



CHELTENHAM

BOROUGH COUNCIL

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

Monday, 17 December 2018
2.00 pm
Pittville Room - Municipal Offices

Membership	
Councillors:	Dennis Parsons, Diggory Seacome and Roger Whyborn
Officers:	Phil Cooper and Donna Marks

Agenda

1.		ELECTION OF CHAIR	
2.		APOLOGIES	
3.		DECLARATIONS OF INTEREST	
4.		MINUTES OF THE LAST MEETING To approve the minutes of the meeting held on the 20 th September 2018.	(Pages 3 - 6)
5.		DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE My Coffee, 186 Bath Road, Cheltenham	(Pages 7 - 48)

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Licensing Sub Committee-Alcohol and Gambling

**Thursday, 20th September, 2018
6.00 - 6.50 pm**

Attendees	
Councillors:	Roger Whyborn (Chair) Tim Harman and Dennis Parsons
Also in attendance:	Phil Cooper and Vikki Fennell

Minutes

1. ELECTION OF CHAIR AND VICE CHAIR

The sub-committee nominated Councillor Whyborn as Chair of the meeting.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. DETERMINATION OF AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE

The Chair explained that the meeting was to be held under exempt conditions in case information relating to any individual was disclosed and because the case was subject to a criminal investigation which could be compromised. In the interest of transparency, however, they would determine how much of the minutes could be made public following the meeting.

The Licensing Officer proceeded to introduce the report which had been circulated with the agenda, he explained that an application had been made on the 30th July 2018 by Cheltenham Borough Council, as the licensing authority, to review the premises licence of St James Store, 22 St. James Street, Cheltenham.

He advised that the grounds for review were as a result of a visit by the Home Office's Immigration Compliance & Enforcement Team to St James Store on Tuesday 26 June 2018. The visit was following intelligence received that an illegal worker was employed by the premises. He confirmed that during the visit, one male was arrested on the premises for Immigration Offences and the premises was issued with a Civil Penalty Notice.

He reminded Members that they must take into account all the available evidence that gives an indication of how the premises are being operated, particularly in relation to crime and disorder and must take the necessary steps as it considers appropriate for the promotion of the licensing objectives. Taking this into consideration they had the option to:

- Modify the conditions of the premises licence;

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- Exclude a licensable activity from the scope of the licence;
- Remove the designated premises supervisor;
- Suspend the licence for a period not exceeding three months; or
- Revoke the licence.

Louis Krog acting on behalf of the applicant (Cheltenham Borough Council) was then invited to present his case. He advised that as a licensing authority they had taken the view that any licensed premises found to be operating in such a way that it is not complying with its statutory obligations, in this case immigration law, they would apply for a review of the licence. This would give the committee an opportunity to make a determination on whether the licence and its conditions remain sufficiently robust for the purpose of promoting the licensing objectives.

He reported that, unless the matters are so serious that there is no option but to revoke or suspend a licence, which he didn't believe was the case in this instance, the aim was to get all licensed venues to a place where they operate in a compliant and lawful way. He confirmed that he had had a meeting with the licence holder's agent, at their request, to discuss the steps they had taken since the incident to give assurance that moving forward they will be operating in a way that will be compliant with legal requirements and promote the licensing objectives. He confirmed that he was personally satisfied that the steps taken since the incident were sufficient to address any concerns that he had which led to the review application.

The Licence holder's advocate was then invited to present the case. He advised that:

- Mr Navaratnam accepted he had made a mistake and was certain it would not happen again;
- In his account of the incident in question, he reported that Mr Navaratnam had been approached by an old acquaintance who knew somebody that needed somewhere to stay. Mr Navaratnam had obliged and let the gentleman in question sleep on a bed in the store room, which was there for employees who worked long shifts. He confirmed that since the incident the bed had been removed;
- He advised that the gentleman had been asleep when the Immigration Compliance & Enforcement Team had entered the property and had never worked at the store. He could not speak English and had never been trained to use the till;
- There had, however, been one incident where the gentleman had been asked by another employee to cover for him as he was unable to make a shift. This was due to the fact that there was a condition on the premises licence which stated that 2 staff must be on duty at any one time between the hours of midnight and 6.00am and if not then they would usually have to close the store;
- Mr Navaratnam's wife was extremely annoyed at the situation and unhappy for the gentleman to be sleeping in the store room;
- The rota which had been found in the store was one which an employee had drawn up for herself and not the official rota;
- Mr Navaratnam was also the Designated Premises Supervisor for Red Apple Service Station;

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- He confirmed that Mr Baker, the licensing agent, had produced a store employment file which would be kept in store and made available to the responsible authorities on request. This included a rota form, copies of employees ID's, right to work documentation, national insurance information and copies of payslips;
- He felt that Mr Navaratnam understood the severity of the situation and had been punished enough. He had not heard from the Home Office in the past 3 months but could face fines in the region of £25,000, which was a constant worry for him.

The agent had drawn up two conditions which they suggested be applied to the licence, these were as follows:

1. The premises licence holder shall ensure that right to work checks are undertaken on all staff employed at the premises and that clear photocopies are retained of all original right to work documentation and held in store employment file along with a completed copy of the home office checklist. The file is to be kept at the premises for inspection by the responsible authorities upon reasonable request. No person will be permitted to work at the licenced premises under any circumstances until the right to work checks have been completed satisfactorily and copies of the documents have been taken.
2. Copies of all employee time sheets for the hours actually worked are to be kept in the store employment file for inspection by the responsible authorities upon reasonable request. Copies of time sheets should be kept for at least twelve months.

The following responses were offered to Members questions:

- The Middlesex address listed for Mr Navaratnam on the premises licence was his correspondence address. He explained that up until last year he had been living between Middlesex and the Forest of Dean where his wife resided, however, he now lived permanently in the Forest of Dean but he did still own the house in Middlesex;
- He had moved to the area in 2006 and Red Apple Service Station had been his first business;
- They had received a caution from environmental health in 2014 with regards to food safety and hygiene as detailed in the report and had also received a fine for putting cardboard in the domestic recycling. Other than this they had had no issues;
- They had considered the situation whereby Mr Navaratnam would be removed as the DPS and replaced by his wife who he thought would be a suitable candidate for the position. She had taken the relevant APLH course and whilst the results were not yet back she was confident she had passed. Her next steps were to have a criminal record check and make an application to the Forest of Dean Council. It was requested that should the sub-committee wish to instate Mrs Navaratnam as the DPS they allow her 3 months to get the necessary qualifications and checks in place.

The case was then open to debate by Members, they acknowledged that the incident was extremely serious and not one to be taken lightly. They had to act on the balance of probabilities that such incidents would not

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happen again and felt confident that Mrs Navaratnam would be an appropriate DPS. They agreed that 3 months would be acceptable to allow Mrs Navaratnam to gain the required qualifications and if she was not able to obtain the documentation in this time they would review the timescale. It was also suggested that that the premises be carefully monitored with spot checks. The Licensing Officer advised that they already do a rolling programme of inspections and during such inspections, compliance officers check every condition on the licence. The Legal Officer advised that changing the DPS would not impact on Mr Navaratnam's licence for Red Apple Services.

The sub-committee proceeded to vote on whether to apply the two conditions as set out by the advocate and to remove Mr Navaratnam as the DPS and replace him with his wife.

Upon a vote, it was unanimously for.

RESOLVED THAT

The two conditions as outlined be applied to the licence and Mr Navaratnam be removed as the DPS and replaced by Mrs Navaratnam.

Roger Whyborn
Chairman

Cheltenham Borough Council**Licensing Sub Committee – 17th December 2018****Licensing Act 2003: Determination of an application for a premises licence****My Coffee, 186 Bath Road, Cheltenham, Gloucestershire, GL53 7NE****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 My Coffee and Company (Cheltenham) Ltd in respect of My Coffee, 186 Bath Road, Cheltenham, Gloucestershire, GL53 7NE.

1.2 A copy of the application form is attached at **Appendix 1**, a plan of the layout of the premises is attached at **Appendix 2** and a location plan is attached at **Appendix 3**.

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

The sale by retail of alcohol for consumption both on and off the premises
The playing of recorded music indoors
The exhibition of films indoors

At the following times:

Monday – Saturday 07:30 – 23:00

Sunday 09:00 – 23:00

1.4 Implications

1.4.1 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. 18/02796/PRMA)

2.1 Applicant: My Coffee and Company (Cheltenham) Ltd

2.2 Premises: 186 Bath Road, Cheltenham, Gloucestershire, GL53 7NE.

3. Responsible Authorities

3.1 The Act identifies 10 responsible authorities as statutory consultees for applications for premises licences. Those consultees are:

- The relevant licensing authority
- 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 relevant body with responsibility for the protection of children
- The relevant public health authority
- Trading Standards
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

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

4. Other persons

4.1 As well as responsible authorities, the Act allows any individual, body or business to make representations to licensing authorities in relation to applications for premises licences. During the consultation process 14 representations were received. These are reproduced at **Appendix 4** and relate mainly to issues surrounding public nuisance.

5. Local Policy Considerations

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

5.2 The system is underpinned by four objectives: i) the prevention of crime and disorder; ii) public safety; iii) the prevention of public nuisance; and, iv) the protection of children from harm. The licensing authority must promote these objectives in carrying out its functions.

5.3 The Council's adopted licensing policy statement (approved December 2015) includes the following:

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

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

- 5.6 The council's powers and duties as the licensing authority are delegated by the council to its licensing committee, sub-committees and officers. The council approaches these delegations in accordance with the table of delegation or otherwise in accordance with the council's adopted constitution. (para 1.11)
- 5.7 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. (para 1.12)
- 5.8 The policy does not: (a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or (b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows. (para 1.13)
- 5.9 In determining a licensing application, the overriding principle adopted by the council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed. (para 1.16)
- 5.10 The council will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure. (para 1.17)
- 5.11 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (para 1.18)

5.12 **Measures to limit nuisance**

The council will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises. (para 3.20)

- 5.13 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (para 3.21)
- 5.14 Applicants will be expected to have included measures in their operating schedules that make adequate provision to:
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site;
 - b) limit the escape of noise from the premises or open air site;
 - c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping;
 - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it;
 - e) minimise and control noise from staff, contractors and suppliers and their activities;
 - f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers;

- g) determine whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;
 - h) whether the premises are under or near to residential accommodation;
 - i) the hours of the sale of alcohol in open containers or food for consumption outside the premises;
 - j) measures to make sure that customers move away from outside premises when such sales cease;
 - k) measures to collect drinking vessels and crockery, cutlery and litter;
 - l) the extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking;
 - m) whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).
 - n) adequate measures to prevent the following arising from the proposed licensable activity that may cause disturbance to people in the vicinity: a. litter, smells, fumes, dust, smoke, or other emissions; b. street fouling; c. light pollution. (para 3.22)
- 5.15 The role of the council is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors. (para 3.23)
- 5.16 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower. (para 3.24)
- 5.17 Where relevant representations are received, the council may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The council also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. (para 3.25)
- 5.18 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. (para 3.26)

- 5.19 The ‘smoke free public places’ legislation in July 2007 has led to an increase in the number of people outside licensed venues. Where outside facilities are provided the council expects applicants to provide details in their application of:
a) the location of open air areas; and
b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public. (para 3.27)
- 5.20 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste management program to ensure that the area outside the premises is kept free of litter at all times. (para 3.28)
- 5.21 Where the council receives relevant representations, or where a responsible authority or an interested party seeks a review, the council may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective. (para 3.29)
- 5.22 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies, provision of signs, publicity and dispersal policies. (para 3.30)
- 5.23 **Core Hours for Licensable Activities**
- The council will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and consideration of each application is on its own merit. (para 6.39)
- 5.24 The council believes that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives, address the concerns raised by local residents and businesses and are less likely to attract representations. (para 6.40)
- 5.25 Furthermore, earlier closing will result in less alcohol consumption and drunkenness and would also be consistent with the ability to get crowds dispersed from the town centre.

Table 1: Core Hours for Licensable Activities

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

(para 6.41)

- 5.26 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:

- a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
- b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
- c) Potential noise and nuisance from people leaving and entering the premises.
- d) Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas.
- e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter and other pollution of the streets by customers. (para 6.42)

6. National Guidance

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

Licensing objectives and aims

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

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

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

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

providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. (1.5)

Legal status

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

Licence conditions – general principles

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

Each application on its own merits

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

Public 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)

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 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 1) the applicants have listed a number of steps that they will take to promote the four licensing objectives. If this application is granted, the licence will be subject to conditions consistent with those steps as well as any additional conditions deemed by the sub-committee to be appropriate to promote the licensing objectives.
- 7.5 Members are advised of the following in relation to some of the points made by objectors:

Proliferation

Several people have made reference to other licensed premises in the vicinity and have suggested that there is therefore no need for another one. Members are advised that this is not a relevant consideration for the sub-committee because each application is determined on its own merits and not in relation to other premises. Cheltenham has not adopted a 'cumulative impact policy'. Likewise comments relating to noise at other premises and litter caused by other premises are not relevant to this application as the applicant is not responsible for the operation of other premises.

Smokers

A number of objectors have referred to customers and staff at the premises smoking on the pavement which causes an obstruction and a problem with littering. Members are advised that, although 'public nuisance' is not narrowly defined in licensing legislation, issues such as obstruction and litter can be relevant concerns if there is evidence that they are causing a "*reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises*" (Home Office statutory guidance) and if Members feel that the granting of a licence is likely to cause or exacerbate those problems.

Background music

Members are advised that background music is an exempt form of entertainment under the Licensing Act 2003. Therefore applicants do not need to include recorded music on their premises licences in order to play such music.

Creating a precedent

One objector has queried whether the grant of a premises licence creates a precedent for other premises, or makes it more difficult for people to object or complain about other applications in the future. Members are advised that no such precedent is set by the grant of a premises licence because each application is determined entirely on its own merits.

Planning

Several objectors have questioned why the application has been made without appropriate change-of-use planning permission being obtained. Members are reminded that the licensing and planning regimes are separate and applicants do not need to obtain one before the other. The local planning authority is a statutory consultee for licensing applications and as such its officers have received a copy of this application. They did not object to the application and if change-of-use permission is required the planning officers will deal with that separately.

Refreshments

Some objectors have made reference to the applicant not providing food or refreshments in the evening. Members are advised that although the applicant has not applied for a licence to provide *late night refreshment*, which is defined as hot food and drink between the hours of 23:00 and 05:00, they may provide refreshments at other times without needing to license that activity.

- 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, ward councillor or responsible authority 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



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 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

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

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...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

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.

Coffee shop at corner of Bath Road and Exmouth St., arranged over ground floor service area and coffee lounge, and also first floor seating area and toilet.

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

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the exhibition of films 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.

Flim nights. Amplified sound.

State any seasonal variations for the exhibition of film

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 exhibition of film 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 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?

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

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Will the 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.

Background music - Amplified but for background ambience.

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	<input type="text" value="07:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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 / /
dd mm yyyy

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.

We will keep strong management controls and effective staff training so they are aware of the requirements of the 4 licensing objectives, in particular:- no selling of alcohol to underage people - no drunk and disorderly behavior on the premises - vigilance in preventing use and sale of illegal drugs on the premises - no violent or anti-social behavior - no harm to any children. Staff to records all incidents when service is refused for any reason in a refusal log book stating reason for refusal, date and time and the staff member involved, and this log book to be kept at the premises available for inspection at all times.

b) The prevention of crime and disorder

Notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Notices warning of potential criminal activity, such as theft that may target customers will be displayed. Not selling alcohol to drunk or intoxicated customers. Prevention and vigilance in illegal drug use/sale at the retail unit area. Staff will ask customers to use/leave premises in an orderly and respectful manner.

c) Public safety

Staff adherence to environmental health requirements. Training and implementation of underage ID checks. A log book or recording system shall be kept on the premises recording particulars of inspections made, kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. The premises and all fixtures and fittings will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect nearby residents and to leave the premises and the area quietly. 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. Staff arriving/leaving to conduct themselves in such a manner to avoid causing disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside the premises. Customers will not be admitted to premises above opening hours. Adequate waste receptacles for use by customers will be provided in the cafe.

e) The protection of children from harm

Display "Challenge 25" sign - 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. Staff trained to ask for persons' identification, age establishment etc. Log Book will be kept upon the premises all the time.

Section 19 of 21

Continued from previous page...

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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 (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

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:

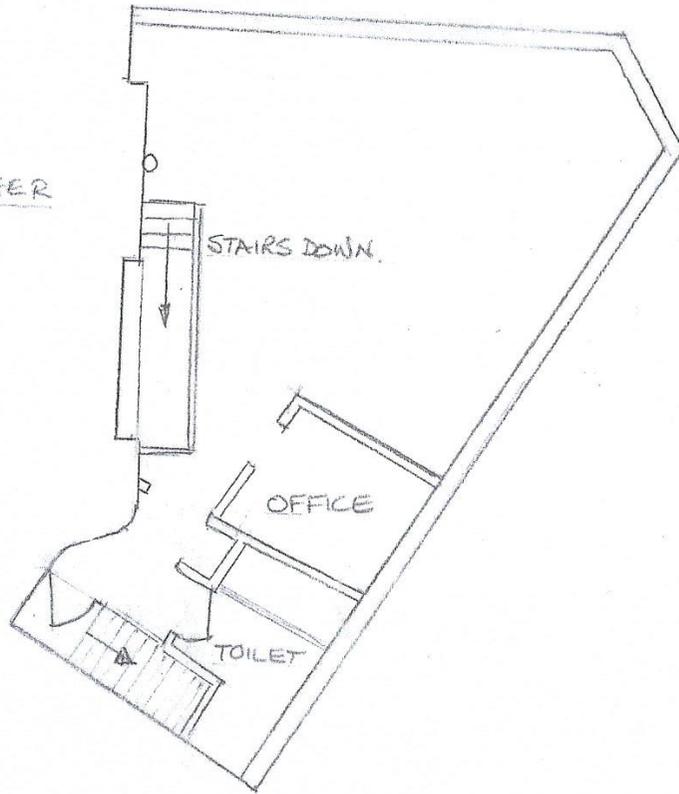
1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheltenham/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

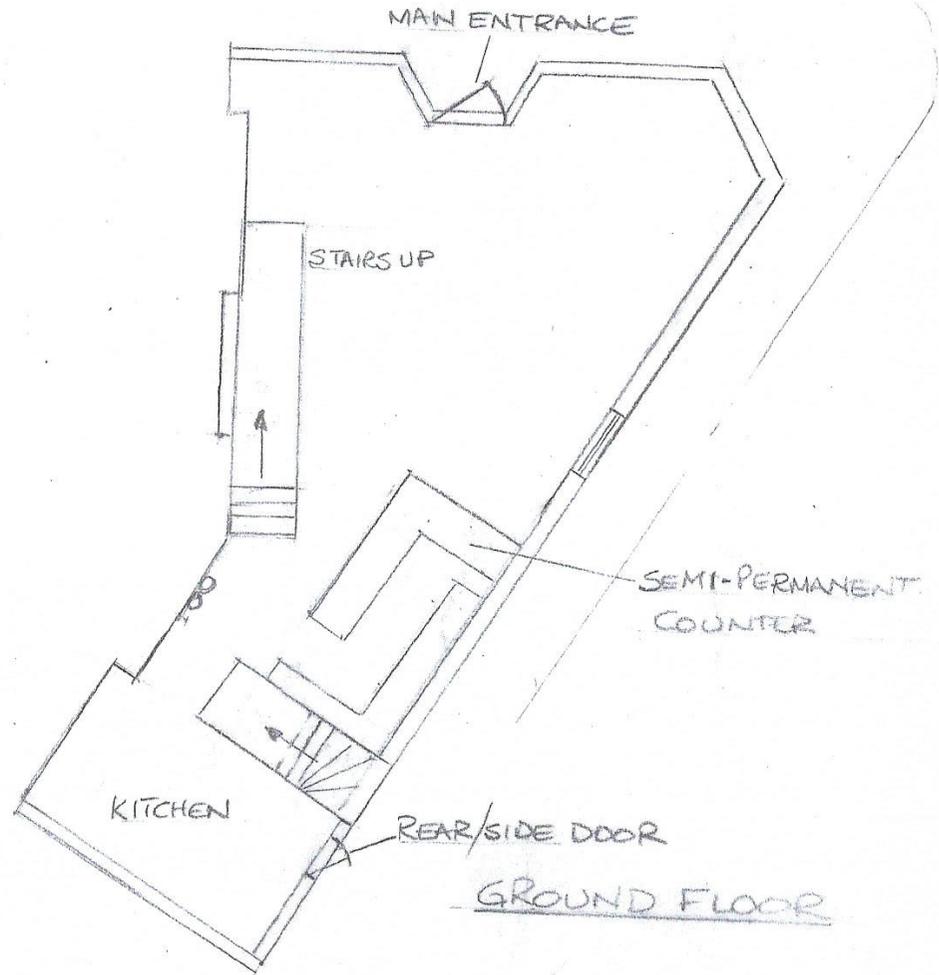
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

BATH ROAD

O = EXTINGUISHER



FIRST FLOOR



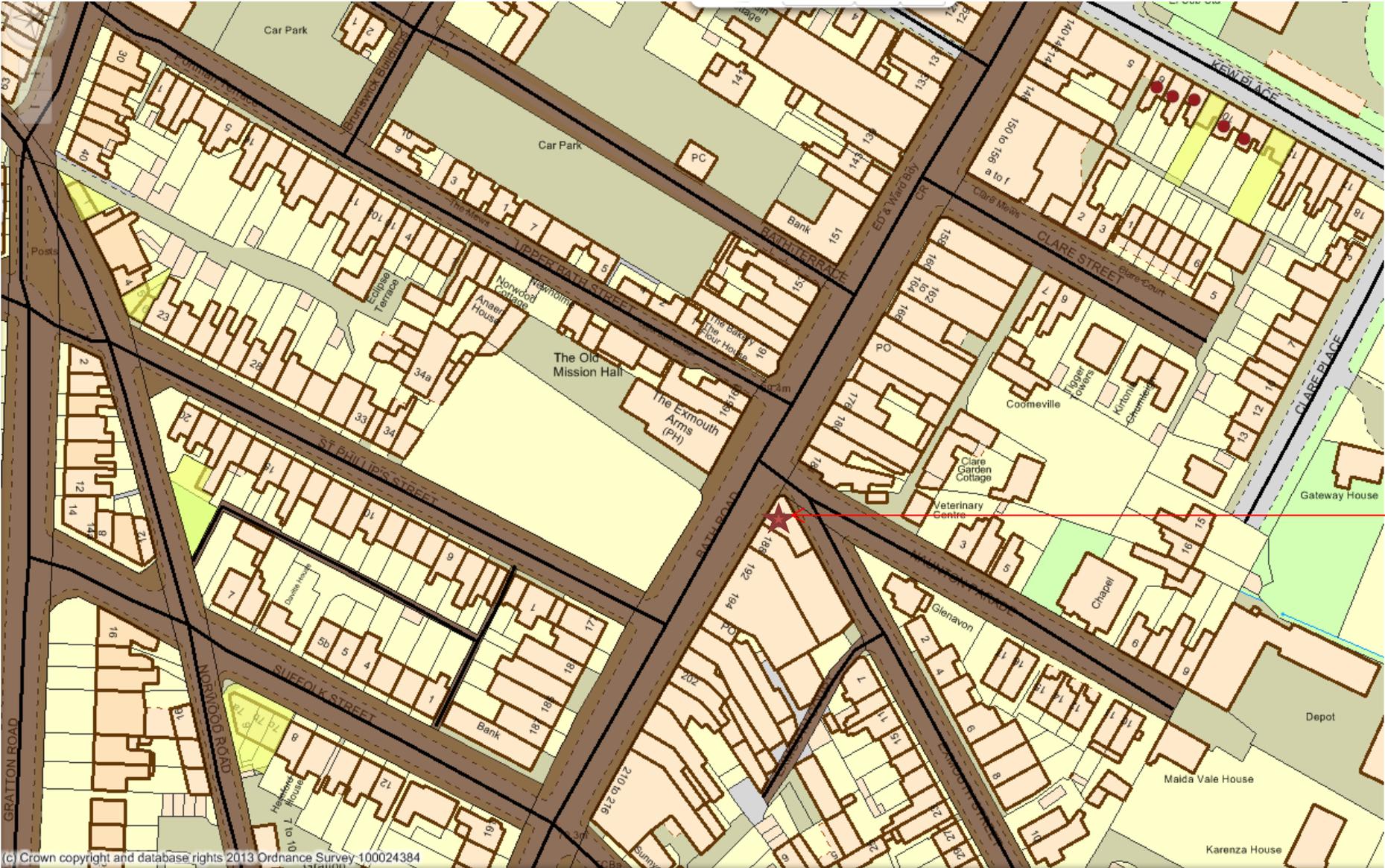
GROUND FLOOR

186 BATH ROAD - CHELTENHAM GL53 7NE

JW 2018

12100

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Representations

1. I wish to object to the above on the following grounds:-

Public Nuisance

No outside space

People will congregate on narrow pavements to smoke

People will congregate on narrow pavements in the summer months to drink, potential for loud noisy customers with a few drinks inside them

Staff constantly stand on the pavements to smoke and drop their cig ends customers will do the same

Back door in Exmouth St is constantly open in summer months and often in winter months for 'ventilation' as advised by the staff

This creates a health and safety hazard as it obstructs most of the pavement.

Many requests by local residents to stop the littering of the pavements and opening of the door have been ignored by staff.

If they need to open doors for ventilation will they be also opening windows, potential for music to be heard by residents down Naunton Parade and Exmouth St

People leaving at 11pm will create noise, signs requesting customers be mindful of local residents are quite frankly useless.

Will they be clearing up at 11pm, noise of bottles being discarded, small waste area at rear of premises right next to local residents

This is not a well kept area, a dirty old mattress was left there for many months before it was removed.

Staff have also been questioned by local residents about the waste they throw down the drain across the road from the back door, really upsetting after the local residents assoc spent a lot of time getting the council to clear them.

Despite repeated request, back door open, dropping of litter, throwing waste down drains, ill kept waste area, quite frankly there has been a total lack of consideration for the public and local residents and no reason to expect this to change, see attached pics

This is a badly maintained and managed premises, another small niggle is the dripping gutters as you walk from Exmouth St to Bath Rd but this has been like that for years!

2. Please accept my objections to the proposed licensing application by My Coffee.
Customers going outside all year round to smoke and outside during the summer to drink and smoke. The pavement in Exmouth Street is narrow and this would only add to the congestion in a constantly busy area. Customers leaving bottles, glasses, cups outside on the pavements of Exmouth Street and Bath Road because they cannot be bothered to return to the bar. Further there is no space or garden for customers. Very limited space and disposal facility at the rear of the premises. How and at what time would the staff clear and tidy the area? The noise from bottles would be excessive from 11.30pm onwards, only increasing the time residents are exposed to noise from Refuse and Co-op lorries, delivery vans and trade vehicles starting regularly between 4.00am to 6.30am. The back door of My Coffee is regularly opened, without care or thought, sometimes in front of pedestrians. My house is convenient to the Bath Road but it is also used as a convenience as persons unknown have urinated against the side of the house during the day and night. There are enough licensed premises on the Bath Road, we do not need another one.

3. I am a resident of Exmouth Street and am writing to you with my objections re My Coffee/18.02796/PRMA.

I strongly object to the above licensing application for the following reasons.

1. the proposed opening hours 07.30 to 23.00 hrs would inevitably result in 'Public Nuisance' issues. e.g. noise from people congregating outside on the very narrow pavement . this establishment has no outdoor space and already the employees of My Coffee block the path with keeping the back door open for ' ventilation purposes' and smoking cigarettes. the area is consistently covered in cigarette butts which have to be picked up with the residents' litter pick. this situation will only become much worse with the proposed changes. I've made several requests for the management to provide cigarette bins to avoid the unsightly accumulation of cigarette butts but have been ignored. the management obviously has no regard for the upkeep of the area

2. Another public Nuisance issue would be noise from recorded music playing until 23.00hrs 7 nights a week. and possibly customers leaving and congregating outside.

3. the management currently have little or no regard for the area. I have witnessed a member of My Coffee staff emptying a bucket of what looked like black slurry down the drain opposite the back door. When challenged he told me it was just water, if this was the case why were they using a public drain and not one in their premises. Also a mattress was left in their bin area for several months

4. If these proposals are accepted there is the potential for all the above issues to be much worse.

Overall there has been a total disregard for the area, the public and the residents.

Overall I believe the impact of this proposal , particularly noise and the impact on the immediate area would have an unacceptable impact on the area , the public and the local residents.

I hope my objections will be considered when considering this proposal

4. We have some concerns relating to the above application.

Public Nuisance

We have noted at our regular litter picks that staff smoke at the side door and litter the street, despite our conversations with staff the practise continues. I am not sure if this constitutes public nuisance, I am sure it reflects poor training and management which does not bode well for a premises looking to dispense alcohol. On various issues we have, without success made numerous attempts to contact the owner however we have never managed get beyond "we will let the owner know". We would welcome the opportunity to engage.

Inspection of Applications

The notification in the Gloucestershire Echo stated "that the application can be inspected at the Councils offices from Monday to Friday between 9am and 5 pm". When a committee member visited the Municipal Offices she was told she could not view the application for "data protection" reasons. Another of our members was, we understand, emailed a copy of the application.

To clear up the confusion can you please advise who is able to view applications?

Granting of Licences

Including this case, we note that there have been 3 recent applications to dispense alcohol in the Bath Road, 2 of which have been coffee shops. Does the granting of these licenses create a precedent making it difficult to challenge future applications and/or is there another mechanism for regulating the number or density of alcohol related outlets. As part of the licensing Authority's approval criteria are the following considered:

Density of establishments dispensing alcohol

Effect on existing establishments (competition/dilution)

Effect on the makeup/character of the area

I look forward to your reply.

5. I would like to put in an Objection for the licensing application made by MY Coffee on Bath road.

I live . . . opposite the side door of MY Coffee.

I am objecting because of the extra noise that it would create from people coming and going and congregating outside and also the noise from the entertainment inside, I think it's a little to close for comfort.

I don't believe they operate courteously at present let alone giving them a extra licence for alcohol. They constantly pour the remains of there coffee machines in the drains outside our house leaving a foul smell and slipping hazard.

The co-op and My coffee seem to share the same bins here's a picture I took this morning while walking the dogs of the rubbish that gets created on exmouth street. It shows such disregard for residents.

Thanks for your time.

Here's the picture of the rubbish on exmouth street I took this morning while walking the dogs.



6. I would like to express my concern that granting of a licence to serve alcohol on these premises, as stated in the application, may give rise to a public nuisance.

This concern is based on the present conduct of the staff who frequently use the side-entrance on Exmouth Street to smoke cigarettes, which they then discard in a careless fashion on the pavement. I have witnessed this practice and find it particularly frustrating as I am part of a local group who regularly

carry out litter-picks in the area. May I suggest that the ability or inclination of the present management to ensure that employees conduct themselves in a manner which avoids causing disturbance to nearby residents and the local community is questionable.

Similarly, as there appears limited rear access deliveries and storage of large quantities of bottles and other waste items awaiting collection for disposal is also of concern.

7. I wish to object to the above licensing application. I am a resident of Exmouth Street and feel the corner situation of My Coffee is unsuitable for such a venue. As it is, it's not always that easy getting round that corner, so I imagine with drinkers and smokers spilling outside it'll be near impossible. There is also a noise factor to consider. This is a residential area so an application to open until 11pm seven days a week is not acceptable. Is there a need for another off license? The nearby Co.Op, Sainsbury's Local and Bargain Booze all operate in very close proximity and stay open late. Plus the new Craft Beer outlet directly opposite My Coffee. I'd call this application over kill! Where and when are the staff going to dispose of empties? The clattering of empty bottles late at night will definitely not be appreciated. I consider this application total madness! An unwanted and unneeded enterprise .
8. I would like to object to the alcohol licence application made by MyCoffee at 186 Bath Road, Cheltenham (the Property) for the reasons set out in this letter.

Application is Premature

I would query why the licence has been applied for when the property will likely require planning permission to achieve 'change of use.' Direct enquiries within the establishment have made clear the intention for the property to function as a 'bar' in the evening under the new licence. To assume such a change of use will be granted seems premature.

The licence hours applied for (from early morning until 11pm) and the fact that the applicant has indicated that refreshments will not be provided suggests that the cafe will become a bar rather than a restaurant in the evening. It would therefore seem premature to determine a licence application for the Property until any change of use planning application has been and granted. As a local resident, I would certainly have grave concerns about such an application given the location of the property on an extremely busy corner with limited road vision when exiting Naunton Parade into the main Bath Road, frequent and extensive illegal parking on the double yellow lines and loading area, turning in the mouth of Exmouth Street by vehicles to avoid the one way system, pedestrians not checking over their shoulder before crossing this busy junction and for other reasons outlined below. It is clear that to grant a licence at this stage would mean that issues such as: congestion, parking, access, overcrowding, density of evening entertainment in the locality would not have been given due consideration by any planning authority which may influence the issuing of such a licence.

Licensing Objectives

The applicant has indicated that he/she wishes to be able to sell or serve alcohol from 7.30am-11pm six days a week and 9am - 11pm on Sundays. These hours are excessive. Serving of alcohol without the provision of full meals, in particular late on Sundays tends to attract a younger, louder clientele, potentially targeting the student market. This would have a negative impact on the neighbours and properties adjoining the business premises and within the immediate neighbourhood. Whilst there are bars in the area, most have outside areas bordered by non-residential properties with noise buffered by external walls, parks and roads. The property at 186 Bath Road enjoys no such buffer in terms of noise reduction. My bedroom window is almost directly opposite the building. Any smoking, for example, would have to be done on a narrow strip of pavement that borders a hugely busy junction which would inevitably result in smokers spilling onto residential streets producing noise and smoke pollution for those residing nearby. I would be unable to leave my child's bedroom window open as the noise and

smoke pollution would inevitably drift directly into the bedroom. This would be on top of the litter that would inevitably result from street based smoking provision.

As residents on Naunton Parade, we occasionally hear noise from the Bath Road (e.g. during race week.) However, it tends to be distant as The Exmouth employs bouncers at weekends and during busy periods to ensure noise is minimized and behaviour is monitored. However, at peak times like graduation season or during exam finals for example, the noise of 'celebrating student groups' can be intrusive and loud. This is manageable on odd celebratory occasions but to have to tolerate this client base in a 'bar' literally at the end of the road would be intrusive and intolerable, given that the majority of residents in the area are families, often with young children. It is not a student neighbourhood and the bar provision in the area does not cater for this clientele. The bars in the area also offer food and encourage families and community activity. Not providing food and providing alcohol alone, albeit with recorded music, with no outdoor space built in, seems designed to create issues that will detract from the quality of life for local residents and their children.

The applicant has indicated that it will erect signage asking clients to respect their neighbours, however I have often seen such signage outside pubs, yet still witnessed loud and inconsiderate behaviour outside pubs and would suggest it is of limited effectiveness in controlling the behaviour of clients.

I live on Naunton Parade with my family, including a young child. Despite being so close to the Bath Road, we rarely hear or experience rowdy behaviour in the evenings from other licensed premises, such as the Exmouth Arms because the area attracts a mature clientele which don't tend to drink excessively and noisy events such as live music at The Exmouth which I do hear from my bedroom window are restricted. The Exmouth also employs a bouncer at the weekend which helps to ensure reasonable behaviour of its clients. In addition, it serves food and encourages families to use the premises as a social meeting space. It is not a magnet for anti-social behaviour.

Although busy during the day, the Bath Road in Leckhampton does not have a rowdy night time economy, but we do know that noise travels from rowdy or drunk members of the public. This is because we have been disturbed during race week; in the quiet of the night, we can sometimes hear noise from drunk racegoers or groups of celebrating students and sports fans coming from much further away than MyCoffee, on their way home but passing through Leckhampton. We would not want the intrusion (which disturbs our sleep and that of our children) to become a regular occurrence.

For these reasons I believe that the establishment and licensing of a bar at MyCoffee would lead to a public nuisance for local residents particularly with no outdoor space provision.

I have no objection to the playing of recorded music at low volumes / background level (I must emphasise low volume – windows and doors open in the warmer months mean that even low level noise will travel to my house, including bedrooms, from 186 Bath Road). I object to any music before 8:30 Mon-Fri and before 10:00 am on weekends and after 6:00pm in the evenings. I do not object to the showing of films once per month on a Friday or Saturday evening providing any noise concludes by 6:00.

I am only happy for the contents of this letter to be provided to third parties or made public if my address and name are redacted.

9. I would like to raise the following points in relation to the above licensing application.

It would seem premature to apply for a licence to serve alcohol before planning permission has been granted for a change of use from a daytime café to what appears to be a bar open until 11pm. I would question such a change of use on the grounds that there is already a more than adequate number of outlets for the sale of alcohol in this section of Bath Road, providing for both in house and off sales.

MyCoffee is on a corner where the pavement is narrow and congested, which means that groups of

people gathering outside the premises would be likely to cause an obstruction and a nuisance, as well as giving rise to litter, which is already a problem in this area, and excessive noise until late in the evening, which would cause a nuisance and disturbance to close neighbours in Naunton Parade and Exmouth Street.

I am only happy for this letter to be made public without the inclusion of my name and address.

10. (Cllr Klara Sudbury)

Further to the email below please can I ask as one of the local Ward Councillors that this goes to a licensing sub committee for decision, this is because of the nature of the application and the close proximity of nearby residential properties.

I wish to state that my comments are not to be taken as criticisms of My Coffee, it is a well used local business valued by many residents. Rather, that issuing an alcohol license at these premises due to the location close to residential properties on Exmouth St and Naunton Terrace could create a public nuisance.

Specifically:

- As a licensed premises there will be people going who will smoke but there is no designated on-site space to smoke, customers would have to use the pavement to the front and side of the premises – this could be intimidating to members of the public walking past and might block the pavements as they are quite narrow
- Handling of glass waste late at night / during the evening – how will the used bottles be stored and handled? Storage space for waste is apparently quite limited to the rear of the site, will used bottles be put out late during the operating hours or when the premises have closed – if so this would be quite noisy and very near residential properties
- The applicant is seeking to play performances of recorded music – this would not be a problem if played as relatively quiet background noise but permitting this would enable a DJ to perform and this could be very noisy.
- Would the front door and rear door be kept closed unless people are using them to reduce the potential impact of noise from within the premises?
- Noise from patrons leaving the premises late at night – alcohol makes people much noisier than they would otherwise be and signs asking people to consider the neighbours – from what I have seen elsewhere – are not very effective in controlling that.

Please could you let me know if these reasons are sufficient to enable this to go to licensing committee.

11. I am a resident of Exmouth Street in Cheltenham.

I recently received a letter from Klara Sunbury in which she referenced the application 18/02796/PRMA. This is a licensing application by My Coffee to serve alcohol. I strenuously object to this application for the following reasons.

There are plenty of pubs and restaurants on Bath Road that serve alcohol. There is no requirement for this.

It is highly likely to lead to additional noise pollution in a residential area.

I have a young baby and would feel intimidated by people hanging around outside what is small premises. Especially if the opening hours are increased.

I bought my house on the premise that it is a quiet residential road. I see no reason why this should be disrupted.

Please advise what further steps I need to take to register this objection.

12. We are concerned about potential noise and inconvenience to residents in the street, especially as they are looking to extend the opening hours to 11pm Thursday, Friday and Saturday. The pavement here is very narrow and the staff from My Coffee already block the pavement when they are having a smoking break, adding more people to the mix would make the pavement impassable here. Also the noise contribution in this very residential area would be unbearable late at night. The Bath Road already has plenty of licensed premises, why should we encourage another one.

I have already made a complaint to environmental health as they are tipping the coffee machine slops down the public drains in Exmouth Street. This results in stinking rancid lumpy white liquid being left on the pavement and drain as they do not rinse it away.

13. As a resident of Exmouth Street I would like to receive information than is available on the Council's website more regarding the above license application.

I have grave concerns about the prospect of increased noise and litter from people standing outside the property to smoke. We already suffer from that end of the street being a litter hot spot with debris from the Co-Op's bins and bin collections being blown around. In addition there is the likelihood of restricted pedestrian access onto the Bath Road give the narrow pavement outside the property. The Bath Road already has a good number of licensed premises and off-licenses, it is hard to imagine there is a real need for another one.

14. I would like to object to the alcohol licence application made by MyCoffee at 186 Bath Road, Cheltenham (the Property) for the reasons set out in this letter.

Application is Premature

Before addressing the relevant "licensing objectives" and explaining why I do not believe they have been met by the applicant, I would like to note that the licence application appears to be prematurely made given that planning permission for a bar is not in place. The licence application suggests that there will be a change of the use at the Property from a cafe during daytime use to that of a Bar in the evenings. The extensive licence hours applied for (until 11pm) and the fact that the applicant has indicated that refreshments will not be provided suggests that the cafe will become a bar rather than a restaurant in the evening. It would therefore seem premature to determine a licence application for the Property until a relevant change of use planning application has been made and determined and whether a change of use to a daytime cafe/ nighttime bar is acceptable in planning terms. This means that issues such as congestion, parking, access, overcrowding, density of evening entertainment in the locality have not yet been considered by the planning authorities.

Licensing Objectives

The applicant has indicated that he/she wishes to be able to sell or serve alcohol from 7.30am-11pm six days a week and 9am - 11pm on Sundays. These hours are excessive. Serving of alcohol without the provision of full meals, in particular late on Sundays tends to attract a younger, louder clientele, potentially targeting the student market.

There is no outdoor space at the Property and therefore smokers will spill onto the street, littering with their cigarette ends and polluting the local surrounds with cigarette smoke or vape vapour.

The clientele will tend to congregate outside on the pavement (which is very narrow and space constrained at that point) to smoke, or when leaving after last orders. This will create a lot of noise that in the dark, when everything else is quiet, will travel widely and be heard in the surrounding streets. We can be sure of this, because we occasionally hear noise from the Bath Road (e.g. during race week) further away from us than MyCoffee.

The applicant has indicated that it will erect signage asking clients to respect their neighbours, however I have often seen such signage outside pubs, yet still witnessed loud and inconsiderate behaviour outside pubs and would suggest it is of limited effectiveness in controlling the behaviour of clients.

I live on Naunton Parade with my small family. Despite being so close to the Bath road, we rarely hear or experience rowdy behaviour in the evenings from other licensed premises, such as the Exmouth arms, because the area attracts a mature clientele which don't tend to drink excessively. The Exmouth also

employs a bouncer at the weekend which helps to ensure reasonable behaviour of its clients. Although busy during the day, the Bath Road in Leckhampton does not have a rowdy night time economy, but we do know that noise travels from rowdy or drunk members of the public. This is because we have been disturbed during race week; in the quiet of the night, we can sometimes hear noise from drunk racegoers coming from much further away than MyCoffee, on their way home but passing through Leckhampton. We would not want the intrusion (which disturbs our sleep and our children's) becoming a regular occurrence.

For these reasons I believe that the establishment and licensing of a bar at MyCoffee would lead to a public nuisance for both myself and my near neighbours. In addition, it should be noted that the corner where MyCoffee is situated is very narrow, suffers from congestion, awkward angles and difficult visibility for cars. The presence of groups of young people congregating outside MyCoffee in the dark during an evening or after last orders will exacerbate these problems creating issues around public safety.

For the avoidance of doubt, we have no objection to the playing of recorded music at low volumes / background levels (as indicated by the applicant) or the showing of films once per month.

I am only happy for the contents of this letter to be provided to third parties or made public if my address and name are redacted.