



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

Thursday, 24 September 2020

3.30 pm

**Virtual WEBEX video conference via YouTube -
<https://www.youtube.com/user/cheltenhamborough>**

Membership	
Councillors:	Paul McCloskey, Roger Whyborn and Diggory Seacome
Officers:	Vikki Fennell and Louis Krog

Agenda

1.	ELECTION OF CHAIR	
2.	DECLARATIONS OF INTEREST	
3.	131 THE PROMENADE 131 The Promenade, Cheltenham	(Pages 3 - 46)
4.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	

Contact Officer: Claire Morris, Democratic Services, 01242 264130
Email: democratic.services@cheltenham.gov.uk

This page is intentionally left blank

Cheltenham Borough Council

Licensing Sub Committee – 24 September 2020

Licensing Act 2003: Determination of application to vary a Premises Licence

131 Promenade, 129 - 133 Promenade, Cheltenham

Report of the Licensing Team Leader

1. Introduction

- 1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a variation of a premises licence at any time. In this case, an application was received on 17.07.2020 from 131 Promenade Ltd in respect of 131 Promenade, 129 - 133 Promenade, Cheltenham. A copy of the application is included at **appendix A**.
- 1.2 The application is to vary the licence as outlined in the table below:

Activity	Terminal hour outdoor - front	Terminal hour outdoor - rear	Terminal hour indoors
Recorded Music	Thurs – Sun: 10:00 to 23:00 Limited by proposed condition	Thurs – Sun: 10:00 to 01:00 Limited by proposed condition	Thurs – Sun: 10:00 to 03:00
Provision of late night refreshment	No licence as per proposed condition i.e. “after 23:00 hours, no late night refreshment would be available externally to the front”	Thurs – Sun: 23:00 to 01:00 Limited by proposed condition	Thurs: 23:00 to 02:00 Fri – Sun: 23:00 to 03:00
Supply of Alcohol	Mon – Sun: 07:00 to 00:00 Limited by proposed condition	Mon – Sun: 07:00 to 02:00 Limited by proposed condition	Mon – Wed: 07:00 to 02:00 Thurs – Sun: 07:00 to 03:00

- 1.3 The applicant has proposed the following conditions:

1.3.1 Recorded music

- (a) The management and DPS of the premises will ensure that after 23:00 hours, no recorded music provision would be available externally to the front of the buildings
- (b) The management and DPS of the premises will ensure that after 01:00 hours, no recorded music provision would be available externally to the rear of the buildings

1.3.1 Late night refreshment

(c) The management and DPS of the premises will ensure that after 23:00 hours, no late night refreshment will be available outdoors to the front of the building

(d) The management and DPS of the premises will ensure that after 01:00 hours, no late night refreshment will be available outdoors to the rear of the building

1.3.2 Sale of alcohol

(e) The management and DPS of the premises will ensure that after 00:00 hours, no alcohol will be sold outdoors to the front of the building and customers will not be permitted to be in this area

(f) The management and DPS of the premises will ensure that after 02:00 hours, no alcohol will be sold outdoors to the rear of the building and customers will not be permitted to be in this area

1.4 A copy of the current premises licence is attached at **appendix B** for reference.

1.5 Implications

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.

Legal Services

E-mail: legalservices@teWKesbury.gov.uk

Tel no: 01684 272693

2. Application (Ref. 20/00977/PRMV)

2.1 Applicant: 131 Promenade Ltd

2.2 Agent: N/A

2.3 Premises: 131 Promenade 129 - 133 Promenade Cheltenham Gloucestershire

3. Responsible Authorities

3.1 No representations were received from any responsible authority.

4. Interested Parties

4.1 Ten representations were received from interested parties. These are outlined in **appendix C** of this report.

4.2 Members should, in addition to appendix C, also refer to the officer's comments section of this report which outlines the officer's comments on the relevance of representations, and other relevant comments on the representations.

5. Local Policy Considerations

5.1 Below are extracts of the relevant part of the adopted Statement of Licensing Policy 2015 for Member's information. These extracts are to assist Members with the relevant guidance, but should be read in the context of the wider policy.

131 Promenade		
	Page 2 of 10	Last updated 16 September 2020

The policy sets the following policy vision:

We want Cheltenham to be a safe and clean town that offers a greater diversity in the night time economy that is less focused on alcohol and protects the quality of life for residents.

5.2 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.

53 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.

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

5.5 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)

5.6 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)

5.7 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)

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

5.9 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)

5.10 In determining a licensing application, the overriding principle adopted by the council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed. (para 1.16)

5.11 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)

5.12 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)

5.13 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)

5.14 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)

5.15 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)

5.6 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)

5.17 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)

5.18 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)

5.19 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)

5.20 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)

5.21 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)

5.22 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)

5.23 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)

5.24 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)

5.25 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)

5.26 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)

- 5.27 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:
- Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
 - Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
 - Potential noise and nuisance from people leaving and entering the premises.
 - Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas.
 - Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
 - Proposed hours of the licensing activities and general opening times for the public – the use of winding down periods to enable more efficient dispersal.
 - 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.
 - Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
 - The potential for contamination of the street environment through increased litter and other pollution of the streets by customers. (para 6.42)

6. National Guidance

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

Licensing objectives and aims

- 6.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. (1.2)
- 6.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm. (1.3)
- 6.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. (1.4)
- 6.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;

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

Legal status

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

Licence conditions – general principles

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

Each application on its own merits

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

Public nuisance

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

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

- 6.10 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (Paragraph 2.15)
- 6.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues. (Paragraph 2.16)
- 6.12 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. (Paragraph 2.17)
- 6.13 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave. (Paragraph 2.18)
- 6.14 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues. (Paragraph 2.19)
- 6.15 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night. (Paragraph 2.20)

7. Licensing Comments

- 7.1 When determining this application the sub-committee must have regard to the statutory guidance issued by the Secretary of State, the council's adopted policy statement, the representations made and the evidence it hears. In particular, the sub-committee must seek to promote the four licensing objectives when determining the application.
- 7.2 The four licensing objectives are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.
- 7.3 The role of the licensing authority is to ensure the promotion of the licensing objectives and, in so doing, to maintain an appropriate balance between the legitimate aspirations of applicants and businesses, and the reasonable needs and expectations of residents and other users of the town.
- 7.4 Members are also to note the authority's policy on "Core Hours for Licensable Activities" as outlined at paragraph 5.5 of this report. This application complies with a terminal hour of no later than 03:00 for bars in the town centre.
- 7.5 The scope of Member's consideration is limited to the merits of the variation applied for. As this is not a review of the premises licence, existing authorisations are not within scope.
- 7.6 With regards to the representations:
- 7.6.1 A number of objectors have made representations relating to the fact that licensable activities will continue at the rear until 03:00. Members are to note that from the table above, the terminal hour for licensable activities at the rear will be 02:00. The 03:00 relates to the terminal hour for indoors.
- 7.6.2 The committee is required to determine this application on its individual merits. As such, comments making reference to other licensed venues in the vicinity or the general area cannot be taken in to consideration unless there is evidence that more general issues can be attributable directly back to 131 The Prom.
- 7.6.3 A decision by the committee will not set a precedent because the authority is required to determine each case on its individual merits.
- 7.6.4 A comment was submitted in relation to the public notice. Members are to note that the applicant was required to delay the closing date for the consultation due to an incorrect public notice. They were also required to republish the notice in the local press to rectify the mistake. Once rectified, officers were satisfied with the compliance with the regulations. With this in mind, officers are not of the view that the application is defective.

Members are to note that in the case of R (D&D Bar Services Ltd) -v- Romford Magistrates Court and the London Borough of Redbridge [2014] EWHC 213 Admin, the High Court ruled that procedural defects do not automatically render licensing proceedings invalid. In the case HHJ Blackett held:

"...in my view it could never have been the intention of Parliament that minor errors on a notice or advertisement for a licensing review should make any subsequent consideration of the licence void. Such an approach would lead to absurd consequences. It is clear that there must be substantial compliance with Regulations 38(1) (a) and 39 but the process should not be frustrated by minor errors. "

- 7.6.5 On the final point of the change of company name, whilst this appears to have been an oversight on the part of the applicant, it does not materially affect this application and the ability of the authority to determine it. This is because the company number, and therefore the legal entity, has not changed. The change of name would be a simple administrative process to update.

- 7.8 The sub-committee, having full regard to the steps the applicants have proposed in their operating schedule and the representations received, must take such steps as it considers appropriate for the promotion of the licensing objectives.
- 7.9 Having considered all relevant issues, the sub-committee may:
- a) Grant the application subject to such conditions as are consistent with the operating schedule, and any additional amendments or conditions that the sub-committee considers appropriate for the promotion of the licensing objectives; or
 - b) Refuse all or part of the application.

Background Papers**Service Records****Report Author**

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk

Vary a Premises Licence

Review

Please review the details to below to ensure they are correct before proceeding. If the details shown are not correct, click previous to enter the correct licence number.

Current Licence number	20/00022/PRMVPS
Current Premises address	129 - 133 Promenade Cheltenham Gloucestershire

Premises Details

Premises Licence Number *	20/00022/PRMVPS
Premises Address *	129 - 133 Promenade Cheltenham Gloucestershire
Telephone Number at Premises (if any)	
Non-domestic rateable value of premises. *	£ 190000

Type of Premises Licence Holder

Type of Premises Licence Holder *	Non-Individual(s)
-----------------------------------	-------------------

Premises Licence Holder - Individual

I/We being the premises licence holder, apply to vary a premises licence under section 34 of the licensing Act 2003 for the premises described.

Title *	<input type="text"/>
First name *	<input type="text"/>
Surname *	<input type="text"/>
Street address *	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Town/City *	<input type="text"/>
County	<input type="text"/>
Postcode *	<input type="text"/>
Daytime Contact Telephone Number	<input type="text"/>
Email *	<input type="text"/>

Premises Licence Holder - Non Individual

Name *	131 Promenade Ltd
Street address *	Dowdeswell Park
	London Road
Town/City *	Cheltenham
County	
Postcode *	GL52 6UT
Registered number (where applicable)	7993954
Description of applicant (for example partnership, company, unincorporated association etc.) *	Limited Company
Email *	
Daytime Contact Telephone Number	

Variation

Do you want the proposed variation to take effect as soon as possible? *	Yes
--	-----

Variation

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 1)*

No

Briefly describe the nature of the proposed variation. (Please see Guidance Note 2) *

For the safety and wellbeing of guests and team members in compliance with Government social distancing restrictions imposed at re-opening, 131 has fundamentally altered its operating model to ensure a safe re-opening as per guidelines but has seen a reduction of revenue capability by 65%. In order for us to maintain employment levels (80+ people) we are seeking a modest extension to the outside licensed hours at the rear of the property only so that we can facilitate extra safe areas to trade.

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

Operating Schedule

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

Provision of regulated entertainment (please read guidance note 3) *

- ☐ Plays
- ☐ Films
- ☐ Indoor Sporting Events
- ☐ Boxing or Wrestling
- ☐ Live Music
- ☒ Recorded Music
- ☐ Performances of Dance
- ☐ Anything of a similar description falling under Music or Dance
- ☒ Provision of late night refreshment
- ☒ Supply of Alcohol

Type of Variation - Recorded Music

Please select the type of variation that applies to this activity.
*

Change an existing Activity

Recorded Music Standard Times

Standard days and timings, where you intend to use the premises for the performance of recorded music. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Thursday

10:00

03:00

Recorded Music Standard Times

Standard days and timings, where you intend to use the premises for the performance of recorded music. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Friday to Sunday

10:00

03:00

Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 4) *

Both

Please provide further details (please read guidance note 5)

The management and DPS of the premises will ensure that after 23:00 hours, no recorded music provision would be available externally to the front of our buildings on The Promenade and customers will not be permitted to remain in these areas. From 01:00 hours, no recorded music provision would be available externally to the rear of our buildings on The Promenade and customers will not be permitted to remain in these areas

State any seasonal variations for the playing of recorded music (please read guidance note 6)

Please state any non-standard timings, where you intend to use the premises for the performance of recorded music at different times from the Standard days and times listed? (please read guidance note 7)

Type of Variation - Late Night Refreshment

Please select the type of variation that applies to this activity.
*

Change an existing Activity

Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Thursday

23:00

02:00

Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Friday to Sunday

23:00

03:00

Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 4) *

Both

Please provide further details. (please read guidance note 5)

The management and DPS of the premises will ensure that after 23:00 hours, no late night refreshment would be available externally to the front of our buildings on The Promenade and customers will not be permitted to remain in these areas. From 01:00 hours, no late night refreshment would be available externally to the rear of our buildings on The Promenade and customers will not be permitted to remain in these areas

State any seasonal variations for the provision of late night refreshment. (please read guidance note 6)

Please state any non-standard timings, where you intend to use the premises for late night refreshment at different times from the Standard days and times listed? (please read guidance note 7)

Type of Variation - Supply of Alcohol

Please select the type of variation that applies to this activity. *

Change an existing Activity

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Monday to Wednesday

07:00

02:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Thursday

07:00

03:00

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Friday to Sunday

07:00

03:00

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 9) *

Both

State any seasonal variations for the supply of alcohol. (please read guidance note 6)

The management and DPS of the premises will ensure that after 00:00 hours, no alcohol would be sold externally to the front of our buildings on The Promenade and customers will not be permitted to take drinks outdoors in to these areas. From 02:00 hours, no alcohol would be sold externally to the rear of our buildings on The Promenade and customers will not be permitted to take drinks outdoors in to these areas.

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed? (please read guidance note 7)

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Every Day

00:00

00:00

Opening Hours

State any seasonal variations. (please read guidance note 6)

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 7)

No change to these from our current license *Alcohol to be sold / supplied 24 hours a day to residents and their guests *Alcohol, recorded music, performance of dance and late night refreshment to be provided continuously from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Variation

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

No conditions to be removed however some items will need amendment as per the commentary at each section within this variation

I agree to return the original premises licence or the relevant part of the original premises licence: *

Yes

Note: This application cannot be processed until the original licence is received or a statement as to why it cannot be returned has been accepted.

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have made or enclosed payment of the fee or. I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. I have sent copies of this application and the plan to responsible authorities and others where applicable. I understand I must now advertise my application. I understand I must now return the original premises licence, or relevant part of it or have provided an explanation why I will not be able to do this. I understand that if I do not comply with the above requirements my application will be rejected.

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

Signature/Declaration of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 13). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

Full Name *

Chris Connor

Date *

17/07/2020

Capacity *

Authorised Agent



Declaration made

Do you wish to provide alternative correspondence details? *

No

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Chris

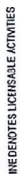
Surname /Company Name

131 Promenade Ltd

Email *

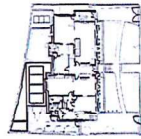
Telephone

This page is intentionally left blank



KEY

- | | |
|---|-------------------------|
|  | Detector and sound Base |
|  | Smoke Detectors |
|  | Heat Detectors |
|  | Call Point |
|  | Fire Panel |
|  | Fire Extinguishers |
|  | Exit Legend |



LOCATION PLAN
SCALE 1:1250

LICENSING

REVISION	11/01/13 - User
REVISION	16/01/13 Review
REVISION	26/01/13 Review
REVISION	30/01/13 Review

Michaelis Boyd Associates Ltd
108 Palace Gardens Terrace London W3 4RT
t +44(0)20 7221 1237 f +44(0)20 7221 0130
michaelisboyd.com

Client: The Lucky Onion	Date Created: 11/01/13
-----------------------------------	----------------------------------

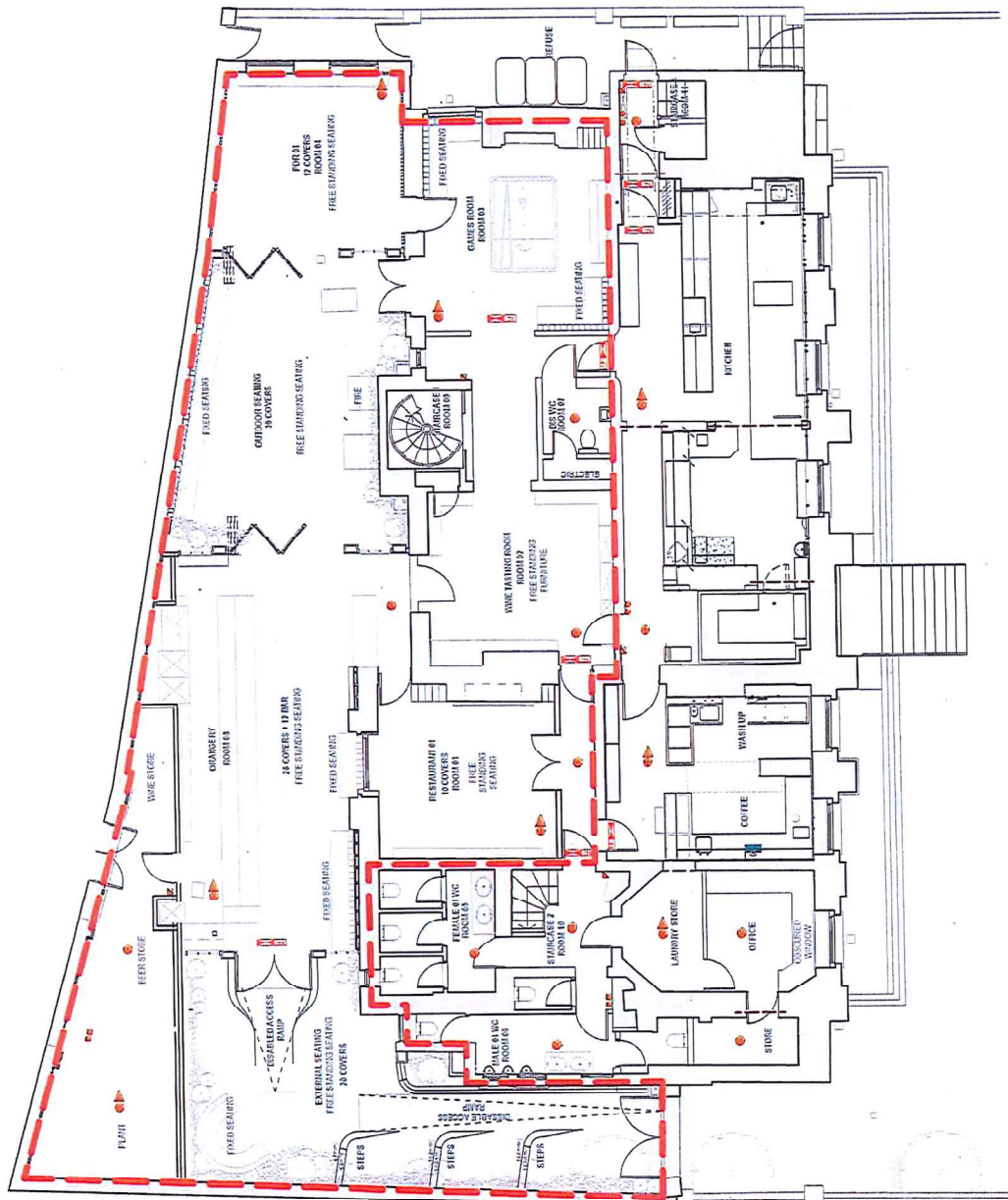
Project:
The Promenade Cheltenham

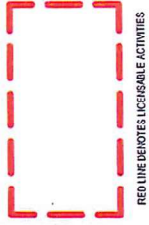
Drawing Title:
Licensing_Proposed Lower Ground Floor Plan

Scale:	Revision Date:
1:150 @ A3	22/02/13

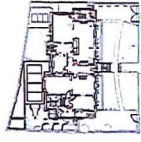
Drawing No:	12012110	Checked By:	Rev:
-------------	----------	-------------	------

DO NOT SCALE FROM DRAWING. ALL DIMS TO BE CHECKED ON SITE. REPORT OMISSIONS AND DISCREPANCIES TO THE ARCHITECT IMMEDIATELY





- KEY**
- Detector and sound Bells
 - Smoke Detectors
 - Heat Detectors
 - Call Point
 - Fire Panel
 - Fire Extinguishers
 - Exit Legend



LOCATION PLAN
SCALE 1:1250

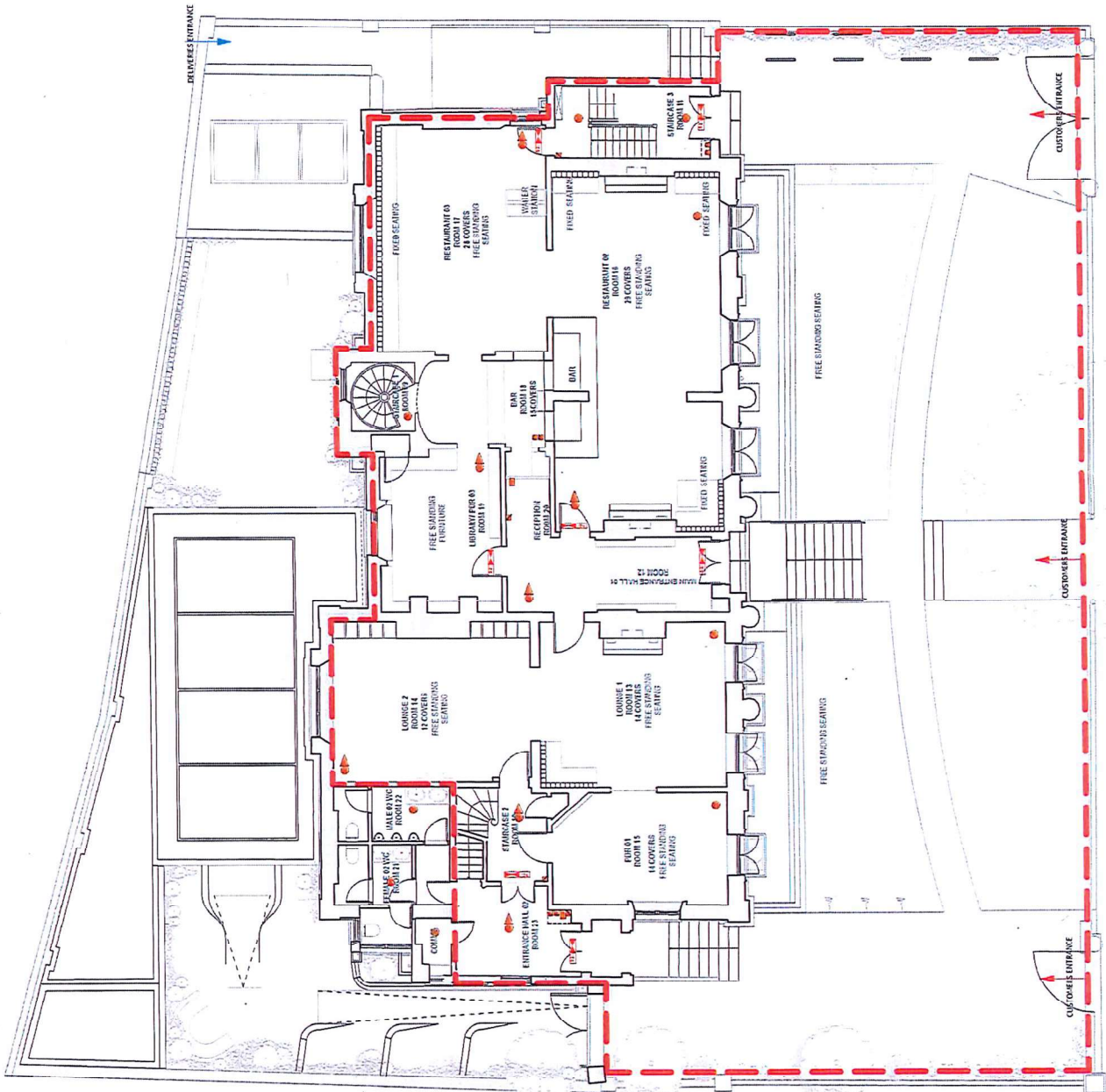
LICENSING

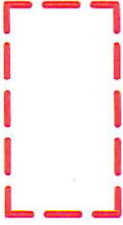
REVISIONS
16/03/2020 Licensing
20/02/2020 Revised Drawing

Michaelis Boyd Associates Ltd
108 Palace Gardens Terrace London W8 4RT
t+44(0)20 7221 1237 f+44(0)20 7221 0130
michaelisboyd.com

Client:	The Lucky Duck	Date Created:	11/01/13
Project:	The Promenade Cheltenham		
Drawing Title:	Licensing - Proposed Ground Floor Plan		
Scale:	1:150 @ A3	Revision Date:	22/02/13
Drawing No:	12012/112	Drawn by:	Pauline
		Checked by:	Pauline

DO NOT SCALE FROM DRAWING. ALL DIMS TO BE CHECKED ON SITE. REPORT DIMENSIONS AND DISCREPANCIES TO THE ARCHITECT IMMEDIATELY

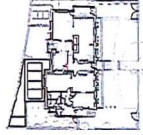




RED LINE DENOTES LICENSABLE ACTIVITIES

KEY

- Detector and sound Base
- Smoke Detectors
- Heat Detectors
- Call Point
- Fire Panel
- Fire Extinguishers
- Exit Legend



LOCATION PLAN
SCALE 1:1250

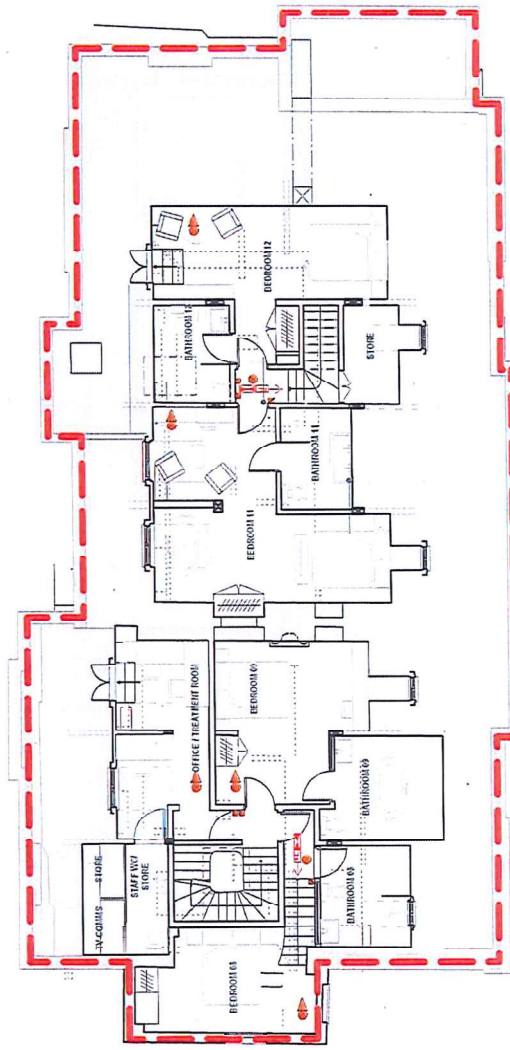
LICENSING

REVISIONS
11/01/13 Licensing
20/01/13 Revised Drawing

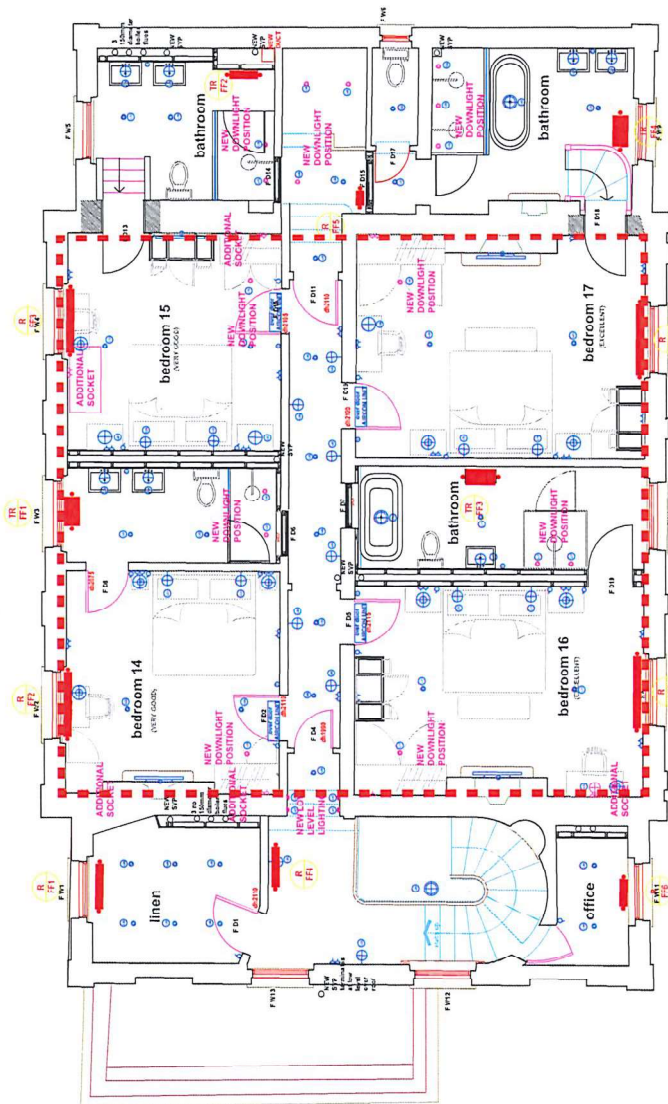
Michaelis Boyd Associates Ltd
100 Palace Gardens Terrace London W8 4RT
T +44(0)20 7221 1231 F +44(0)20 7221 0130
michaelisboyd.com

Client:	The Lucy Onion	Date Created:	11/01/13
Project:	The Promenade Cheltenham		
Drawing Title:	Licensing - Proposed Scone Floor Plan		
Scale:	1:150 @ A3	Revision Date:	30/01/13
Drawing No:	12012/114	Drawn by:	Revised by:

DO NOT SCALE FROM DRAWING. ALL DIMS TO BE CHECKED ON SITE. DISCREPANCIES TO THE ARCHITECT IMMEDIATELY



**Red line denotes
licensable activities**



15/09/18 Rev 4 -Jobbing spec codes added

04/07/18 Rev 3 - additional electrical points added after meeting with L.S.

12/06/18 Rev 2 - additional electrical points added.

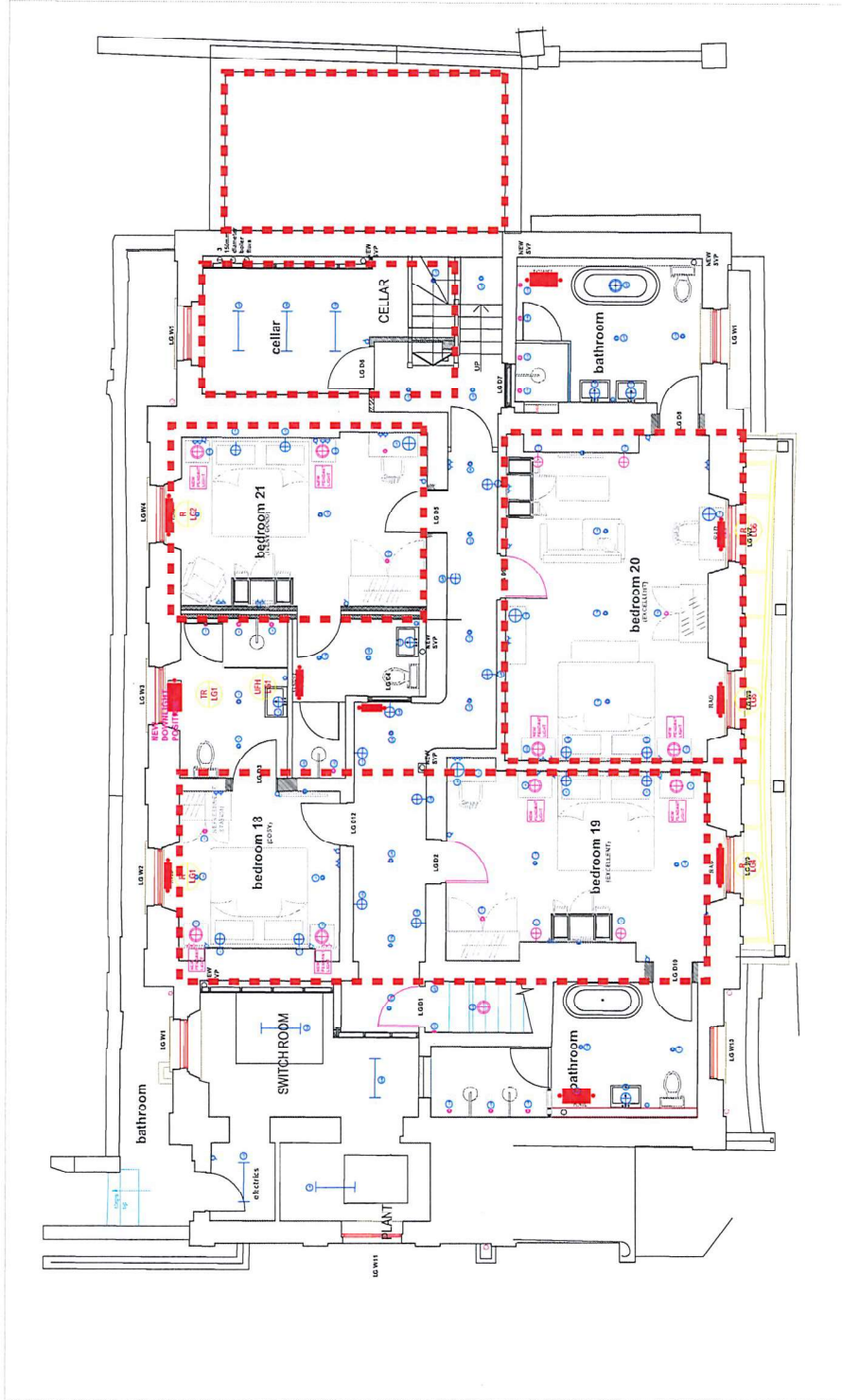
07/06/18 Rev 1 - amendments to electrical layouts following meeting at Dowdeswell Estates with Electrical contractor.

**DOWDESWELL
ESTATES**

Dowdeswell Park, London Rd, Cheltenham, GL52 6UT.

[illegible]

Red line denotes
licensable activities



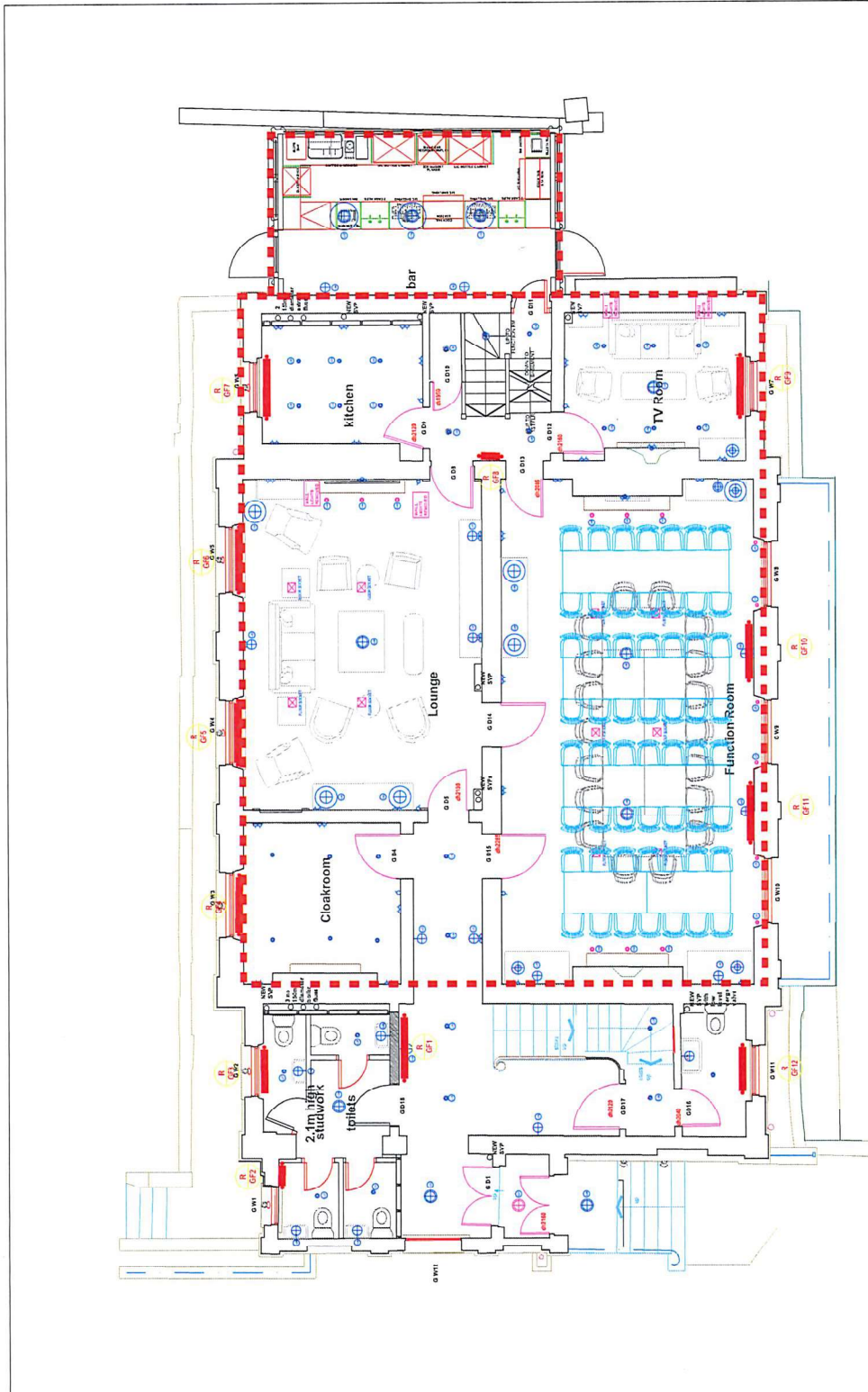
15/03/18 Rev 5: lighting spec codes added
06/08/18 Rev 4: Bedside lights replaced with pedestal lights
24/07/18 Rev 3: additional electrical points added after meeting with L5
12/06/18 Rev 2: additional electrical points added
27/06/18 Rev 1: amendments to electrical layout following meeting at Doveswell Estates with Electrical Contractor
Project Title: 133 THE PROMENADE
Drawing Number: DE-133-001
Drawn by: CM
Date: 04/02/2018
Scale: 1:50 @ A1
Rev: 4
Lower Ground Floor CA

THIS SOCKET IS FOR USE WITH A 13A 250V FUSIBLE SOCKET WALL MOUNTED AS PER BS 5436:1997. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. ALL ON-ON POWER REQUIREMENTS TO BE COMPLIED WITH I.E.
SOCKET FOR SMALL ELECTRICAL APPLIANCES (ELECTRIC TOOLS, POWER DRILLS, ETC.)
SOCKET FOR SMALL ELECTRICAL APPLIANCES (ELECTRIC TOOLS, POWER DRILLS, ETC.)









ADDITIONAL OR MOVED ELECTRICAL
COMPONENTS MARKED IN PINK ON PLAN

DOWDESWELL
ESTATES

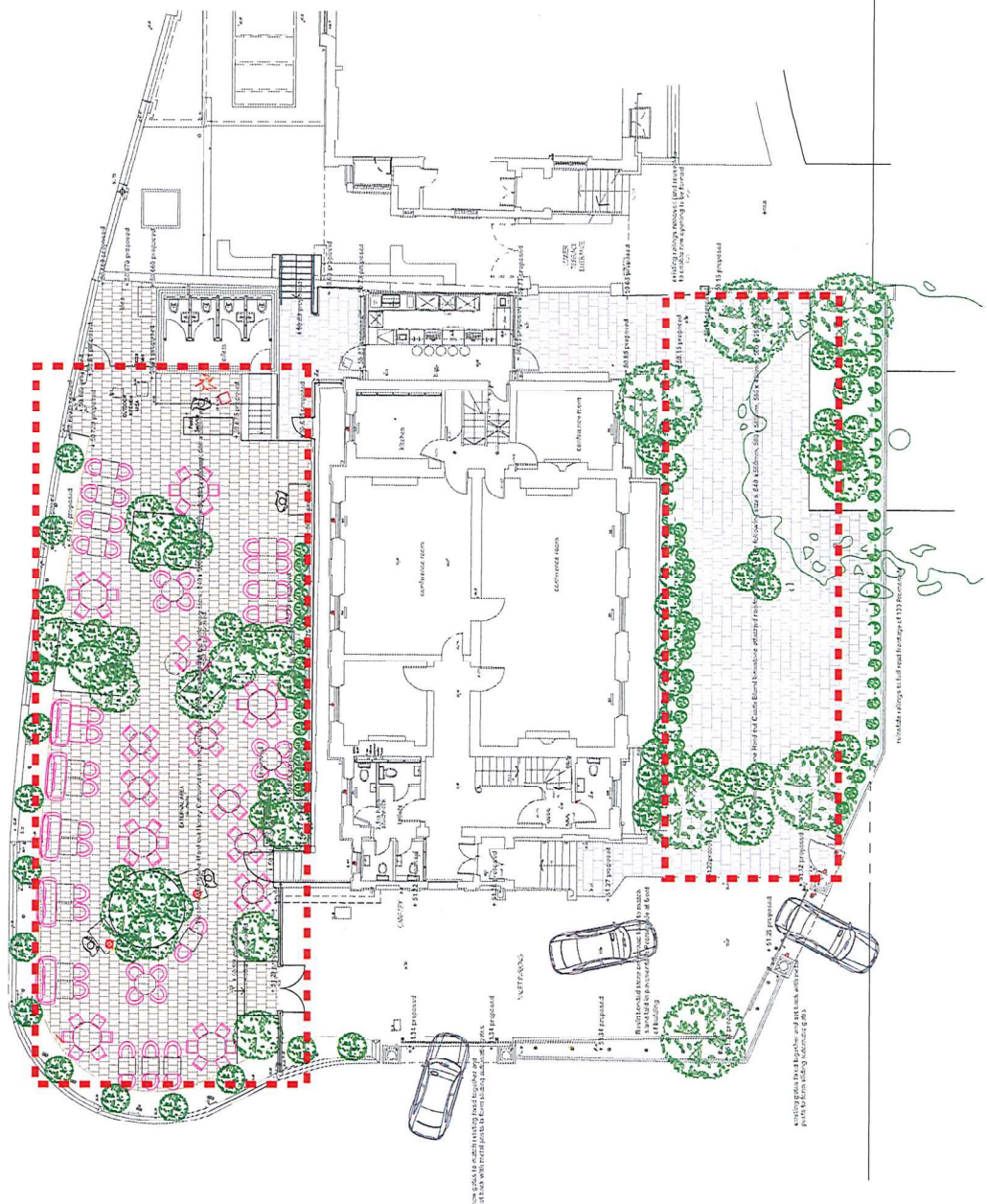
Doveswell Park, London Rd, Cheltenham, GL53 8UT.
DECE Ltd Office 01232 825593.
V: www.doveswellstates.co.uk
E: cathie@nd@doveswellstates.co.uk



03/09/18 Rev 6 - public dial layout amended					
18/09/18 Rev 5 - lighting spec codes added					
03/09/18 Rev 4 - wall lights removed in Gove's encl, lounge and TV Room					
04/07/18 Rev 3 - additional electrical points added after meeting with RLS					
12/06/18 Rev 2 - splitting spec codes added.					
Project Title:	133 THE PRIMEAIDE				
Drawing Number:	Rev: 6				
DE-133-002	Date:	Scale:			
Drawing Title:	Drawn by:	CM	15/07/2018	1:50 @ A4	
DRAWING FLOOR GA	 DOWDESWELL ESTATES				
			Dowdeswell Park, London B4, Clitherham, GL52 8UT. DSECB Ltd Office: 3124 8180591 W: www.dowdeswells.co.uk E: catherine@dowdeswells.co.uk		

<input checked="" type="checkbox"/>	10	LIGHT SWITCH	TERMOSTAT*			FLUID SOCKET WALL MOUNTED JACOBI UNIT WALL MOUNTED JACOBI POWER REQUIREMENTS TO BE CONFIRMED WITH BA.
<input checked="" type="checkbox"/>	11	3AMP LAMP SOCKET	WALL LIGHT *NOTION			SOCKET FOR SMALL ELECTRICAL APPLIANCES POTENTIAL FOR REMOVING COMPONENT
<input checked="" type="checkbox"/>	12	ENGL SOCKET WITH USE PORT	TV POWER AND DATA AERIAL JONT TV POWER AND DATA AERIAL BANG & OLUFSEN			
<input checked="" type="checkbox"/>	13	DOUBLE SOCKET				

ADDITIONAL OR MOVED ELECTRICAL COMPONENTS MARKED IN PINK ON PLAN



Red line denotes licensable activities



CHEL TENHAM

BOROUGH COUNCIL

Licensing Act 2003

Cheltenham Borough Council

Premises Licence Number

20/00022/PRMVPS

Part 1 – Premises Details

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

131 Promenade
129 - 133 Promenade
Cheltenham
Gloucestershire

Telephone number

Not applicable

Where the licence is time limited the dates

Not applicable

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

Sale/Supply of Alcohol	Sunday	10:00 - 03:00
Sale/Supply of Alcohol	Monday to Wednesday	10:00 - 02:00
Sale/Supply of Alcohol	Thursday to Saturday	10:00 - 03:00
Performance of Recorded Music	Thursday to Saturday	10:00 - 03:00 Indoors
Performance of Recorded Music	Sunday to Wednesday	10:00 - 00:00 Indoors
Late Night Refreshment	Thursday to Saturday	23:00 - 03:00 Indoors
Late Night Refreshment	Sunday to Wednesday	23:00 - 02:00 Indoors

The opening hours of the premises

Opening Hours

Every Day

00:00 - 00:00

Non Standard Timings

- (a) Alcohol to be sold / supplied 24 hours a day to residents and their guests.
- (b) Alcohol, recorded music, performance of dance and late night refreshment to be provided continuously from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

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

Both

LICENSING : PUBLIC PROTECTION

Part 2

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

131 Promenade Ltd
Dowdeswell Park
London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6UT

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

7993954

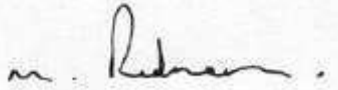
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Ricardo Mimoso

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

Party Reference: PERS4562

Licensing Authority: London Borough Of Lambeth

Signature of Issuing Officer

Director of Environment

Date of issue

3 January 2020

Annex 1 – Mandatory conditions

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 where-
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
5. No retail sale of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (d) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.
6. All individuals at the premises carrying out a security activity must be licensed by the Security Industry Authority. (Security activity is defined in Schedule 2 of the Private Security Industry Act 2001).
7. Where a programme includes a film which has been classified by the British Board of Film Classification as 12 A, 15 or 18 category no person appearing to be under 12 (and accompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms -

Exemption

The above condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has been obtained.

Annex 2 – Conditions consistent with the Operating Schedule

- 1 (a) CCTV shall be installed and maintained in good working order, shall record at all times that the premises are open and recordings shall be kept for a minimum of 30 days and be provided to the police on request.
(b) All staff who work at the premises and are involved with the provision of licensable activities shall be properly trained in connection with their responsibilities under the Licensing Act 2003 and, in particular, the law regarding underage persons.
(c) A Challenge 21 (or equivalent) scheme shall be adopted so that any customers attempting to purchase alcohol who appear to be under the age of 21 shall be asked for an accredited photographic proof of age and that the sale shall not be made unless the evidence is produced.
(d) There shall be a minimum of 2 SIA registered door supervisors on each Friday and Saturday from 21.00 hours when the premises are open for licensable activities.
(e) Notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
(f) A log of complaints to be maintained at all times.
(g) The external area at the front of the premises shall not be used for any licensable activities after 23:00 hours.
(h) Substantial food will be available until 00:00 hours.

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

1. The management and DPS of the premises will ensure that after 23:00 hours, no alcohol will be sold outdoors and customers will not be permitted to take drinks outdoors.
2. On any Thursday when the premises has a planned event that includes the provision of licensable activities after 00:00 hours, a minimum of 2 SIA door staff will be engaged at the premises between 00:00 and the premises closing.
3. All reasonable steps will be taken to ensure that the activities at the premises do not cause any nuisance to members of the public or residents within the vicinity.

Annex 4 – Plans

- 1 Drawings numbered 12012/110, 12012/112, 12012/113, 12012/114, DE-133-001, DE-133-002, 200 WD



CHELTENHAM **BOROUGH COUNCIL** **Licensing Act 2003** **Premises Licence Summary**

Premises Licence Number	20/00022/PRMVPS
--------------------------------	------------------------

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
131 Promenade 129 - 133 Promenade Cheltenham Gloucestershire	
Telephone number	Not applicable

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities			
Sale/Supply of Alcohol	Sunday	10:00 - 03:00	
Sale/Supply of Alcohol	Monday to Wednesday	10:00 - 02:00	
Sale/Supply of Alcohol	Thursday to Saturday	10:00 - 03:00	
Performance of Recorded Music	Thursday to Saturday	10:00 - 03:00	Indoors
Performance of Recorded Music	Sunday to Wednesday	10:00 - 00:00	Indoors
Late Night Refreshment	Thursday to Saturday	23:00 - 03:00	Indoors
Late Night Refreshment	Sunday to Wednesday	23:00 - 02:00	Indoors

Non Standard Timings
(a) Alcohol to be sold / supplied 24 hours a day to residents and their guests.
(b) Alcohol, recorded music, performance of dance and late night refreshment to be provided continuously from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises		
Opening Hours	Every Day	00:00 - 00:00

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

Name, (registered) address of holder of premises licence

131 Promenade Ltd
Dowdeswell Park
London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6UT

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

7993954

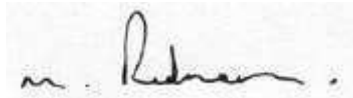
Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Ricardo Mimoso

State whether access to the premises by children is restricted or prohibited

Not Restricted

Signature of Issuing Officer



Director of Environment

Date of issue

3 January 2020

Resident - Royal Parade

Dear Sir/Madam

I am writing with regard to the application by 131 The Promenade to extend the opening hours of their bar at the back until 3 am. As a resident living in very close proximity to 131, particularly to the bar at the back, I strongly object to this application. As it is myself and the residents in the area are much disturbed by the perpetual music they put on on occasions, by the revellers who come out having drunk far too much and make a lot of noise. This is a residential area which is slowly losing its residential status and becoming a purely entertainment area, by the number of bars and restaurants, the lack of shops needed by the residents, by the broken glass left by the drunk people all over the roads in Montpellier, as well as in the M Gardens.

I think the emphasis should be cutting down on the revelries and not extending their licensing hours, which will surely create a precedent to the other bars in the area. I strongly object extending the licensing hours to 131 The Promenade.

Resident

I would like to oppose the extension of the license to 3 am from 12pm the premises in question is very close to my flat (queens circus)

I do not think this extension will be good for the local area and I am concerned about the noise

Which it will cause late at night.

Resident

Dear licensing,

We live at Fauconberg Road, GL50 3AU.

We strongly object to 131's application for extension to 3am on the grounds of noise and nuisance. Certainly it is very difficult to sleep in the past when they have been allowed to remain open late and in hot weather impossible to sleep without closing all the windows which then also makes it difficult. Then they were only doing it on an occasional basis. To allow them to do it for most of the week will be intolerable.

Although we have no direct evidence the nuisance aspect is from 131 it seems to match 131 opening times where people continue their party on the church lawns next to us.

Resident

We write to object to the pending licence request for the 131 bar to be extended to 3am.

We live on the Broadwalk and are concerned about the noise issue.

Resident

Dear Sir,

I live at Summerfield House on the corner of Bayshill and Fauconberg roads, within 150m of No 131.

I wish to object to No 131's application to extend their opening hours till 3am.

I have four concerns:

Noise Levels

No 131 is adjacent to residential accommodation and the area to the back of the building is used as an outdoor venue. A fairly powerful sound system plays modern music on a continuous basis and with little respite

This noise is intrusive and is audible in the local area (from mid afternoon through till 11pm). It is completely unreasonable to ask the local residents to put up with intrusive noise levels till the early hours.

Furthermore, the noise levels generated by vehicles in Bayshill Road will remain high till much later than is currently the case (if the application succeeds) as many of the establishment's clients use the road for parking.

Behaviour

Revellers using the many local hostelrys are sometimes boisterous when departing the area and the behaviour of a few leaves much to be desired.

Extending drinking hours at No 131 will only exacerbate the problem, with predictable consequences for the residents and, potentially, the police.

The Ambiance of Montpellier

Montpellier is an important part of Cheltenham's Regency heritage and much effort has been expended over the years to ensure it's ambiance and balance remain intact.

The extension of drinking hours at an outdoor music venue in the centre of the area will do nothing to advance that cause.

Unintended Consequences

If this application is approved it will create a precedent for other bars and nightclubs to apply for extensions to their drinking hours.

This would compound the problem. I would suggest this application is refused.

Resident

Good Evening,

I am writing to formally object to the proposed extension to licensing at 131 The Promenade.

As a resident of Summerfield House, I would be directly impacted by:

- a) the increase in noise level in the night from music and customers seated in the outside terraces,
- b) the increase in customers coming and going throughout the early hours of the morning.

Montpellier is not a nightclub area.

I strongly object to this area being converted to such purpose and the proposal for such a major change to the area should have been better communicated by the council.

Resident

Dear Sirs,

I feel I must express my objection to the above proposal for extending the license for 131 The Promenade, for Thursdays through Sundays.

As I'm sure you appreciate, the Montpellier area of Cheltenham is justifiably considered the showpiece area of the town, for its architectural elegance and prime location for high-end shops. It is also a most desirable place to live, near to the parks and yet free from the noise and bustle of the town centre.

I believe that to extend the drinking (and possibly music) license until early hours of the morning would have a devastating effect on Montpellier residents and property values. It could be argued that it would also change the whole character of the area, attracting a section of the public to the area who perhaps, after late night drinking, could cause all sorts of unwanted social activities.

I understand from the police, that most anti-social behaviour occurs in the hours after midnight, and dread to think of the possibilities if this extended license is granted.

Finally, already we have already had considerable - and to me unacceptable - noise from the continuous music 131 plays during some summer weekends when there is a festival on. It has meant that on these occasions we have had to think twice using our terrace because of the constant intrusive noise.

I sincerely hope that the proposed license is rejected.

Resident

Reference the proposed extension to 131 The promenade

I understand that an application has been submitted to extend the licence from Thursdays through until Sundays.

To 1.00 a.m. at the front and 3.00 a.m at the back of the complex.

I am sure you know there are a lot of private residences within a short distance of 131 several of whom I know are unsettled by the noise which emanates from the place. As a Street Pastor who patrols that part of town on a Saturday night I think it already produces more decibels than any other place in or around Montpellier in the evening.

Personally I am disturbed by the noise in my house and there are many who live nearer to 131 than me.

I only found out about the application recently and suggest many residents won't have spotted the notice. I would suggest if the locals were made aware they would take a similar view of the matter as me.

Moreover it would seem to set a precedent for all bars at our end of town to ask for similar extensions.

From my 9 years experience of pastoring in the middle of town , where there are few residences, I know that it's after midnight that the majority of anti social behaviour happens. The police would bear this out. Where locals are trying to carry on normal lives it seems to me unfair to embroil them in typical late night behaviour

I really do hope that you will reject the application

Resident

I am writing to you to formally object to the proposed extension to licensing at 131 The Promenade.

We are a family of four including two children aged 3 and 5 who live at Royal Parade. Our house fronts onto Bayshill Road and at the rear onto Royal Parade Mews. As the crow flies, we have direct sight of the rear garden of 131 The Promenade from the back of our house over a distance of less than 100m.

I understand that the proposal put forward by 131 The Promenade is an extension to licensing hours Thursday to Sunday until 3am in their rear garden. I would like to object to this on two grounds, noise and precedent.

Noise:

My children's bedrooms are on the rear of our house and they are currently already disrupted way past their usual bedtimes during the summer months due to the noise generated by 131 The Promenade. This has been most noticeable since the removal of the wall that used to surround Crazy Eights to extend into the property next door. There is now absolutely no buffer of general people noise and this carries very easily and clearly straight into my children's bedrooms causing them both lack of sleep and general upset at the shouting and excitement going on. I had raised this with environmental health last summer and I believe they were going to write to the proprietor to address the issue, but unfortunately the issue has been worse this year. 131 The Promenade need to find a way to mitigate their current noise levels for surrounding residents before considering extending their offerings. I understand that the vines they are attempting to grow may in many years assist with this but they are 18 months in and are not growing very well.

Precedent:

Montpellier has always been an area people have come to enjoy a drink or dinner during the evening before moving into town to continue their fun into the early hours. I have concerns that should these extended hours be granted that this will set off a chain of bars in Montpellier applying for extended hours. This would really change the whole feel and vibe of this part of town which is most certainly not late-night partying and would not wish to be associated with that.

To summarise, my children's wellbeing will be further compromised by loud noise into the early hours and local residents would not wish the feel of this area to be in jeopardy should it become a late-night partying location.

Please don't hesitate to contact me if you have any queries, I look forward to hearing from you.

Local business

REPRESENTATION TO AN APPLICATION BY 131 PROMENADE LIMITED FOR VARIATION OF
PREMISES LICENCE
131 PROMENADE CHELTENHAM GLOUCESTERSHIRE
LICENSING ACT 2003

I am the General Manager of the Queens Hotel, The Promenade, Cheltenham and wish to make a representation to the above application on behalf of the hotel.

The Queens Hotel is adjacent to the applicant premises. A number of the 84 bedrooms in my hotel face towards, and overlook, No. 131.

Although the applicant is not obliged to consult with local residents and businesses before lodging the application, I am disappointed that I was not approached by No. 131 in advance of the application being lodged. The precise nature of the changes sought could have been explained to me together with details of any steps that they proposed to take to mitigate against any issues that this may cause for the residents and patrons of my hotel. Had they done so then I may not have put in a position where I felt the need to make this representation.

The basis of my representation is as follows:

1. Non-compliance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005

(a) A copy of the site notice that is currently displayed on the premises is attached.

I am advised that the above regulations require that the site notice shall be "of a pale blue colour" The clear intention of this is to distinguish notices/applications made under the Licensing Act 2003 from any other public notice that may be displayed on the premises (planning applications for example) which usually displayed on white paper.

The applicant has failed to comply with this requirement under the regulations.

It is my view that this omission amounts to more than an administrative error in the application process and as such the application should be deemed defective and either withdrawn or dismissed with the applicant being invited to resubmit a further application (b) Notwithstanding the fact that the notice is defective for failure to comply with the above, the notice itself provides insufficient detail as to the nature of the variation being sought, so as to inform members of the local community and enable them to make an informed decision about the application. This is a further breach of the regulations.

In the circumstances, and as a consequence of the combination of the above, the application is defective.

As stated above, the applicant should either be invited to withdraw the application and restart the consultation process to ensure compliance with the regulations.

If the applicant is unwilling to withdraw the application then this should be dismissed for reasons of noncompliance.

2. Licensing Objectives

Given the limited information provide on the public notice I am unable to make a proper assessment of what is being applied for.

If it is the applicants intention to extend the hours for the sale of alcohol, and the provision of late night refreshment, the precise extent to which this extension is sought, is unclear from the public notice.

The Queens Hotel already suffers from noise and nuisance disturbance caused by 131 Promenade.

It is my view that any further extension, or variation, of the permitted hours would do nothing to improve this situation.

In the circumstances, give the limited information available, the application does not promote the licensing objectives in so far as they relate to:

- (a) Crime and disorder
- (b) Public safety
- (c) Public nuisance

3. Designated area of concern

The premises fall with the an area identified within the Cheltenham Borough Council policy as being a “designated area of concern”.

The Council’s own policy states that “it has identified the town centre as being an area of concern in that it is susceptible to alcohol related crime, alcohol hospital admissions and nuisance arising from or caused by customers of licensed premises”.

Any change to the licensing hours at the applicant premises will do nothing to address the concerns expressed in the Councils own policy.

4. Change of name of applicant company

The licence holder, and name in which the application for variation is made, is 131 Promenade Limited.

On the 3 February 2020, 131 The Promenade Limited changed its name to The Lucky Onion Group Limited. A copy of this notification lodged at Companies House is attached.

I am advised that s.33 of the Licensing Act requires the holder of a premises licence to notice the relevant licensing authority of any change in name “as soon as reasonably practicable” I am unaware that an such notification has been made to the authority.

Given the limited information available to us at this stage should the matter proceed to a hearing, I reserve the right to expand on any of the above in the event that the application is pursued.

I would be grateful if you could please acknowledge receipt of this email and confirm that it is deemed as a relevant representation. Should it be determined that the application is not defective for reasons set out above, and should the applicant decide to pursue this matter, I look forward to receiving conformation as to when the matter will be considered by the Licensing Committee.

Resident

*
REF:- 20/00977/PRMV
131 THE PROMENADE.

2 Summerfield Meads
Fauconberg Road
GL50 3AU

1-9-2020

Dear Sir/Madam,

I wish to object
most strongly to the extended licence
to the above address. *

It is already very,
very, noisy and anti-social at
week-ends at the moment! There
are cars and taxis and drunk
people outside our house at
the end of night. I can not
go to bed to sleep untill
every one has gone!

The other problem
is that we have people
(mainly men) using our garden
wall and St. Andrew garden
as a toilet !!!

Yours faithfully. A. Copaldi (MRS)