



**Notice of a meeting of
Licensing Sub Committee-Alcohol and Gambling**

**Tuesday, 18 September 2018
2.15 pm
Pittville Room - Municipal Offices**

Membership	
Councillors:	Tim Harman, Mike Collins and Dennis Parsons
Officers:	Phil Cooper and Vikki Fennell

Agenda

1.	ELECTION OF CHAIR AND VICE CHAIR	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DECLARATIONS OF SITE VISITS	
5.	MINUTES OF THE LAST MEETING	(Pages 3 - 10)
6.	DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE Dunkertons Cider, Dowdeswell Park, London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6UT	(Pages 11 - 58)

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Licensing Sub Committee-Alcohol and Gambling

Thursday, 8th March, 2018

2.20 - 4.10 pm

Attendees	
Councillors:	Diggory Seacome (Chair), Tim Harman, Pat Thornton and Dennis Parsons
Also in attendance:	Louis Krog and Donna Marks

Minutes

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on the 27th February were signed as a correct record.

4. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE

The Licensing Officer introduced the report he explained that an application for a SEV licence had been received from Mr Massimo Salatino in respect of the premises located at 12-14 Bath Road, Cheltenham. Outlined in the appendices of the report were a copy of the application, a copy of the premises layout, a location map and a map of Cheltenham's central shopping area. The Licensing Officer reminded the sub-committee that in determining the application they must have due regard to any observations made by the Chief Officer of the Police and any other comments received. He confirmed that no objections had been received from the Chief Officer of Police, however, a number of conditions proposed by the police were agreed by the applicant and these were outlined in Appendix E of the Officer's report. He explained that a number of other objections had been received and these were outlined in the background documents a summary of the objections had also been included at section 3.7 of the report.

The Licensing Officer explained that relevant sections from the Council's adopted policy in relation to the regulation and control of SEV's had been outlined in section 4.4 of the report and that the discretionary grounds for refusal were highlighted in section 4.6 of the report. He reminded the sub-committee that the Council's policy must not fetter the committee's discretion to consider the individual circumstances of the application but if they were minded deviate from its policy they must have clear reasoning for doing so. He confirmed that the committee granted a SEV licence for the establishment in question in May 2017, however, as the applicant at the time is no longer the legal occupier of the venue a new application was required. The Licensing

Officer also drew Members attention to section 7.8 of the report and the need for the sub-committee to have regard to the Council's Public Sector Equality Duty.

Having considered all the relevant matters the Licensing Officer reminded the subcommittee that they could:

- Grant the application as applied for;
- Grant the application subject to any conditions as the subcommittee sees fit or;
- Refuse the application.

The Members proceeded to ask the Licensing Officer a series of questions.

The Licensing Officer confirmed that with regards to discretionary grounds for refusal they were limited to those outlined in section 4.6 of the report. If however they felt there was a safeguarding issue for example this would be a relative consideration. In response to Members concerns over the state of the building, the Licensing Officer reminded the subcommittee that they must determine the applications as it stands today and should they have concerns regarding the safety of the building their decision must be determined on that basis. The Licensing Officer confirmed that an application had been granted in both March 2016 and May 2017 subject to repair works being carried out on the building. Following questioning, the Licensing Officer confirmed that he had not seen any fire safety reports or reports from environmental health. He stated that the subcommittee did not have the option to defer but must make a decision today based on the information they had before them.

The objectors in attendance were then invited to speak. Councillor Garth Barnes noted the following:

- He had previously objected to the premises receiving an SEV licence on several occasions.
- The premises lies outside of the area which is deemed appropriate for the licensing of SEVs as defined within the Council's adopted policy. Despite this, the committee had overturned the Council's adopted policy on several previous occasions by granting the venue a licence.
- Councillor Barnes stated that he had visited the premises last year when the previous application had been made and was alarmed at the extremely dilapidated state of the building. He noted that the exterior of the building was still in disrepair and had heard from nearby residents that the inside was also still in a poor state.
- He had further concerns regarding the safety of the performers as he noted during his previous visit that there were steps out to a flat roof whereby the performers went out to smoke, despite the fact there were no safety barriers.
- He felt concerned that conditions had been applied to the previous licence to make repairs to the building however these had not been adhered to and no enforcement action had been taken.
- He requested that should the licence be granted conditions be applied that require maintenance to the building and enforcement action taken if they are not adhered to. In addition, he requested that Officers attend the venue whilst it is in operation.

Councillor Flo Clucas also objecting to the application was then invited to speak and noted the following:

- She firstly drew the subcommittees attention to section 7.4 of the report which highlights that the venue is located in an area deemed to be inappropriate under the policy for the licensing of SEVs. She felt that it would be inappropriate to deviate from the policy and that the borders had been put in place for a reason.
- Councillor Clucas requested that the subcommittee have regard for the Public Sector Equality Duty when determining the application and felt that the Council had a duty of care to residents and those using the nearby Town Centre.
- She noted that the diagram of the inside of the premises showed a number of private booths which she felt inevitably led to inappropriate conduct and sexual touching.
- She was surprised and concerned that no response had been provided by the Chief Officer of Police. She reported that during the last 12 months there had been 548 sexual offences committed in the Town Centre which she felt the police had not dealt with appropriately.
- Councillor Clucas felt that the safety of those residing in the area and those using the Town Centre was paramount and as such the licence should be refused.

The Chair then invited the other objectors in attendance to speak. They stated that they were objecting to the application on the following grounds:

- They noted that whilst Parliament had made it lawful to operate SEV's they had delegated power to local authorities to use their discretion to determine whether granting a licence for a sexual entertainment venue would be appropriate in a given area.
- They reiterated Councillor Barnes and Councillor Clucas' point that the premises was located outside of the area deemed to be appropriate under the policy for the licencing of SEVs.
- One objector felt that whilst there was a no touching policy performers would continually be subjected to harassment from intoxicated males asking for extra services.
- The objectors also expressed concerns over the safety of the performers particularly with regards to the smoking area on the roof and the fact there was no fire escape on the second floor.
- The objectors were concerned that whilst a condition was applied to the licence when it was granted in 2016 that maintenance works was carried out on the building this was not adhered to and the establishment subsequently failed to open due to the amount of work required. They were also sceptical that should a condition again be placed on the licence that any alterations would be made in time for race week.
- One objector felt that the building could be put to better use as it was largely only ever used during race week.
- The objectors felt that as part of the Council's Public Sector Equality duty they should seek to eliminate discrimination and felt that such venues promote inequality and the objectification of women as well as contributing to a culture of sexual offences.

- One objector also noted recent changes in the cultural climate for example the eradication of page 3 from the Sun newspaper, the fact Formula 1 were no longer using grid girls and the fact Geneva motor show were no longer using 'booth babes'. They felt that the subcommittees decision should reflect these changing times and the application be refused.
- One objector raised concerns over paragraph 2.3 of the report which claimed that the purpose of such venues was for 'sexually stimulating any member of the audience'. She felt sexually charged men posed a risk to public safety, particularly when alcohol was involved.
- One objector raised concerns over issues of human trafficking and felt that they could not guarantee the performers were willing participants.
- The objectors also felt that it was naïve to think that by the licensing the venue it would eradicate unlicensed pop up brothels.

The applicant was then invited to speak. In his statement he noted the following:

- The issue over the location of the venue had been an ongoing problem.
- He felt that his responsibility for the performers and the customers was within the venue not when they were outside.
- He stated that the performers were willing participants and simply turned up and did what they had to do.
- He explained that they had a zero tolerance policy for abuse or drug taking.
- In response to comments on the state of the venue and safety issues Mr Salatino confirmed that he had the necessary documentation to prove that the work had been completed and also had the relevant fire safety and environmental health certificates.
- With regards to human trafficking, Mr Salatino explained that all performers had to show valid ID which proved they were a resident in the UK.
- He explained that they had no visible advertising which would suggest that they are a gentlemen's club and that they kept and background noise to a minimum.
- He confirmed that they had security staff on hand should they have any issues and also CCTV 24/7.
- He explained that he had managed several gentlemen's clubs in the past which he had never had any problems with.
- Mr Salatino informed the subcommittee that any previous issues they had were immediately reported to the police and licensing team.

Members were then invited to ask Mr Salatino questions in response to his statement.

When questioned on the dilapidated state of the building Mr Salatino reasoned that customers must be satisfied as they continued to come back to the venue. He proceeded to pass round an image of the performers changing area which he felt was in a satisfactory state. Mr Salatino confirmed that he had all required insurance and fire safety documentation including that from environmental health. Mr Salatino offered the report and the Legal Officer took this to look at with the Licensing Officer. The Legal Officer noted that the report was from 2016 and therefore questioned how credible it was, as it was not up to date. Mr Salatino claimed that this was the only report he had but had the relevant certificates which could be provided if necessary, although he failed to produce these certificates during the meeting.

Mr Salatino confirmed that he would comply with the general conditions as noted in Appendix E of the report that a door supervisor would regularly monitor the area immediately outside the premises for a distance of 30 metres. He also confirmed that women would be allowed to enter the club and pay for services if they so wished. He reported that women and couples regularly attended to have a drink and a dance with the girls.

The Chair who had attended the site visit prior to the meeting that week with the Licensing Officer claimed that he was appalled with the state of the building and felt that the state of the girls changing room was atrocious.

The Chair also drew attention to the fact that under current legislation during race week 1 establishment across the town could hold an SEV licence for the evening. If the subcommittee was minded to refuse the application it would not mean there would be no SEV's in operation.

Mr Salatino confirmed that he had a sexual entertainment venue in Swindon and explained that they took a very strict stance on trafficking and prostitution in both venues. He confirmed that they took all the girls details and copies of their IDs and that they were required to sign in and out of the venue. He claimed that the majority of girls were the same ones that he used at the venue in Swindon and those who had worked at a club he previously owned in Weston-super-Mare. He further reported that they displayed signs highlighting that no mobile phones were allowed and that the exchange of numbers was strictly prohibited. Should anyone be caught on their mobile phone or exchanging numbers they would be escorted off the premises.

The objectors were then invited to ask any questions of the applicant. Councillor Garth Barnes questioned why Mr Salatino was advertising (promoting) the business before the licence had been granted and for girls on social media if he already had girls that he used from previous clubs. Mr Salatino claimed that he was running a business and had to advertise somewhere, he questioned how people would know they were in operation otherwise.

Councillor Clucas raised concerns over how Mr Salatino would get all the work completed on the venue before race week she also asked for clarity on what Mr Salatino meant when he had said 'the girls do what they have to do' in his statement. Mr Salatino explained that he simply meant the girls turn up and perform dances and reiterated that they have a no touching policy. He confirmed that the girls are then escorted to their car by security staff and that security staff were placed in front of each booth. Councillor Clucas raised further concerns that the booths looked very isolated and feared girls would not be able to easily notify staff if they were in trouble.

The application was then open to debate. One Member claimed that whilst on a personal level they would be minded to refuse the application they had to act on behalf of the Council. The Licensing Officer reminded the subcommittee that whilst the Government have issued non statutory guidance to aid local authorities they could use their own discretion when determining the application. Some Members also felt that the committee's decision in the past to issue a licence did not set a precedent and that they should take a 'fresh look' at the application.

Some Members agreed that the location was inappropriate given that it was situated outside of the area deemed appropriate for the licensing of SEV's in the Council's policy. They also felt that it was clear from the information before them that the venue was not in a position to open and as such, they had good grounds to refuse.

One Member, however, felt satisfied that there was not an issue of equality as women were equally able to enter the venue and pay for the performers' services. They also felt that the advertising on social media was not an issue as any business would do the same. They further noted that there was another establishment in the town of similar nature and felt that competition actually benefits the consumer whilst a monopoly can be harmful; something which they felt needed to be taken into consideration. They were however concerned at the state of the venue and requested that a condition be applied which requires a Fire Safety and Environmental Health certificate to be provided before the venue could open.

The Licensing Officer reminded Members that Environmental Health and Fire Safety Officers would not comment on the general state of the building only the technical matters relating to their area of expertise. He reiterated that Members must make their decision based on the information that they had before them and that they had the right to refuse the application on discretionary grounds if they felt that venue was not fit for purpose.

The Legal Officer advised the subcommittee that in determining the application they must have due regard to any observations made by the Chief of the Police, the representations made by the parties at the sub-committee (including the objectors) and the applicant's representations. The Legal Officer reminded the sub-committee of the mandatory grounds for refusal although confirmed that there were none to refuse the application upon. She reported that there were, however, discretionary grounds for refusal including the location of the SEV outside of the designated area and also the condition of the premises. The Legal Officer further advised the sub-committee that they must have due regard to the Public Sector Equality Duty and that they must consider objections made on moral grounds although this was not a discretionary ground for refusal. She reiterated that should the sub-committee be minded to refuse the application they would need to state clear reasons for the refusal.

The Members then proceeded to vote on whether to grant the application subject to the condition that the applicant provides the relevant Health and Safety and Environmental Health certificates.

1 Member voted for and 3 Members voted against.

Resolved That

The application be refused.

The Legal Officer following the delivery of the decision by the Chair advised the applicant that he had the right of Appeal against the decision to the Magistrates Court within 21 days from the date of the meeting.

The full decision and letter with his full Appeal rights would be sent to the applicant.

Chairman

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Cheltenham Borough Council

Licensing Sub Committee – 18th September 2018

Licensing Act 2003: Determination of an application for a premises licence

Dunkertons Cider, Dowdeswell Park, London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6UT

Report of the Licensing Officer

1. Introduction

1.1 The Licensing Act 2003 (the Act) allows for an application to be made for a premises licence at any time. In this case, an application has been made by Dunkertons Cider Co Ltd in respect of Dowdeswell Park, London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6UT. A copy of the application form is attached at **Appendix A**, a plan of the layout of the premises is attached at **Appendix B** and a location plan is attached at **Appendix C**.

1.2 The application is for a new premises licence to authorise the following licensable activities:

Sale by retail of alcohol for consumption on and off the premises, every day, 10:00 - 23:00

Performance of live music indoors and outdoors, every day, 10:00 - 22:00

Performance of recorded music indoors and outdoors, every day, 10:00 - 22:00

1.3 Implications

1.3.1 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. 18/01279/PRMA)

2.1 Applicant: Dunkertons Cider Co Ltd

2.2 Premises: Dowdeswell Park, London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6UT

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.

3.3 Gloucestershire Constabulary agreed the following additional conditions with the applicant:

- A Challenge 25 policy will be implemented and a poster to this effect will be displayed near the serving area.
- CCTV will record and store images for at least 28 days and recordings must be made available to Gloucestershire Constabulary Officers or Cheltenham Borough Council Officers within 48 hours of the request being made.

4. Other People

4.1 Seven representations were received from other people. These are reproduced at **Appendix D**. The representations are objections to the application and relate to the potential impact that the sale of alcohol and the playing of live and recorded music will have on residents. The objections relate to public nuisance, public safety and crime and disorder.

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	00:00

	areas 10:00	
Takeaways	n/a	04:00

(para 6.41)

- 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)

Crime and disorder

- 6.9 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP). (2.1)
- 6.10 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed. (2.2)
- 6.11 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition. (2.3)
- 6.12 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. (2.4)
- 6.13 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the

premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety. (2.5)

- 6.14 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises. (2.6)

Public Safety

- 6.15 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene. (2.7)
- 6.16 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 (see paragraph 2.4 above);
 - 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 (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective). (2.8)

- 6.17 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that. (2.9)

Ensuring safe departure of those using the premises

- 6.18 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks. (2.10)

Maintenance and repair

- 6.19 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules. (2.11)

Safe capacities

- 6.20 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. (2.12)
- 6.21 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their

own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be. (2.13)

- 6.22 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment. (2.14)

Public nuisance

- 6.23 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (2.15)
- 6.24 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. (2.16)
- 6.25 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 16). 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. (2.17)
- 6.26 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. (2.18)
- 6.27 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. (2.19)

- 6.28 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. (2.20)
- 6.29 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. (2.21)

Protection of children from harm

- 6.30 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. (2.22)
- 6.31 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises. (2.23)
- 6.32 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an

exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. (2.24)

- 6.33 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. (2.25)
- 6.34 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. (2.26)
- 6.35 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place. (2.27)
- 6.36 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. (2.28)
- 6.37 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to

applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively. (2.29)

- 6.38 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. (2.30)
- 6.39 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. (2.31)

Offences relating to the sale and supply of alcohol to children

- 6.40 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given. (2.32)

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 At section 18 of the application form (Appendix A) the applicants have listed a number of steps that they will take to promote the four licensing objectives. If this application is granted it will be subject to conditions consistent with those steps as well as conditions agreed between the applicant and the responsible authorities and any additional conditions deemed to be appropriate by the sub-committee.
- 7.5 Members will note that several objectors have made reference to traffic and road safety issues in the area. Whilst public safety is one of the licensing objectives, such comments are only relevant if they relate to the application under consideration, which is an application to sell alcohol and provide regulated entertainment. Members should consider whether there is evidence that the provision of those activities would be likely to have an impact on the licensing objectives.
- 7.6 Members are reminded that the 2003 Act provides for any person at any time to apply to review a premises licence. Therefore if the application is granted and the activities at the premises subsequently compromise the licensing objectives, any person can apply to review the premises licence.
- 7.7 The sub-committee, having full regard to the application and the representations received, must take such steps as it considers appropriate for the promotion of the licensing objectives. The sub-committee may:
- Grant the application subject to such conditions as 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 262626

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Cheltenham
Application for a premises licence
Licensing Act 2003

For help contact
licensing@cheltenham.gov.uk
 Telephone: 01242262626

* required information

Section 1 of 21

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

Not Currently In Use

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?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Chris

* Family name

Connor

* 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:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

04072765

Business name

Dunkertons Cider Co Ltd

If your business is registered, use its registered name.

VAT number

-

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

Legal status

Private Limited Company

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

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 21****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 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ 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

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 21

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

Details

Registered number (where applicable)

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

Continued from previous page...

Limited company, registered in the UK

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

* Date of birth

* Nationality

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

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.

Dunkertons Cider is a cider production facility with purpose built retail shop within the same building based on the Dowdeswell Park trading estate

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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...

WEDNESDAY

Start 10:00

End 22:00

Start

End

THURSDAY

Start 10:00

End 22:00

Start

End

FRIDAY

Start 10:00

End 22:00

Start

End

SATURDAY

Start 10:00

End 22:00

Start

End

SUNDAY

Start 10:00

End 22:00

Start

End

Will the performance of live music 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.

Live music from professional musicians would not be an every day occurrence however would be an option for events throughout the year (open days, celebrations etc)

State any seasonal variations for the performance of live music

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 performance of live music 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.

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 10:00

End 22:00

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.

TUESDAY

Start 10:00

End 22:00

Start

End

WEDNESDAY

Start 10:00

End 22:00

Start

End

THURSDAY

Start 10:00

End 22:00

Start

End

FRIDAY

Start 10:00

End 22:00

Start

End

SATURDAY

Start 10:00

End 22:00

Start

End

SUNDAY

Start 10:00

End 22:00

Start

End

Will the playing of recorded music 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.

Amplified background music to played in the background via a Sonos/Mood Media system or similar

Continued from previous page...

State any seasonal variations for playing recorded music

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 playing of recorded music 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 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

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...

TUESDAY

Start 10:00

End 23:00

Start

End

WEDNESDAY

Start 10:00

End 23:00

Start

End

THURSDAY

Start 10:00

End 23:00

Start

End

FRIDAY

Start 10:00

End 23:00

Start

End

SATURDAY

Start 10:00

End 23:00

Start

End

SUNDAY

Start 10:00

End 23:00

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.

Continued from previous page...

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

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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 21**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.

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

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.

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

State any seasonal variations

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

Continued from previous page...

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 21

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.

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

*no selling of alcohol to underage people, operating a Challenge 25 policy

*no drunk and disorderly behavior on the premises area

*no violent and anti-social behaviour

DPS will be in day-to-day control of the premises, providing clean and concise training for all staff on the Licensing Act and to make or authorize each sale

CCTV system installed with recording option available

This site has a 24 hour security guard in place at the entrance to the estate

b) The prevention of crime and disorder

*CCTV System installed to monitor entrances, exits, and other parts of the premises

*A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

* Not selling of alcohol to drunk or intoxicated customers.

*Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

*Staff will be well trained in asking customers to use premises in an orderly and respectful manner

c) Public safety

* Internal and external lighting fixed to promote the public safety objective.

*Well trained staff adherence to environmental health requirements.

*Training and implementation of underage ID checks.

*A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the

Continued from previous page...

premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

*All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

* Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

*The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

*Customers will not be admitted to premises above opening hours.

*The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

*Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

*Challenge 25 sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

*Well trained staff about requirement for persons' identification, age establishment etc.

*Log Book will be kept upon the premises all the time.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

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

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 you 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

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 (£)

635.00

DECLARATION

Continued from previous page...

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT. IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM

* DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

☒ 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

* Capacity

* Date / /
dd mm yyyy

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.

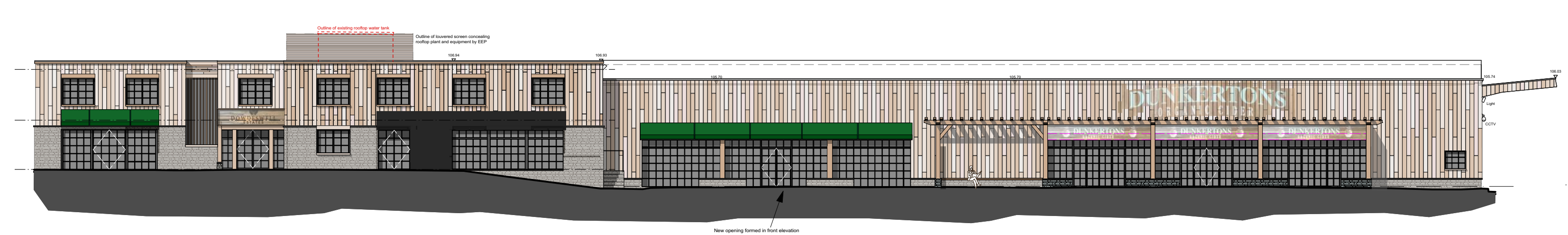
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

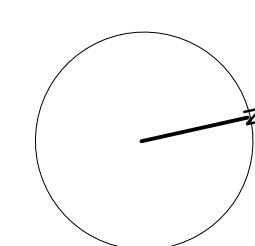


01 PROPOSED GROUND FLOOR PLAN
1:200 @ A1 / 1:400 @ A3



02 PROPOSED ELEVATION
1:200 @ A1 / 1:400 @ A3

1 Do not scale from this drawing.
2 Any discrepancies to be referred to the Architect.
3 This drawing is to be read in conjunction with all relevant Specifications and other drawings issued by the Architect, Structural Engineer and other Consultants or Specialists.
4 This drawing is copyright and is not to be reproduced in part or whole without prior expressed permission of RRA Architects Ltd.



SCHEDULE OF AREAS

YARD	-		- 9,113 sq.ft
COTSWOLD HOUSE			
OVERALL GIFA	-		- 4,328 sq.ft
CIRCULATION	-		- 612 sq.ft
OFFICE 01	-		- 1,170 sq.ft
OFFICE 02	-		- 466 sq.ft
OFFICE 03	-		- 1,492 sq.ft
TOILETS	-		- 206 sq.ft
STORAGE	-		- 277 sq.ft
CIDER BUILDING			
OVERALL GIFA	-		- 31,081 sq.ft
CIRCULATION	-		- 100 sq.ft
FLORIST	-		- 959 sq.ft
CIDER SHOP	-		- 2080 sq.ft
PRODUCTION	-		- 27,573 sq.ft
TOILETS	-		- 143 sq.ft
KITCHENETTE	-		- 102 sq.ft

Areas schedule / annotations added	20171128	-	C
Revision Description	Date	Check	Rev



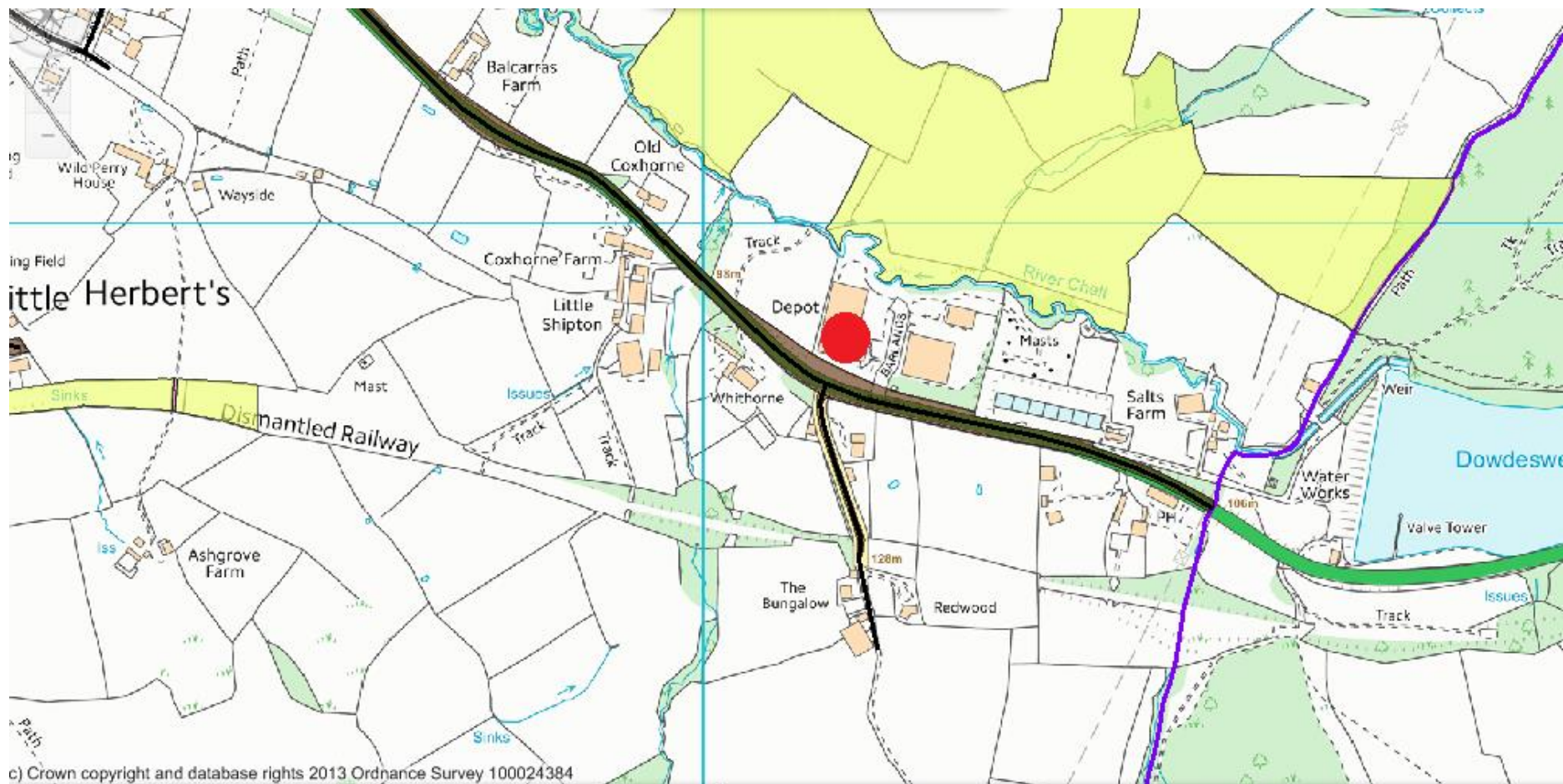
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Client
Dowdeswell Estates
Project
Cotswold Building Offices:
Dunkertons Cider Production & Distribution
Facility & Dowdeswell Estate Offices
The Barlands, London Road, Cheltenham,
GL52 6UT
Drawing Title
Proposed Ground Floor Plan

Status Local Authority	Date July 2017	Drawn By TF
Scale 1:200 @A1/1:400 @A3	Drawing Number 2367 P(0) 237	Revision C

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What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p> <p>DISTURBANCE FROM MUSIC 7 DAYS A WEEK DISORDER, PEOPLE DRINKING UNTIL LATE IN AN AREA OF BEAUTY CRIME WILL BE ASSOCIATED WITH DRINKING.</p>
--

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

<p>Please indicate the distance (in metres) between your address and the premises subject of your representation:</p>	<p>0.2 (200 METERS)</p>
---	-------------------------

What are your concerns?

<p>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)</p> <p>MY CONCERN WOULD BE THE MUSIC LICENSE AND NOISE LEVEL. FROM THE LICENCE APPLICATION DUNKERTONS CLOAK WANT A LICENSE FROM MON - SUN UNTILL 11:00 EACH NIGHT. THE NOISE IN AN ADBUS WOULD BE VERY INTENSIVE. ALSO WITH A SPEED LIMIT OF 60 MPH ON THAT ROAD WITH PEOPLE TURNING IN & PULLING OUT OF DOWNSWELL PARK, ITS GOING TO BE AN ACCIDENT BLACK SPOT. NOT TO MENTION PEOPLE DRIVING & POTENTIALLY DRIVING IN TO CHELTENHAM.</p>
<p>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)</p> <p>PLEASE CAN YOU ALSO CONSIDER A NOY REDUCTION IN SPEED LIMIT FOR THIS ROAD - 30 mph FROM KOLASHI IN TO CHELTENHAM. THERE HAS ALREADY BEEN A NASTY ACCIDENT 1 WITH MORE TRAILER COMING FROM DOWNSWELL PARK THIS NEEDS TO BE CONSIDERED.</p>

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) WE ARE MAKING A REPRESENTATION ABOUT NOISE, DISTURBANCE AND POSS DISORDER, WHICH COULD IMPACT ON PUBLIC SAFETY, AND OUR SAFETY, AS CLOSE RESIDENTS.
--

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:	70 METRES (APPROX.).
--	----------------------

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)
Noise: live music, deliveries and increased traffic Road Safety: entry and exit of increased traffic and queues over reduction of 40mph limit being permanent Nuisance: potential for 12hrs continuous music potential for anti-social behaviour over a period of 11 hrs due to sale/supply of alcohol ? no mention of consumption of alcohol on premises.

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)

We are making a representation about disorder, 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 <input type="checkbox"/> for Yes	Licensing Objective	Please tick <input type="checkbox"/> for Yes
The prevention of crime and disorder	<input checked="" type="checkbox"/>	Public safety	<input type="checkbox"/>
The prevention of Public nuisance	<input checked="" type="checkbox"/>	The protection of children from harm	<input type="checkbox"/>
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:

20

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)

The very fact this licence has been applied for without any consideration given or consultation made with the neighbours shows a total disregard for any inconvenience and disruption which is bound to occur if the licence is granted.

The playing of music, both live and recorded, 12 hours a day, 7 days a week which will undoubtedly be heard in several properties across the road is an unacceptable and unnecessary inconvenience which will impinge on the quality of the lives of all the neighbours. If there is any doubt about the transmission of noise it is evidenced by the almost constant noise from the site for the last few months during building work on the property which has made it impossible to sit outside without enduring machinery noise of some description.

The application implies this will become a destination for the consumption of alcohol outside the premises which is bound to lead to additional noise and possible public disturbance.

The entrance to the estate is on the busy A40 with restricted visibility in both directions. With the increased amount of traffic this proposed licence would cause it is highly likely it will become an accident blackspot with the ensuing disruption to a major route in and out of Cheltenham.

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 and disturbance arising from application for performance of live and recorded music - every day - indoors and outdoors.

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:	150 (approx)
--	--------------

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)

The premises and my home are situated in a quiet rural setting which is an area of outstanding natural beauty. I am concerned about the risk of noise nuisance which will affect my home and the surrounding area.

The performance of live or recorded music outdoors will be clearly audible from my property where I have lived for 50 years. I object to the application.

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)

I have no objection to the sale/supply of alcohol between reasonable hours.

I object strongly to the performance of live or recorded music outdoors.

I do not object to the performance of live or recorded music indoors between reasonable hours and provided decibel levels are limited.

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p> <p>ANTI-SOCIAL BEHAVIOUR AND DISORDER. NOISE. DISTURBANCE</p>

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 .			

<p>Please indicate the distance (in metres) between your address and the premises subject of your representation:</p>	<p>60</p>
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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)

- 1) PLAYING LIVE OR RECORDED MUSIC. NOISE GENERATED BY LARGE BODIES OF PEOPLE. NOISE GENERATED BY INCREASED TRAFFIC DURING TIMES OF THE DAY WHEN TRAFFIC IS EXPECTED TO BE DYING DOWN. THE LOCATION OF THIS SITE MAKES IT A NATURAL AMPHITHEATRE WITH THE RISING HILLS OF THE ESCARPMENT ON THREE SIDES. THE NOISE WILL IMPACT ON A FAR WIDER AREA THAN JUST THE IMMEDIATE LOCALITY. FOR INSTANCE, WHEN MAN COLLIES SHOOTING CLUB AT SEVEN SPRINGS IS IN OPERATION, THIS CAN BE CLEARLY HEARD WHERE WE ARE WITH THE NOISE BOUNCING OFF THE HILL SIDES, AND THAT SITE IS ON THE OTHER SIDE OF THE HILL FROM US!
- 2) SELLING ALCOHOL AND PLAYING MUSIC 7 DAYS A WEEK FOR 12 HOURS A DAY!!! THIS IS CHANGING THE NATURE OF THE SITE TO A FAR DIFFERENT LEVEL THAN JUST A SMALL MANUFACTURING & ARTISAN RETAIL SITE AND WILL LEAD TO DISORDER AND DISTURBANCE.

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)

IF THIS APPLICATION IS NOT THROWN OUT IN THE MEANTIME THEN A PUBLIC HEARING MUST TAKE PLACE. THERE IS MUCH MORE I WOULD LIKE TO SAY AND QUESTION ABOUT THIS APPLICATION!

ONLY INFORMED BY A NEIGHBOUR ABOUT THIS AT THE LAST MOMENT! HAVE NOT SEEN SIGNS OR NOTICES ABOUT THIS APPLICATION.

7th August 2018

Dear Sir,

Licensing reference: 18/01279/PRMA

Dunkertons Cider

We have lived 500m from the proposed Dunkerton's cider venue for over 35 years. It is therefore from long experience of living in this location that we strongly object to the proposed licensing of this venue on the grounds of noise pollution and road safety. The hill behind the sites act as a natural amplifier to any noise generated from either side of the road.

Granting a license to play music until 2200 hours in a predominantly residential area, and an area of Outstanding Natural Beauty is simply not conducive to the residents' quiet enjoyment of their homes. Furthermore we have serious concerns about introducing a licensed venue to a location not served by public transport where patrons will be forced to rely on taxis or worse still consider driving themselves from this venue. This road is not lit at night and anyone deciding to walk from this location does so at their own peril as the footpath is about 18 inches wide.

Aside from the seriously questionable logic of licensing a drinking venue in a location reliant on car transport, permitting this operation would increase traffic at a point on an already busy road which only in the last five weeks bore witness to a serious traffic accident, leaving the road closed for seven hours.

Yours faithfully

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 5:20 PM on 23 Aug 2018 Our house, pleasantly situated in this area of Outstanding Natural Beauty, is almost opposite the premises. No consultation with us has taken place directly by the applicant and no formal notice received which is most disappointing. The playing of music, both live and recorded, both indoors and outdoors, 12 hours a day, 7 days a week in such a quiet area represents a significant Public Nuisance which will impinge on the quality of lives of neighbours. The application suggest that this will become a destination for consumption of alcohol outside the premises which is bound to lead to additional noise, a Public Nuisance, Disorder,

possibly Crime and impact Public Safety. The entrance onto the A40 has restricted visibility and this proposal is bound to lead to a very significant increase in the risk of serious road traffic accidents, adversely impacting Public Safety - reference serious accident on 12th July. The application makes assertions but gives little comfort on precisely how the very significant increase in Public Nuisance, Crime, Disorder and Public Safety from music, late night movement of rubbish, drunk and disorderly customers and increase in traffic that this application would introduce into an Area of Outstanding Natural Beauty and quietness will be mitigated. We object in the strongest possible terms.

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