph 5.25 of this report provides a table showing 'core hours for licensable activities' within the town centre and in residential areas, taken from the council's licensing policy. 'Town centre' is not specifically defined in the policy but Members are advised that broadly speaking, the Bottle of Sauce can be seen as being located both in the town centre and in a residential area. Consequently Members will need to balance the needs and aspirations of the business as a town centre venue, whilst also taking into consideration that there are residential properties in the vicinity.
- 7.7 Members will note that some of the residents' comments relate to antisocial behaviour by people in the streets, away from the premises. Members should be mindful when dealing with such issues that they may not be related to the Bottle of Sauce. Furthermore members are reminded that the national guidance says this in relation to problems away from the premises. "Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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."

- 7.8 The sub-committee, having full regard to the steps the applicants have proposed in their operating schedule and the representations received, must take such steps as it considers appropriate for the promotion of the licensing objectives.
- 7.9 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 amendments or conditions that the sub-committee considers appropriate for the promotion of the licensing objectives; or
 - Refuse all or part of the application.
-

Background Papers

Service Records

Licensing Act 2003

Revised Guidance issued under section 182 of the Licensing Act 2003

Cheltenham Borough Council's Licensing Policy Statement

Report author / contact officer:

Mr Philip Cooper

E-mail: licensing@cheltenham.gov.uk

Tel no: 01242 264238

17/00181/PRMV

£450.00 Paid CARR
12/17 471970

CHELTENHAM

BOROUGH COUNCIL

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Arkells Brewery Ltd

(Insert name(s) of applicant)

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

Premises licence number
16/01551/PRVM

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
The Bottle of Sauce Ltd
Ambrose Street

Post town	Cheltenham	Postcode	GL50 3LH
-----------	------------	----------	----------

Telephone number at premises (if any)	01242 256156
Non-domestic rateable value of premises	£105000.00

Part 2 - Applicant details

Daytime contact telephone number	
E-mail address (optional)	

Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

☐ No

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

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
 To amend the times for the sale of alcohol on a Friday and Saturday Night, and also on a Sunday Morning

To add Films 10:00 – 00:00 Sunday to Thursday, and from 10:00 – 01:00 on Friday and Saturdays

To allow all sales of alcohol and regulated entertainment to be from 08:00 – 01:00 on the four days of the Cheltenham Gold Cup Races and all bank holidays.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

☐

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

☒

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input checked="checked" type="checkbox"/> X Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon	10:00	00:00	
Tue	10:00	00:00	Please give further details here (please read guidance note 3)
Wed	10:00	00:00	
Thur	10:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4)
Fri	10:00	01:00	
Sat	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) A) The approved non-standard hours for permitted licensable activities are 08:00 - 01.00hrs (00.00hrs on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays, Sundays and Mondays of all Bank Holiday weekends, and all race days of the Cheltenham Gold Cup and November National Hunt Festival meetings. B) Permitted licensable activities may be offered continuously from 10.00hrs on New Year's Eve until the standard Terminal hour on 1 January.
Sun	10:00	00:00	

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u> Indoors <input checked="checked" type="checkbox"/> X Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon	10:00	00:00	
Tue	10:00	00:00	<u>Please give further details here (please read guidance note 3)</u> Should any live music be played through the pubs sound system, the external speakers will be switched off.
Wed	10:00	00:00	
Thur	10:00	00:00	<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>
Fri	10:00	01:00	
Sat	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> A) The approved non-standard hours for permitted licensable activities are 08:00 - 01.00hrs (00.00hrs on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays, Sundays and Mondays of all Bank Holiday weekends, and all race days of the Cheltenham Gold Cup and November National Hunt Festival meetings. B) Permitted licensable activities may be offered continuously from 10.00hrs on New Year's Eve until the standard Terminal hour on 1 January.
Sun	10:00	00:00	

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Day	Start	Finish	
Mon	10:00	00:00	
Tue	10:00	00:00	<u>Please give further details here (please read guidance note 3)</u> Any outdoor speakers will be kept at a respectable level at all times and will be turned off at midnight.
Wed	10:00	00:00	
Thur	10:00	00:00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>
Fri	10:00	01:00	
Sat	10:00	01:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> A) The approved non-standard hours for permitted licensable activities are 08:00 - 01.00hrs (00.00hrs on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays, Sundays and Mondays of all Bank Holiday weekends, and all race days of the Cheltenham Gold Cup and November National Hunt Festival meetings. B) Permitted licensable activities may be offered continuously from 10.00hrs on New Year's Eve until the standard Terminal hour on 1 January.
Sun	10:00	00:00	

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>	
Mon	10:00		<u>Please give further details here</u> (please read guidance note 3) Any dancing outdoors will be stopped at midnight.	
		00:00		
Tue	10:00			
		00:00		
Wed	10:00		<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
		00:00		
Thur	10:00			
		00:00		
Fri	10:00		<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
		01:00		
Sat	10:00		A) The approved non-standard hours for permitted licensable activities are 08:00 - 01.00hrs (00.00hrs on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays, Sundays and Mondays of all Bank Holiday weekends, and all race days of the Cheltenham Gold Cup and November National Hunt Festival meetings.	
		01:00		
Sun	10:00		B) Permitted licensable activities may be offered continuously from 10.00hrs on New Year's Eve until the standard Terminal hour on 1 January.	
		00:00		

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	X <input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) A) The approved non-standard hours for permitted licensable activities are 08:00 - 01.00hrs (00.00hrs on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays, Sundays and Mondays of all Bank Holiday weekends, and all race days of the Cheltenham Gold Cup and November National Hunt Festival meetings. B) Permitted licensable activities may be offered continuously from 10.00hrs on New Year's Eve until the standard Terminal hour on 1 January.		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	00:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>A) The approved non-standard hours for permitted licensable activities are 08.00 - 01.00hrs (00.00hrs on Sundays) on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Saturdays, Sundays and Mondays of all Bank Holiday weekends, St Georges Day, St Patricks Day and all race days of the Cheltenham Gold Cup and November National Hunt Festival meetings.</p> <p>B) Permitted licensable activities may be offered continuously from 10.00hrs on New Year's Eve until the standard Terminal hour on 1 January.</p>
Tue	10:00	00:00	
Wed	10:00	00:00	
Thur	10:00	00:00	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	00:00	

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

None

Please tick as appropriate

- I have enclosed the premises licence

X

☐

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



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

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

M

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

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

b) The prevention of crime and disorder

Door supervisors will be employed for the Cheltenham Gold Cup events, risk assessments will be carried out to assess the needs for Door supervisors at all other times.

c) Public safety

d) The prevention of public nuisance

1. The Courtyard will be shut to guests at midnight every night.
2. All external speakers will be turned off at midnight.
3. All doors and windows to be kept shut to contain the noise
4. Notices to be placed near all exits asking patrons to leave quietly and have consideration for the neighbours.

e) The protection of children from harm

A challenge 25 policy will be adhered to at all times.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	TICD TRADT SECRETARY

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



CHEL TENHAM
BOROUGH COUNCIL
Licensing Act 2003
Cheltenham Borough Council

Premises Licence Number

16/01551/PRVM

Part 1 – Premises Details

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

The Bottle Of Sauce
Ambrose Street
Cheltenham
Gloucestershire
GL50 3LH

Telephone number

01242 522860

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol	Sunday	12:00 - 23:00	
Sale/Supply of Alcohol	Monday to Saturday	10:00 - 00:00	
Performance of Dance	Sunday	12:00 - 23:00	Indoors and Outdoors
Performance of Dance	Monday to Saturday	10:00 - 00:00	Indoors and Outdoors
Performance of Live Music	Sunday	12:00 - 23:00	Indoors
Performance of Live Music	Monday to Saturday	10:00 - 00:00	Indoors
Performance of Recorded Music	Sunday	12:00 - 23:00	Indoors and Outdoors
Performance of Recorded Music	Monday to Saturday	10:00 - 00:00	Indoors and Outdoors

The opening hours of the premises

Opening Hours	Sunday	12:00 - 23:30
Opening Hours	Monday to Saturday	10:00 - 00:30

Non Standard Timings

Not Applicable

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

Both

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Arkell's Brewery
Kingsdown
Swindon
Wiltshire
SN2 7RU
Electronic Mail arkells@arkells.com
Business Phone Number 01242 522860
Head Office Phone Number 01793 823026

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

226913

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

Mr Christopher Manners

01242 522860

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: 881090070

Licensing Authority: Swindon Borough Council

Signature of Issuing Officer



Director of Environment

Date of issue

31 October 2016

Annex 1 – Mandatory conditions

- 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2 For the purposes of the condition set out in paragraph 1
 - (a) "Duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "Permitted price" is the price found by applying the formula -
$$P=D+(D \times V)$$
Where-
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "Relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) The holder of the premises licence,
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "Relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "Value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 5 No retail sale of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (d) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.

Annex 2 – Conditions consistent with the Operating Schedule

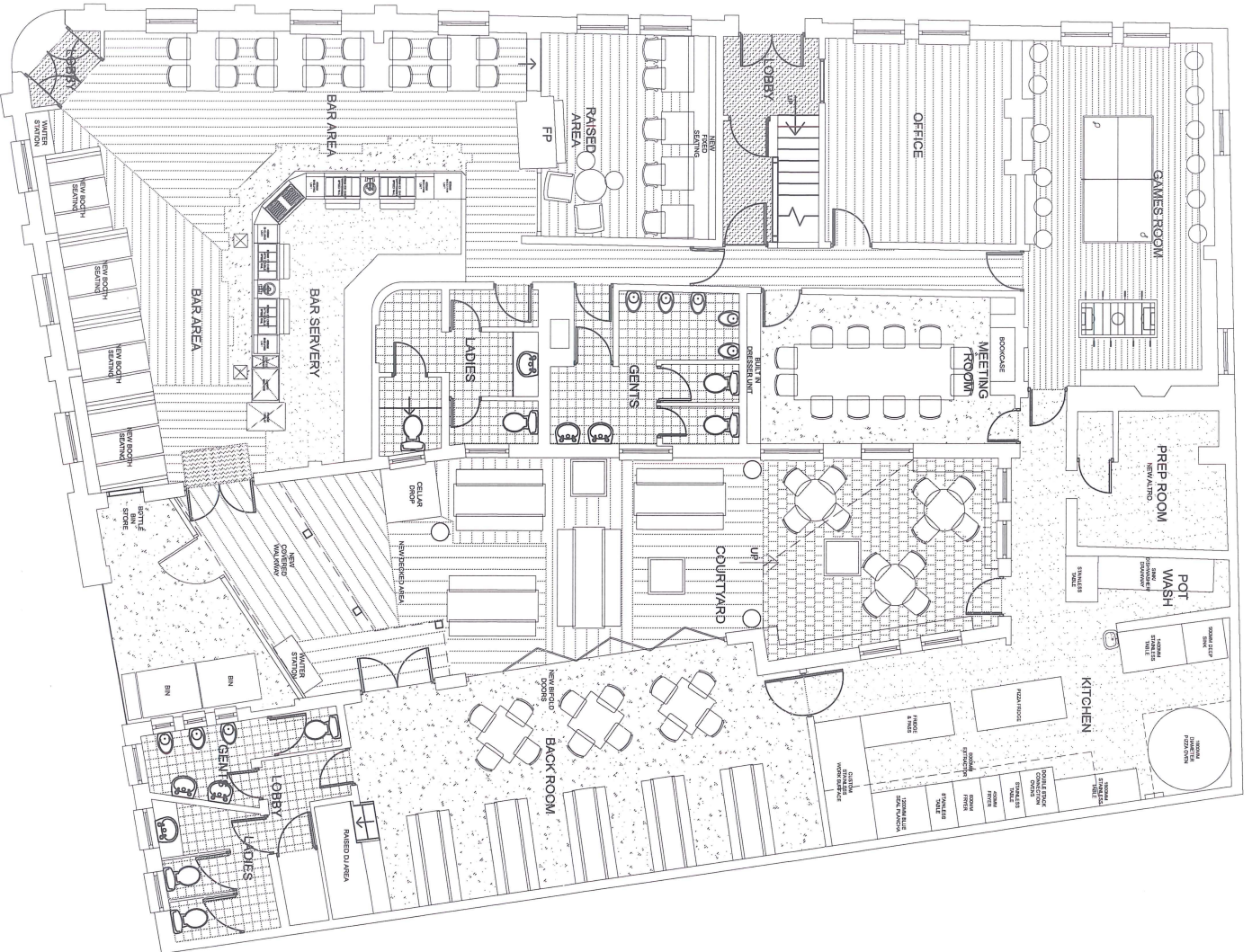
- 1 (a) Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the licensed premises
- 2 (a) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe / Cheltenham Innkeepers' Association (or successor 'pubwatch' body).
(b) Six colour CCTV cameras will be installed covering the internal and external areas of the premises.
(c) The CCTV system shall be maintained in good working order, shall record at all times that the premises are open, and recordings shall be kept for 14 days and be provided to authorised officers of the council and police on request.
(d) A 30 minute 'drinking up' time shall be provided to allow appropriate dispersal, use of lavatories etc.
(e) Suitable notices shall be posted inside and outside the premises to request patrons to leave the premises quietly and behave in ways that respect the interests of neighbours.
(f) Use of the outdoor area will cease at 23:00 every day.
(g) The designated premises supervisor (DPS) shall ensure effective overall management of live and recorded entertainment, such as monitoring noise levels outside the premises, to ensure that noise from such activities does not cause a noise nuisance at the nearest noise sensitive premises.
(h) Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.
(i) The 'Challenge 21' (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a PASS approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.

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

- 1 There shall be available to the local community contact names and telephone numbers which they can ring in respect of any concerns regarding the licensable activities

Annex 4 – Plans

- 1 See drawing number 2785-02-01 dated 10.03.16



rev	date	note	int.	ext.
D	06.09.16	Specimens to layout following meeting	EJ	
C	04.08.16	Revisions to layout following meeting	LL	
B	26.07.16	Revisions to layout following meeting	LL	
A	23.03.16	Chairs made after client saw initial proposed plan. All other furniture removed, bottle bar removed, external bollards removed and furniture layout alterations to main, area and games room.	EJ	

© copyright

This drawing, design & all information contained herein remains the sole property of CONCOCO DESIGN & reproduction in any form is strictly forbidden unless permission is obtained in writing.

NOTES:

- Do not scale from this drawing, all dimensions must be checked on site.
- The contractor must verify all the dimensions, drawings, notes and specifications before commencing work.
- CONCOCO DESIGN nor in any commitment of work.
- Figure dimensions to this plan before any other plans start.
- All specified items are to be installed in accordance with the manufacturer's recommendations & instructions.

Client: Arkell's Brewery	
Project: The Qualch	
7 Amross Street Cheltenham GL50 3LH	
Title:	
Proposed Ground Floor	
Scale 1:50	Dwg size: A1
Dwg: EI	Date: 10.03.16
Drawing No. 2785-02-01	Revision: D

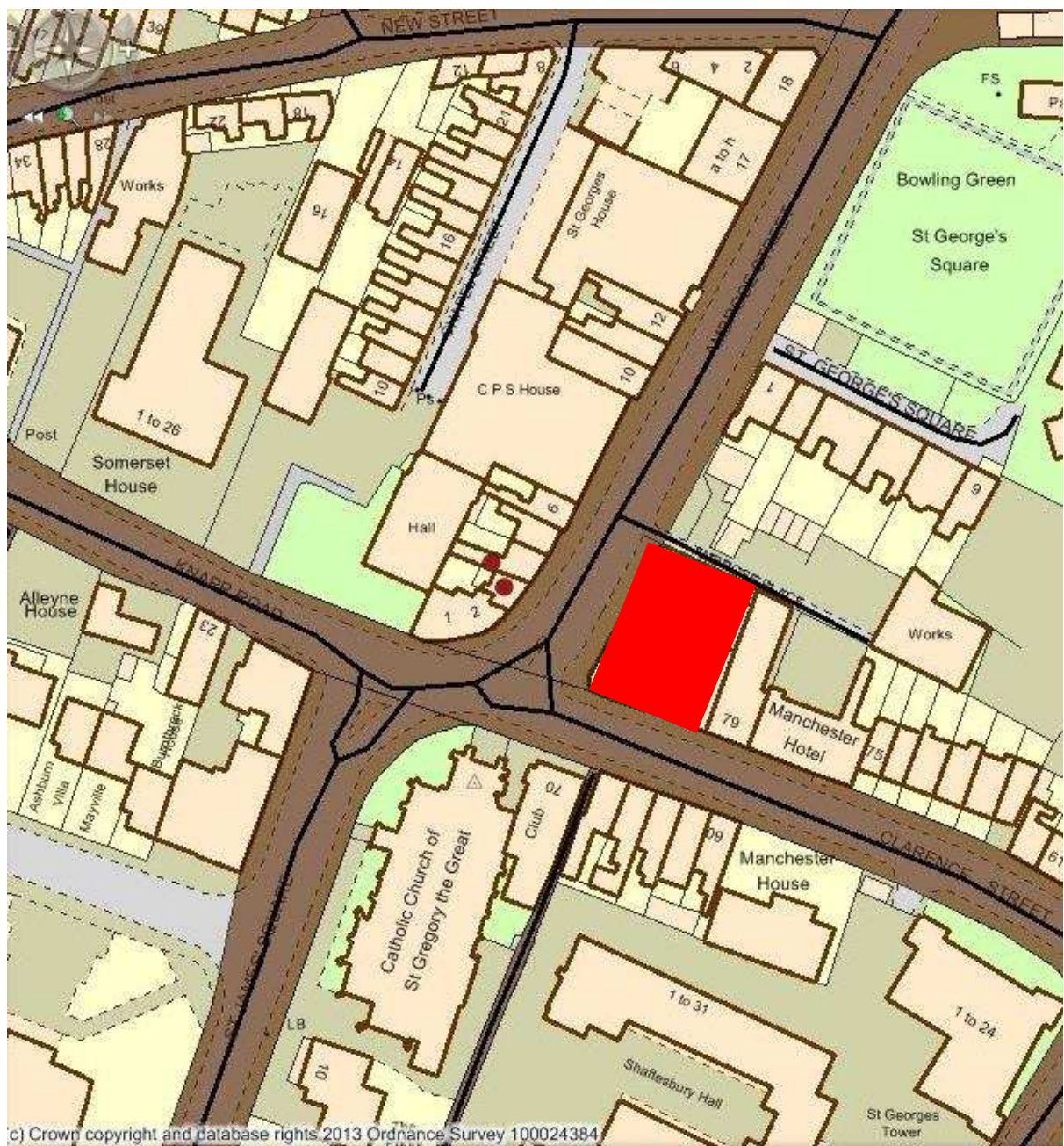
CONCORDE

DESIGN

South Yorkshire
London
Huddersfield
Hyde Park
Doncaster
DN4 0DN
01302 355 024

Sceneworks
22 Highby Grove
IN 26P
0203 355 0257

www.concordebgw.com





Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	CLIVE HIXSON
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	FLAT 24 SOMERSET HOUSE KNAPP ROAD CHELTENHAM
Post Code	GL50 3QQ
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about	BOTTLE OF SAUCE LTD.
Name of Applicant for Licence (if known)	ARKELLS BREWERY
Postal Address	AMBROSE TERRACE CHELTENHAM
Post Code	GL50 3LH

What are you making a representation about?

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

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation	APPROX: 75 M.
---	---------------

Part 2 continued

What are your concerns?

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

RAISED NOISE LEVELS DURING UNSOCIABLE HOURS FROM MUSIC
EMITTING FROM THE PREMISES (BOTTLE OF SAUCE) AND CUSTOMERS LEAVING
THE PREMISES LATE AT NIGHT WALKING ALONG KNAPP RD, TO GET TO
THEIR PARKED VEHICLES CAUSING A DISTURBANCE TO RESIDENTS
WHICH IS UNACCEPTABLE AND HAS AN EFFECT ON OUR QUALITY
OF LIFE !!

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

(Please continue on a separate sheet if necessary)

A REDUCTION OF THE OPENING HOURS AND A
REDUCTION IN THE NOISE LEVEL OF MUSIC EMITTING FROM
THE PREMISES,

Signature:



Capacity:

RETIRED

Date:

15/2/17



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	DEBRA HIXSON
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	FLAT 24 SOMERSET HOUSE KNAPP RD CHELTENHAM
Post Code	GL50 3QQ
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address, (optional).	

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

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

Premises/Club Details

Name of premises/club you are making representation about:	BOTTLE OF SAUCE LTD
Name of Applicant for Licence (If known):	ARKELLS BREWERY
Postal Address:	AMBROSE TERRACE CHELTENHAM.
Post Code:	GL50 3LH

What are you making a representation about?

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

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	APPROX 75 METRES
--	------------------

What are your concerns?

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

EXCESSIVE NOISE LEVELS DURING UNSOCIABLE HOURS FROM THE MUSIC COMING FROM THE PREMISES (BOTTLE OF SAUCE) AND CUSTOMERS LEAVING THE PREMISES LATE AT NIGHT WALKING ALONG KNAPP ROAD, TO GET TO THEIR PARKED CARS CAUSING A DISTURBANCE TO RESIDENTS WHICH IS UNACCEPTABLE AND HAS AN EFFECT ON OUR QUALITY OF LIFE!!!

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

(Please continue on a separate sheet if necessary)

A REDUCTION OF OPENING HOURS AND
A REDUCTION IN THE NOISE LEVEL OF
MUSIC COMING FROM THE PREMISES.

Signature:



Capacity:

RETIRED

Date:

15/2/2017

17/00181 / PRMV



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	SUE DODSON (Ms)
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	18, SOMERSET HOUSE. KNAPP ROAD. CHELTENHAM
Post Code	GL50 3QQ
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter their email address. (optional).	

Details of person/body

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	'BOTTLE OF SAUCE' LTD
Name of Applicant for Licence (if known)	ARKELLS BREWERY
Postal Address:	AMBROSE TERRACE CHELTENHAM.
Post Code:	GL50 3LH

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
NOISE (Live/Amplified/Recorded music) EXTENSION OF CLOSING TIMES (on additional days) DISPERSAL/ANTI-SOCIAL ACTIVITY OUTSIDE THE PREMISES.

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	~ 50 metres
--	-------------

Part 2 continued

What are your concerns?

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

(On attached sheet)

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

(Please continue on a separate sheet if necessary)

- Applicant limits the number of days each week (e.g. seeks extended hours & limits live music events to four nights per week, not seven).
- Applicant installs sound/vibration insulation
- Applicant undertakes to closely monitor/reduce sound levels.

Signature:

Capacity:

Date:

27th February 2017

Part 2 (continued) :- What are your concerns?

I experienced no problems between the premises opening in December 2016 and mid-January 2017 and have no reason to complain about the Licensed Premises' current Sunday to Thursday operations which appear to be carried out in a responsible manner.

However, between mid-January and mid-February I was particularly aware of two issues connected with The Bottle of Sauce's late night operations:-

a) High levels of repetitive thumping 'bass' noise from live/amplified or recorded music occurring around midnight to 1.00am on Friday and Saturday nights. This is clearly audible in my (double-glazed) bedroom with the window closed. Should the same levels of noise occur in warmer weather when windows are open, this would be barely tolerable.

I am concerned that during renovation of the Licensed Premises it appears the ceiling was opened to rafter-height and the majority of soft furnishings removed. It does not seem any sound-insulation/vibration-limiting materials have been installed in this old building.

b) While unable to attribute directly to 'The Bottle of Sauce' but particularly noticed since early/mid January, there has been a significant increase in the number of pools of vomit in a direct line west between 'The Bottle of Sauce' and my home in Knapp Road, and to the east between the Licensed Premises and the nearby Manchester Court Care Home in Clarence Street. Coincidentally these incidents increase on the two nights when live music events currently occur at the venue.

It would seem the existing permission to operate live music during extended hours on Friday and Saturday nights is already causing problems of noise and may be contributing to the anti-social results of over-indulgence by the venue's patrons.

I do not consider extending opening hours and/or permitting live events seven nights a week to be reasonable or acceptable to people living in nearby residential properties.

As 'The Bottle of Sauce' has only operated during this short (winter) period, I have not observed/cannot comment on on-going problems resulting from late-night dispersal of its patrons. I consider this will also become a disturbing factor in summer months when windows are open more frequently.

Sue Dodson, 18 Somerset House, Knapp Road, Cheltenham, GL50 3QQ