



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

Monday, 25 January 2021

2.00 pm

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

Membership	
Councillors:	David Willingham, Wendy Flynn and Tim Harman
Officers:	Sarah Farooqi, Louis Krog and Jason Kirkwood

Agenda

1.		ELECTION OF CHAIR	
2.		DECLARATIONS OF INTEREST	
3.		DETERMINATION OF APPLICATION FOR A PREMISES LICENCE The Lucky Onion LLP 129-133 Promenade, Cheltenham	(Pages 3 - 106)
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

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Licensing Sub Committee – 25 January 2021

Licensing Act 2003: Determination of Application for a Premises Licence

The Lucky Onion LLP, 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 premises licence at any time. In this case, an application was received on the 1st of December 2020 from The Lucky Onion LLP in respect of 129 - 133 Promenade, Cheltenham. A redacted copy of the application is included at **Appendix A**. A plan of the premises is attached at **Appendix B**.

1.2 The application describes the variation as:

“Recorded Music and Late Night Refreshment outdoors as well as indoors, Recorded music and Late Night Refreshment supply to finish at 23:00 and all licensable activities at 00:00 in the external area at the front and Recorded music and Late Night Refreshment supply to finish at 01:00 and all licensable activities at 02:00 in the external area at the rear of the premises. Also commence the supply of alcohol at 07:00 each day. Remove condition 1 in Annex 3.”

1.3 A summary of the application is broken down below and outlined in the table below for the sake of ease:

1.3.1 Extending the commencement hour for the sale of alcohol from 10:00 to 07:00;

1.3.2 Extending the terminal hour for the sale of alcohol, recorded entertainment and provision of late night refreshment to the hours outlined in the table below (“Proposed variation”);

1.3.3 Removing condition annex 3(1); and

1.3.4 Rewording condition annex 2(g) so to extend the use of the outside areas for licensable activities as per the proposed rewording of annex 2(g) (see table below for reference)

	Existing activity	Relevant conditions (existing)	Proposed variation	Proposed variation condition to replace Annex 2(g)
Sale of alcohol	On & Off sales: Monday to Wednesday 10:00 - 02:00 Thursday to Saturday 10:00 - 03:00 Sunday 10:00 - 03:00	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. (Annex 3(1)) The external area at the front of the premises shall not be used for any licensable activities after 23:00 hours. (Annex	On & Off sales: Monday to Wednesday 07:00 - 02:00 Thursday to Sunday 07:00 - 03:00	Performance of Recorded music and Late Night Refreshment supply to finish at 23:00 and all licensable activities at 00:00 in the external area at the front of the premises. Performance of Recorded music and Late Night

		2(g))		Refreshment supply to finish at 01:00 and all licensable activities at 02:00 in the external area at the rear of the premises
Performance of Recorded music	Indoors only on: Thursday to Saturday 10:00 - 03:00 Sunday to Wednesday 10:00 - 00:00	The external area at the front of the premises shall not be used for any licensable activities after 23:00 hours. (Annex 2(g))	Indoors & outdoors on: Monday to Wednesday 10:00 - 00:00 Thursday to Saturday 10:00 - 03:00 Sunday 10:00 - 00:00	Performance of Recorded music and Late Night Refreshment supply to finish at 23:00 and all licensable activities at 00:00 in the external area at the front of the premises. Performance of Recorded music and Late Night Refreshment supply to finish at 01:00 and all licensable activities at 02:00 in the external area at the rear of the premises
Late night refreshment	Indoors only on: Thursday to Saturday 23:00 - 03:00 Sunday to Wednesday 23:00 - 02:00	The external area at the front of the premises shall not be used for any licensable activities after 23:00 hours. (Annex 2(g))	Indoors & outdoors on: Monday to Wednesday 23:00 - 02:00 Thursday to Saturday 23:00 - 03:00 Sunday 23:00 - 02:00	Performance of Recorded music and Late Night Refreshment supply to finish at 23:00 and all licensable activities at 00:00 in the external area at the front of the premises. Performance of Recorded music and Late Night Refreshment supply to finish at 01:00 and all licensable activities at 02:00 in the external area at the rear of the premises

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.

One Legal

E-mail: legalservices@tewkesbury.gov.uk

Tel no: 01684 272693

2. Application (Ref. 20/01546/PRMV)

- 2.1 Applicant: The Lucky Onion LLP
- 2.2 Agent: Mr David Rhodri Mason
- 2.3 Premises: 129 - 133 Promenade, Cheltenham

3. Responsible Authorities

- 3.1 No representations were made by any responsible authority in relation to this application.

4. Interested Parties

- 4.1 36 representations have been received from other people. 2 were rejected because they were submitted after the statutory deadline of the 29th of December 2020. Copies of the representations are attached at **Appendix C** and **Appendix D** a plan showing the location of the objector's addresses in relation to the premises. The committee must read the objections in full but for the sake of ease, below is a breakdown of the main issues referred to in the objections.
- 4.1.1 Noise Nuisance – The extended use of the outdoors areas will cause noise nuisance for residents.
- 4.1.2 Crime & Disorder – The increased hours for the sale and consumption of alcohol is likely to lead to increased issues associated with crime and disorder from customers. Objector(s) have also suggested the grant of the application would encourage the sale of drugs on the square.
- 4.1.3 Marquees – Concern that the use of Marquees will be considered as an indoor space which is not suitable for late night entertainment because they are not sound proof.
- 4.1.4 Cheltenham Ladies College – Comments relating to the close proximity of the premises to the Cheltenham Ladies College and the adverse impact the grant of this application will have on the residents of College boarding houses.
- 4.1.5 Precedent – Comments suggesting the grant of this application will set a precedent for the area.
- 4.1.6 Local area – Some objectors mentioned the impact on the local area mentioning that people tend to congregate in the square, continuing to make a noise and consume alcohol. Objectors were not clear on whether the people congregating were customers of 131.
- 4.1.7 Imperial Square – Objector(s) have indicated that the square is becoming increasingly a residential area and this needs to be taken into account by the sub-committee when it considers the impact of commercial enterprise on the area.

- 4.1.8 Engagement – Objector(s) mentioned the lack of engagement with local residents and other businesses on the plans as outlined in the application.

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.

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.

- 5.3 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 2020) 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 1.10)

- 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 1.11)

- 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 1.12)

- 5.8 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. (para 1.13)

- 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 1.14)

- 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 1.18)

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 1.20)

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)

Core Hours for Licensable Activities

- 5.24 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	10:00	00:00

performance venues		
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:

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

6. National Guidance

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

Licensing objectives and aims

6.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. (1.2)

6.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm. (1.3)

6.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. (1.4)

6.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. (1.5)

Legal status

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

Licence conditions – general principles

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

Each application on its own merits

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

Public nuisance

- 6.9 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (Paragraph 2.14)
- 6.10 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (Paragraph 2.15)
- 6.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues. (Paragraph 2.16)
- 6.12 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. (Paragraph 2.17)
- 6.13 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave. (Paragraph 2.18)
- 6.14 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues. (Paragraph 2.19)
- 6.15 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area,

or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night. (Paragraph 2.20)

7. Licensing Comments

- 7.1 Each application must be considered on its own merits.
- 7.2 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.
- 7.3 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.
- 7.4 The sub-committee is reminded that each objective is of equal importance.
- 7.5 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.
- 7.6 In relation to the above and with particular reference to public nuisance, the sub-committee's attention is drawn to the definition of "public nuisance" in the statutory guidance that states:
- "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."
- 7.7 Regarding the adopted Licensing Statement of Policy document adopted in January 2020, this application does not comply with the special policy on "Core Hours for Licensable Activities" as outlined in paragraph 5.26 of this report. As such, the points outlined in 5.27 should be a consideration in the sub-committee's determination of this application.
- 7.8 In relation to the representations, the sub-committee can only consider points raised that relate to one or more of the licensing objectives. Members are to note in particular the following in relation to the representations:
- 7.8.1 The marquees and other outside structures are to be understood to be "outdoors" for the purpose of licensing and therefore the terminal hour for licensable activities inside the marquees as applied for are 23:00 in the external area at the front and 02:00 in the external area at the rear.
- 7.8.2 Cheltenham Ladies College – A number of objectors have made comments on behalf of the Cheltenham Ladies College's boarding accommodation. Members are to note however that the Cheltenham Ladies College have themselves not submitted any comments in relation to this application and therefore the appropriate weight should be given to the impact on the Cheltenham Ladies College.
- 7.8.3 Precedent – Comments from objectors have suggested that the grant of this application will set a precedent for the area. The sub-committee is reminded that it is required to deal with each application on its merits and therefore no precedent will be set.
- 7.8.4 20/01494/PRMTFR – A number of objectors have submitted objections in relation to the application for the transfer of the premises licence. This is an error because interested parties are not entitled in law to object to an application to transfer.

7.8.5 'Queens Hotel' (MGallery) – An objector has commented on the Queens Hotel's application. This is clearly not relevant and should be ignored.

7.8.6 Noise assessment – there is formally no duty on the authority or the applicant to produce a noise assessment. However, the sub-committee must be satisfied that the grant of this application will not adversely affect the promotion of the licensing objectives particularly, in this case, the prevention of public nuisance.

It will be incumbent on the applicant to persuade the sub-committee that their proposal will not offend the promotion of the licensing objectives in light of the representations received.

The sub-committee's attention is drawn to paragraph 6.10 above that gives a definition of "public nuisance" as it relates to the Licensing Act 2003 and therefore the sub-committee's consideration of this application.

7.8.7 Crime and disorder – A breakdown of police recorded incidents relating to the premises can be found at 7.10 below. This is relevant to the sub-committee's consideration of the promotion of the licensing objective relating to the prevention of crime and disorder.

7.8.9 Local area – With regard to any potential impact on the local area resulting from this application, the sub-committee's attention is drawn to the statutory guidance that states (paragraph 6.15 of this report):

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. [Italics added]

7.9 In 2020, there were two noise complaints relating to this premises. One was made during the Cheltenham Festival week in March and closed with no action. The other was a general retrospective noise complaint that was recorded but could not be acted on.

7.10 Regarding incidents of crime and disorder attributable to the premises, Gloucestershire Constabulary did not submit any representations in relation to the application. On request, the following information was disclosed relating to incidents between the dates of 01/06/20 until 21/12/20:

- 18/08/2020 – Covid related complaint, breaches alleged
- 22/08/2020 – Intoxicated male asked to leave premises which required police assistance
- 31/08/2020 – Customer refusing to leave premises, call to police for assistance but was not required
- 10/09/2020 - Covid related complaint, breaches alleged
- 21/09/2020 - Covid related complaint, breaches alleged
- 25/09/2020 – Report of burglary at premise, police arrested alleged offender
- 11/10/2020 – Call to police regarding Marquees erected. No further information
- 16/10/2020 – Report of door staff being assaulted, arrest made

- 08/12/2020 - Intoxicated male asked to leave premises which required police assistance. Male left whilst making the call
- 11/12/2020 - Covid related complaint, breaches alleged

7.11 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.

7.12 Having considered all relevant issues, the sub-committee may:

- Grant the application as requested;
- Modify the conditions attached to the licence; or
- Reject all or part of the application.

Background Papers

- Licensing Act 2003 Licensing Policy Statement, adopted January 2020
- Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

Report Author

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 264135

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	20/01494/PRMTFR
Current Premises address	129 - 133 Promenade Cheltenham Gloucestershire

Premises Details

Premises Licence Number *	20/01494/PRMTFR
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)
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Premises Licence Holder - Non Individual

Name *	<div>The Lucky Onion LLP</div>
Street address *	<div>Dowdeswell Park,</div> <div>London Road,</div> <div>Charlton Kings</div>
Town/City *	<div>Cheltenham</div>
County	<div>Gloucestershire</div>
Postcode *	<div>GL52 6UT</div>
Registered number (where applicable)	<div>OC356004</div>
Description of applicant (for example partnership, company, unincorporated association etc.) *	<div>Limited Liability Partnership</div>
Email *	<div></div>
Daytime Contact Telephone Number	<div></div>

Variation

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

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) *

Recorded Music and Late Night Refreshment outdoors as well as indoors , Recorded music and Late Night Refreshment supply to finish at 23:00 and all licensable activities at 00:00 in the external area at the front and Recorded music and Late Night Refreshment supply to finish at 01:00 and all licensable activities at 02:00 in the external area at the rear of the premises. Also commence the supply of alcohol at 07:00 each day. Remove condition 1 in Annex 3

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 Saturday
	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 *	Sunday
	10:00
	00:00

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 *

Monday to Wednesday

10:00

00:00

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)

Performance of Recorded music to finish at 23:00 in the external area at the front of the premises. Performance of Recorded music to finish at 01:00 in the external area at the rear of the premises

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

03:00

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 Saturday
	23:00
	03:00

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 *	Sunday
	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 *	Monday to Wednesday
	23:00
	02:00

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)

Late Night Refreshment supply to finish at 23:00 in the external area at the front of the premises. Late Night Refreshment supply to finish at 01:00 in the external area at the rear of the premises

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)

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)

Adult Entertainment

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. (please read guidance note 10)

None

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

Page 24

Opening Hours

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

No change

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

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.

To amend Annex 2 condition (g) to read "Performance of Recorded music and Late Night Refreshment supply to finish at 23:00 and all licensable activities at 00:00 in the external area at the front of the premises. Performance of Recorded music and Late Night Refreshment supply to finish at 01:00 and all licensable activities at 02:00 in the external area at the rear of the premises". Delete existing Annex 3 condition 1.

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.

Licensing Objectives

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 11)

As existing

b) The prevention of crime and disorder

As existing

c) Public safety

As existing

d) The prevention of public nuisance

As existing

e) The protection of children from harm

As existing

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 *

David Rhodri Mason

Date *

01/12/2020

Capacity *

Applicant's Solicitor



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 Connor

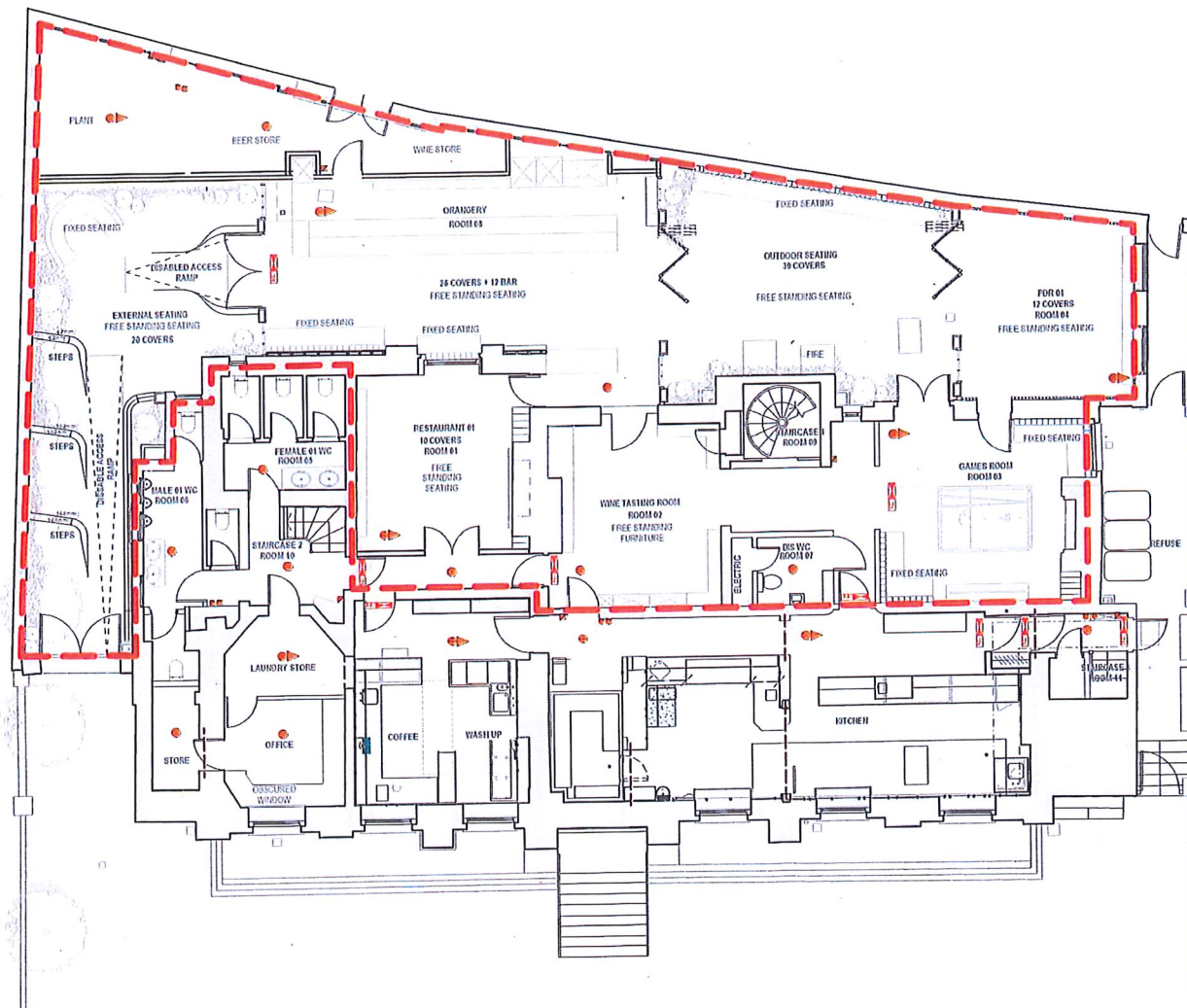
Surname /Company Name

The Lucky Onion LLP

Email *

Telephone

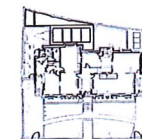
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RED LINE DENOTES LICENSABLE ACTIVITIES

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
16/01/13 Revised Text
26/01/13 Revised Text
20/01/13 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 Onion

Date Created:
11/01/13

Project:
The Promenade Cheltenham

Drawing Title:
Licensing - Proposed Lower Ground Floor Plan

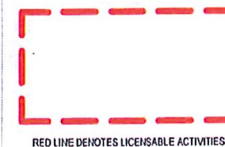
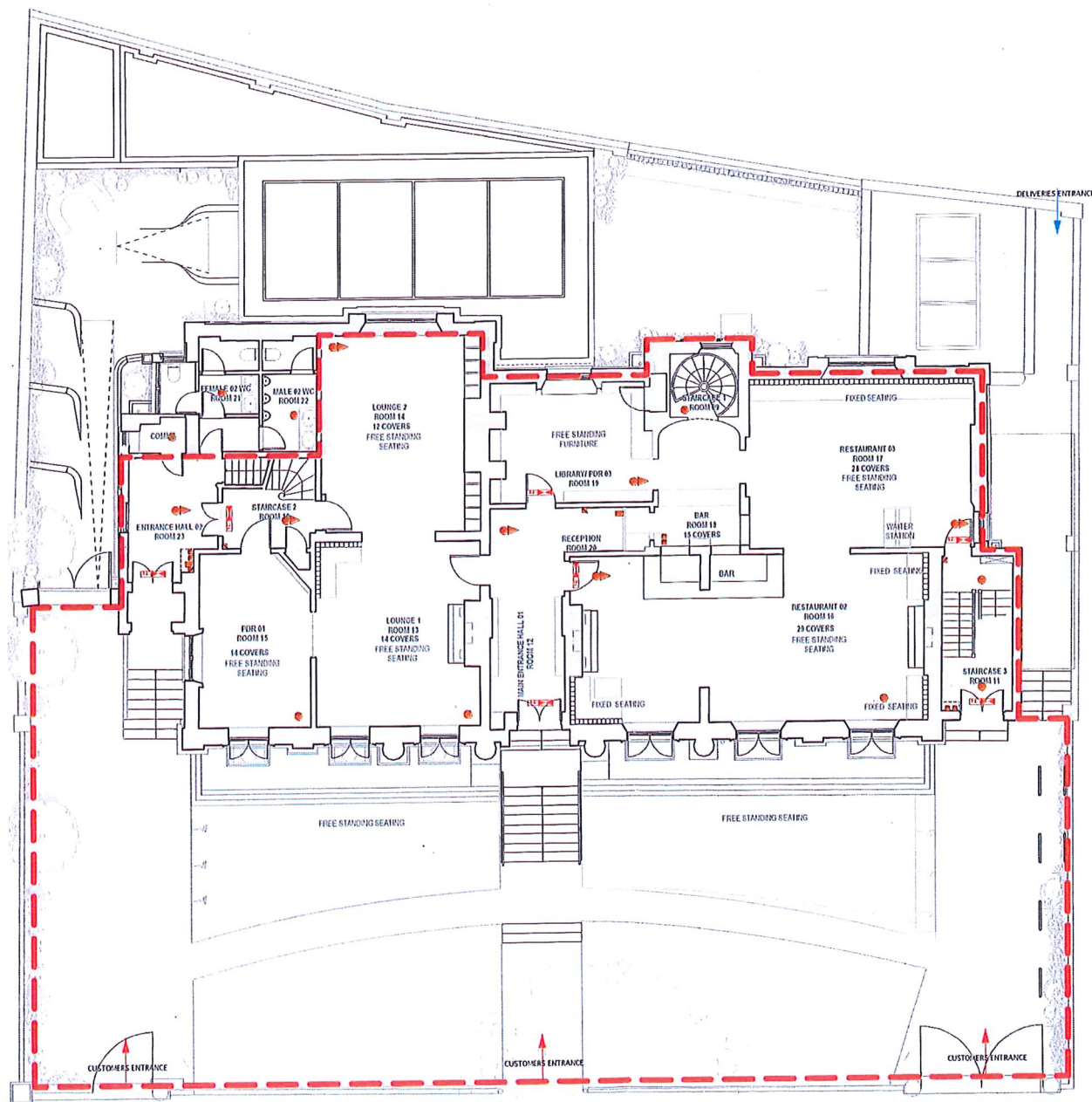
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1:150 @ A3

Revision Date:
22/02/13

Drawing No:
12012/110

Drawn By: Checked by: Revised:

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



RED LINE DENOTES LICEASABLE 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

110/113 - Licensing
200/113 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 Onion

Date Created:
11/01/13

Project:
The Promenade Cheltenham

Drawing Title:
Licensing - Proposed Ground Floor Plan

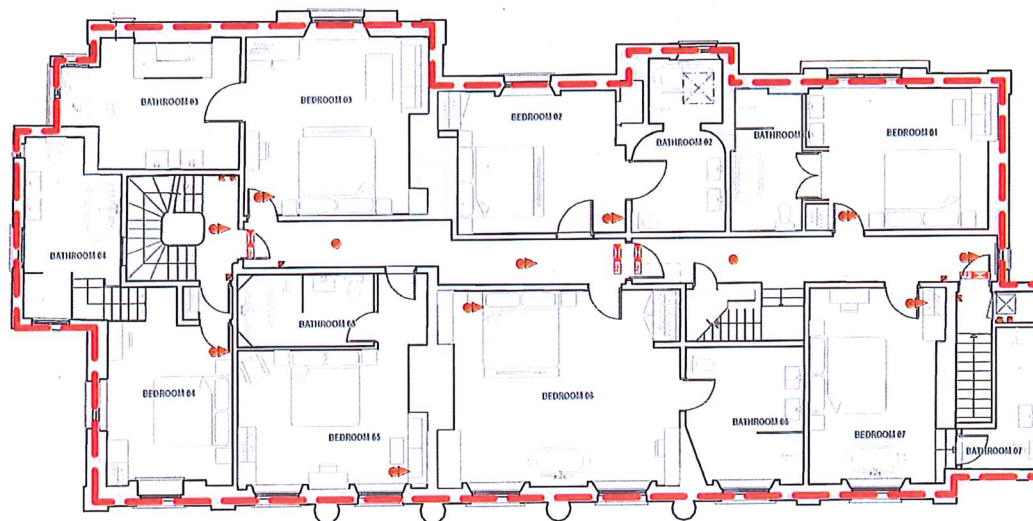
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Revision Date:
22/02/13

Drawing No:
12012/112

Drawn By: Checked by: Revised:

DO NOT SCALE FROM DRAWING. ALL DIMS TO BE
CHECKED ON SITE. REPORT OMISSIONS 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
31/01/13 - Licensing Revision

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 Onion

Date Created:
11/01/13

Project:
The Promenade Cheltenham

Drawing Title:
Licensing - Proposed First Floor Plan

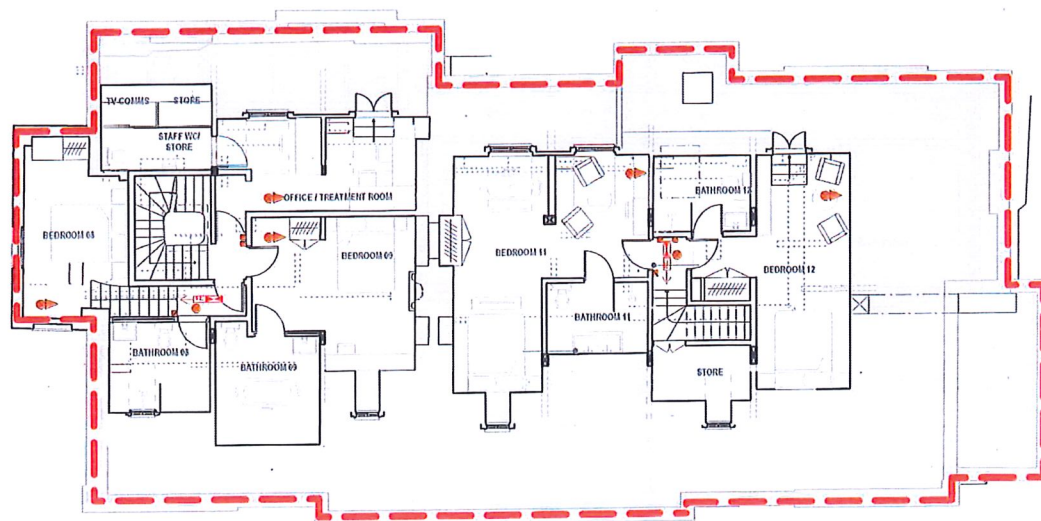
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1:150 @ A3

Revision Date:
22/02/13

Drawing No:
12012/113

Drawn By: Checked By: Revised:

DO NOT SCALE FROM DRAWING. ALL DIMS TO BE
CHECKED ON SITE. REPORT DISCREPANCIES 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
30/01/13 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 Onion Date Created: 11/01/13

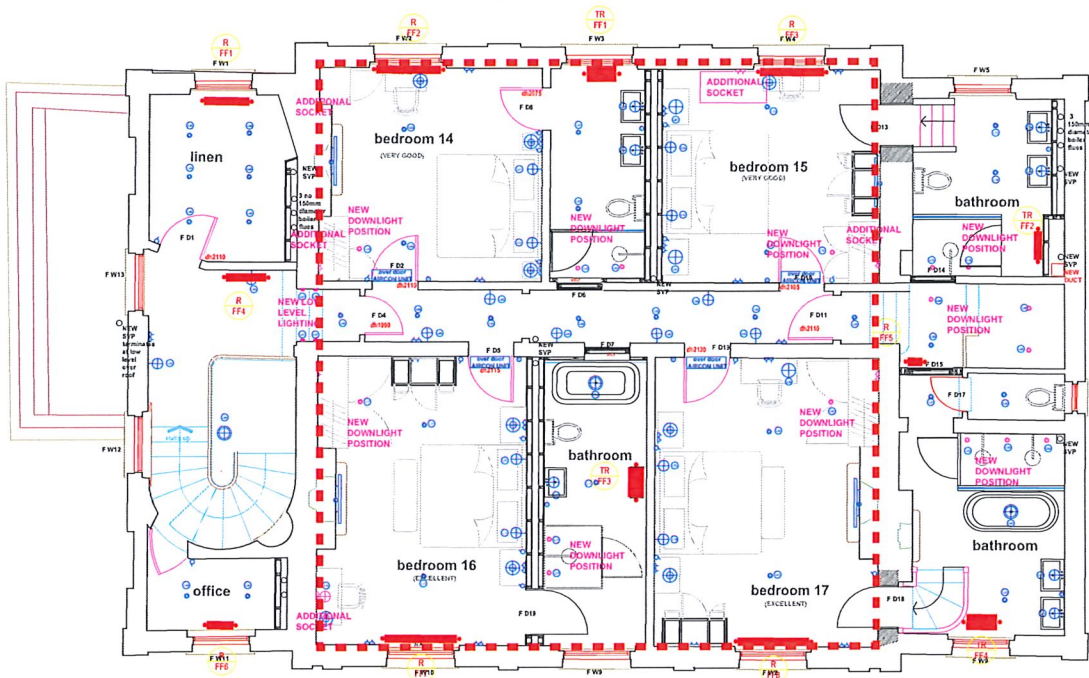
Project: The Promenade Cheltenham

Drawing Title: Licensing - Proposed Second Floor Plan

Scale: 1:150 @ A3 Revision Date: 30/01/13

Drawing No: 12012/114 Drawn By: Checked By: Revised By:

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



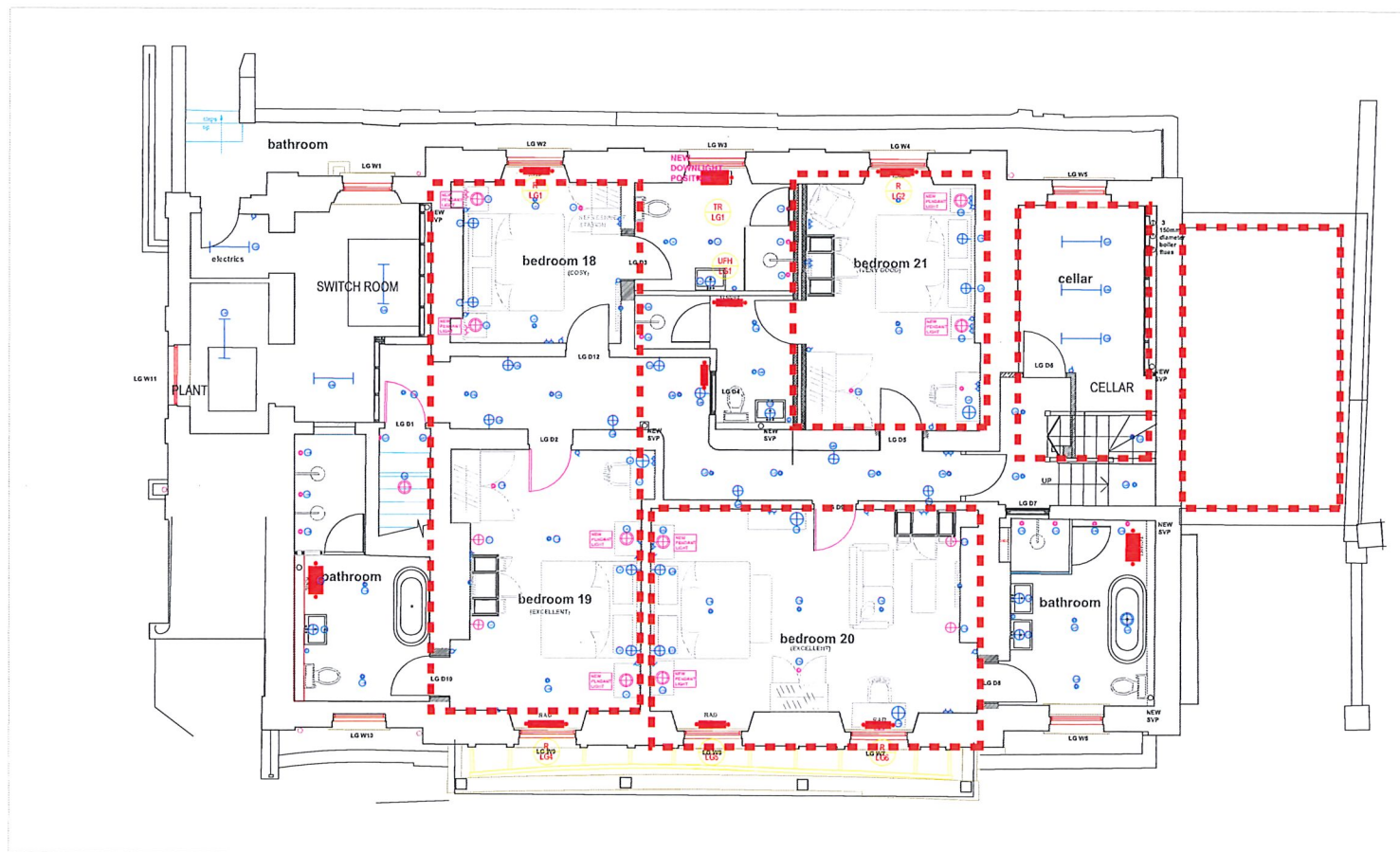
Red line denotes
licensable activities

- 15/08/18 Rev 4 -lighting spec codes added
- 04/07/18 Rev 3 - additional electrical points added after meeting with ILS
- 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.

	LIGHT SWITCH		THERMOSTAT		FUSED SOCKET FOR OVER DOOR WALL MOUNTED AIRCON UNIT. DAIKIN B21-FT15M5M AIRCON POWER REQUIREMENTS TO BE CONFIRMED WITH SK.
	2 AMP LAMP SOCKET		WALL LIGHT POSITION		SOCKET FOR SMALL ELECTRICAL APPLIANCES (KETTLE, COFFEE MACHINE, HAND DRYER...ETC)
	SINGLE SOCKET WITH USB PORT		TV POWER AND DATA /AERIAL POINT REQUIREMENTS TO BE CONFIRMED WITH BANG & OLUFSEN		
	DOUBLE SOCKET				










**DOWDESWELL
ESTATES**

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



Red line denotes
licensable activities

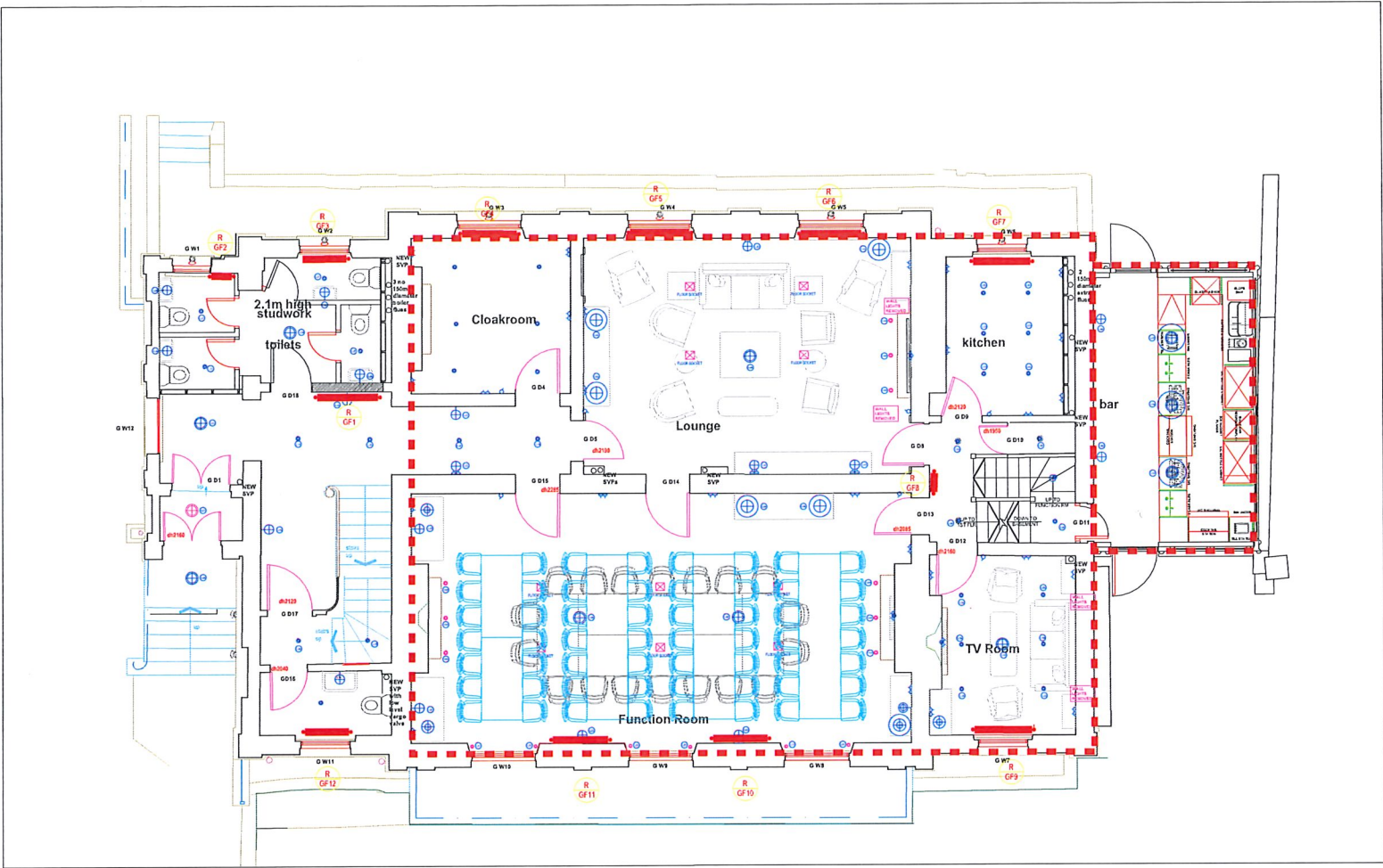
15/05/18 Rev 5 - lighting spec codes added			
08/08/18 Rev 4 - Bedside lights replaced with pendant lights			
04/07/18 Rev 3 - additional electrical points added after meeting with ILS			
12/06/18 Rev 2 - additional electrical points added			
07/06/18 Rev 1 - amendments to electrical layouts following meeting at Dowdeswell Estates with Electrical contractor.			
Project Title: 133 THE PROMENADE			
Drawing Number: DE- 133- 001	Drawn by: CM		Rev: 4
Drawing Title: LOWER GROUND FLOOR GA	Date: 04/06/2018	Scale: 1:50 @ A1	

	LIGHT SWITCH		THERMOSTAT		FUSED SOCKET FOR OVER DOOR WALL MOUNTED AIRCON UNIT DASHON R32/PT250/25M AIRCON POWER REQUIREMENTS TO BE CONFIRMED WITH SK.
	2 AMP LAMP SOCKET		WALL LIGHT POSITION		
	SINGLE SOCKET WITH USB PORT		TV POWER AND DATA /AERIAL POINT TV POWER AND DATA /AERIAL REQUIREMENTS TO BE CONFIRMED WITH BANO & GILFILLAN		SOCKET FOR SMALL ELECTRICAL APPLIANCES KETTLE, COFFEE MACHINE, HAIR DRYER... ETC
	DOUBLE SOCKET				

ADDITIONAL OR MOVED ELECTRICAL
COMPONENTS MARKED IN PINK ON PLAN

**DOWDESWELL
ESTATES**

Dowdeswell Park, London Rd, Cheltenham, GL52 6UT.
DEBC Ltd Office: 01242 820591
W: www.dowdeswellestates.co.uk
E: catherine@dowdeswellestates.co.uk



Red line denotes
licensable activities

03/09/18 Rev 6 -pub/c to let layout amended			
15/08/18 Rev 5 -lighting spec codes added			
08/06/18 Rev 4 - wall lights removed in Conference,Lounge and TV Room			
04/07/18 Rev 3 - additional electrical points added after meeting with ILS			
12/06/18 Rev 2 - additional electrical points added.			

Project Title: 133 THE PROMENADE			
Drawing Number: DE-133-002	Drawn by: CM	Date: 05/07/2018	Rev: 6
Drawing Title: GROUND FLOOR GA	Scale: 1:50 @ A1		

LIGHT SWITCH	THERMOSTAT	FUSED SOCKET FOR OVER DOOR WALL MOUNTED AIRCON UNIT. DAKIN R32-4 TX MS1M AIRCON POWER REQUIREMENTS TO BE CONFIRMED WITH SA.
2 AMP LAMP SOCKET	WALL LIGHT POSITION	SOCKET FOR SMALL ELECTRICAL APPLIANCES KETTLE, COFFEE MACHINE, HANDYER, ETC.
SINGLE SOCKET WITH USB PORT	TV POWER AND DATA /AERIAL POINT TV POWER AND DATA /AERIAL REQUIREMENTS TO BE CONFIRMED WITH BANG & OLUFSEN	
DOUBLE SOCKET		

ADDITIONAL OR MOVED ELECTRICAL
COMPONENTS MARKED IN PINK ON PLAN

**DOWDESWELL
ESTATES**
Dowdeswell Park, London Rd, Cheltenham, GL52 6UT.
DEBC Ltd Office: 01242 820591
W: www.dowdeswellestates.co.uk
E: catherine@dowdeswellestates.co.uk





CHELTEMHAM
BOROUGH COUNCIL

RE: APPLICATION NO 20/01546/PRMV

Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

☒
☐
☐
☐

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	4, SUMMERFIELD HOUSE 21 ROYAL PARADE CHELTEMHAM
Post Code	GL50 3AY
Daytime contact number	
Email address (optional).	

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

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

Part 2 Continued

APPL. NO. 20/D1546 / PRMV

Premises/Club Details

Name of premises/club you are making representation about:	131 HOTEL CHELTENHAM
Name of Applicant for Licence (if known)	
Postal Address:	131 THE PROMENADE CHELTENHAM
Post Code:	GL50 1NW

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p> <p>1- Disturbance 2- Noise 3- Disorder 4- Crime</p>
--

Which of the Licensing Objectives does your representation refer to?

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

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

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

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

APPL. NO. 20/01546 /PRMV

Part 2 continued

What are your concerns?

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

I live in close proximity to 131 Restaurant and from my window I can actually see the outdoor area where the bar is situated and hear music during the day and at night. Montpellier has residential properties although the bars and restaurant seem to have taken over. Any noise from people drinking, laughing, shouting emerging in a drunken fashion is a public nuisance. Disorderly, drunk people encourages crime. Ladies' College children are in very close proximity. Late night bars indicate an unsalubrious setting for children 12-17.

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

- That music must stop at 11
- the bar should close its outdoor facilities at 11 but perhaps later, midnight, indoors. No later than midnight.

Signature: 

Capacity: Resident

Date: 8.12.2020

Objections to Application Reference : 20/01546/PRMV



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	37B The Broad Walk Imperial Square Cheltenham
Post Code	GL50 1QG
Daytime contact telephone number	
Email address - If you would prefer (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	129-133 Promenade Cheltenham Gloucestershire
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129-133 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p> <p>Application Reference : 20/01546/PRMV</p> <p>Public nuisance of additional noise and disturbance due to proposed additional hours of recorded music, late night refreshment & supply of alcohol in external areas.</p> <p>Impacts local residents, hotel guests & potentially hotel business in the vicinity.</p>
--

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	290 metres
--	------------

Part 2 continued

What are your concerns?

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

Recorded Music & Late Night refreshment.

The proposed later hours of these facilities to the Rear (including side?) will increase noise late at night and in early hours, disturbing the night's rest of Fauconberg Rd & Montpelier St residents and Queens Hotel guests, possibly impacting the Queens Hotel business. These activities should cease in all External areas at 11pm.

Supply of Alcohol

The proposed later hours of these facilities to the Front & Rear (including side?) will also present increased noise late at night and in early hours, disturbing Imperial Sq, Fauconberg Rd & Montpelier St residents and Queens Hotel guests. Supply of Alcohol in External areas & taking of Alcohol into External areas should cease at 11pm. The consumption of alcohol in External areas should also cease at 11pm, avoiding multiple orders before 11pm to sustain longer drinking outside.

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

Side external areas - Various licensing applications for the premises have identified Front and Rear External areas separately, without mentioning Side areas. The South Side merits greater consideration than the rear as noise from that area has a greater impact on the vicinity, particularly Fauconberg Rd and Montpelier St residents.

Marquees - All areas outside the permanent buildings, including marquees, should be classed as External. Marquees offer little noise insulation against music and general noise from crowded areas where alcohol is consumed.

Signature:	
Capacity:	

Date:	14/12/20
-------	----------

Email: landglayedra@yahoo.co.uk
ANNING
8 DEC 2020
SERVICES

43 The Broadwalk
Imperial Square
Cheltenham
GL50 1AQ
7/12/2020

Dear Sirs,
I am writing to object to the application from The Lucky Onion LLP to extend the licensing activities of the performance of recorded music and late night refreshments at 131 at 129-133 Promenade Cheltenham GL50 1NW

My reasons for objecting are just the same as their first application that was turned down. This objection is objecting to a much bigger project than before and so therefore should be refused.

The noise from the gardens of 131 bounces around square garden which is residential on two sides of the square. On the Broadwalk we are not allowed double glazing and our living room is on the front facing into the square and we can hear the music and at busy times the noise in the gardens. We are not objecting to this during social hours but in the early hours of the morning it is not acceptable.

Hopelully you will not be granting their request.

Kind Regards [REDACTED]



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	[Redacted]
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	54 E MONTPELLIER SPA ROAD CHELTENHAM
Post Code	GL50 1UL
Daytime contact number	[Redacted]
Email address (optional).	your email address.

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

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

Part 2 Continued

Premises/Club Details App. 20/01546/PRMV

Name of premises/club you are making representation about:	129-133 PROMENADE CHELTENHAM
Name of Applicant for Licence (if known)	THE LUCKY UNION
Postal Address:	129-133 THE PROMENADE CHELTENHAM
Post Code:	GL50

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc) DISORDER, PUBLIC SAFETY NOISE DISTURBANCE
--

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	100.
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Part 2 continued

What are your concerns?

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

THE EXTENSION OF LICENSING HOURS, ALREADY ADEQUATE, WILL IN MY OPINION CAUSE A NUISANCE TO RESIDENTS IN THE AREA. THIS INCLUDES GUESTS AT THE ABOVE HOTEL, AS WELL AS PEOPLE LIVING IN THE AREA. THERE WILL BE NOISE DISTURBANCE AS WELL AS THE LIKELY CHANCE OF FIGHTING AND GENERAL PUBLIC DISORDER.

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

THE LICENSING HOURS REMAIN AS ALREADY GRANTED.
IF NOT TO REMAIN THEN NO OUTDOOR ACTIVITIES BE ALLOWED BEYOND THE EXISTING TIME PERMISSEION.

Signature:

[Redacted Signature]

Capacity:

RESIDENT

Date:

8/12/2020

MR. LOUIS KROGG,
LICENSING OFFICER,
CHELTENHAM BOROUGH COUNCIL,
MUNICIPAL OFFICES,
THE PROMENADE,
CHELTENHAM

18 Imperial Square
Cheltenham
Glos. GL50 1QZ
01242 250280

Monday 7th December 2020

Dear Sir,

REF. 20/01546/PRMV Licence Variation
129 - 133 THE PROMENADE.

My wife and I wish to lodge a strong objection to this application for a licence extension as stated for the sale + supply of alcohol; late night refreshment; and performance of recorded music variously to 12, 2 a.m. and 3 a.m., outside including under or within marquees, which are not sound proof.

This will cause serious noise disturbance through the night to residential properties

across and around Imperial Square.

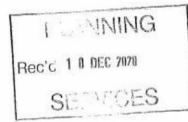
Furthermore, it will generate an increase in late night traffic noise and disturbance caused by drinkers and other patrons arriving and departing from the premises during the night.

Owing to planning restrictions we are prevented from installing double glazing in our properties.

We would remind you that an acceptable licence was agreed and approved a couple of years ago.

Yours faithfully

A solid blue rectangular box used to redact the signature of the sender.



45 The Broadwalk
Imperial Square
Cheltenham

06/12/2020

I would like to object to the application from The Lucky Onion L L P to extend the licensing hours at 131 on the Promenade in Cheltenham.

A previous application was made several years ago and was refused. Since then the gardens and outdoor facilities have been extended and the noise problem would now be increased.

I have no problem with the licence as it is but think that the proposed licence for outside areas to allow noise until 2am in the morning would be very antisocial and if granted would make further applications from other establishments in the area difficult to refuse.

This could become a big problem for local residents

Kind regards



Louis Krog
From:
Sent: 10 December 2020 14:48
To: Louis Krog; Internet - Licensing
Subject: 129 - 133 Promenade, Cheltenham, Gloucestershire.

Dear Mr. Krog,

20/01546/PRMV and 20/01494/PRMTFR 129 - 133 Promenade Cheltenham

I write with reference to the above Applications and I note all the timings on both Applications.

As a resident in the vicinity this is very concerning as they appear to be Applications for Sale and Supply of Alcohol, Late Night Refreshment and Performance of Music for both Indoors and Outdoors up to 03.00 on some days of the week and 12.00, 01.00 and 02.00 on other days.

I refer to two previous Applications for these premises, namely 19/00175/PRMV and 17/01399/PRMV which incorporated Conditions ensuring that that all licensable activities would take place INDOORS ONLY after 23.00 every day and that no alcohol would be sold outdoors and customers would not be permitted to take drinks outdoors.

These Conditions also included the Condition that "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."

It is observed that there are types of marquees on all the outside terraces belonging to these premises. These are not sound-proofed and must be considered as being Outdoors.

The premises to which these applications refer are in a Residential Area and the noise which emanates from these premises is already intrusive to Residents inside their homes but it is bearable up to 23.00 hours as residents understand that businesses need to be supported. However, there has to be 'give and take' and residents must be allowed to sleep undisturbed.

The consumption of alcohol with or without music on ALL the terraces OUTDOORS late at night and in the early hours of the morning will result in Noise and Disturbance and will constitute a Public Nuisance as will the noise associated with people leaving the premises as well as being a risk to Public Safety.

The Premises are within a Conservation Area where residents are not allowed to have double glazing so the noise of raised voices, with or without the addition of music, cannot be blocked out.

There is a risk of Crime and Disorder resulting from alcohol consumption putting the Safety of the Public at risk.

The hours OUTDOORS which include the outside terraces at the front, the side and the rear of these premises should not be extended for either Alcohol or any type of Music.

I request therefore that Conditions are applied ensuring that after 23.00 hours every day any activities involving Alcohol and All types of Music whether live or recorded MUST be INDOORS i.e. inside the buildings with the doors and windows closed.

I object to both the above Applications namely, 20/01546/PRMV and 0/01494/PRMTFR on the following grounds:

- a) the prevention of crime and disorder
- b) public safety and
- c) the prevention of public nuisance.

I look forward to hearing from you that this Objection has been received and logged.
Thank you.

40B The Broadwalk, Imperial Square, Cheltenham GL50 1QG.

Comments for Licensing Application 20/01546/PRMV

Application Summary

Application Number: 20/01546/PRMV

Address: 129 - 133 Promenade Cheltenham Gloucestershire

Proposal: Premises Licence Full Variation

Case Officer: Mr Louis Krog

Customer Details

Name: Not Available

Address: 11 Royal Parade, Bayshill Road, Cheltenham, Gloucestershire GL50 3AY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 12:05 PM on 19 Dec 2020 131 is a wonderful establishment and a great addition to The Promenade. That said, I object to extending licensing and music in the external gardens, as the noise is clearly heard in the surrounding residential houses and it is difficult to sleep until the music is over. There is the additional issue of noise generated from people leaving 131 and hanging around outside after a long evening of drinking.

I am surprised this is even up for consideration given the proximity of several of Cheltenham Ladies College boarding houses. Surely we need to protect children's right to a good night's sleep.

Comments for Licensing Application 20/01546/PRMV

Application Summary

Application Number: 20/01546/PRMV

Address: 129 - 133 Promenade Cheltenham Gloucestershire

Proposal: Premises Licence Full Variation

Case Officer: Mr Louis Krog

Customer Details

Name: Not Available

Address: 10 Royal Parade, Bayshill Rd, Cheltenham GL50 3AY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 5:45 PM on 18 Dec 2020 I object on the grounds that 131 Promenade backs onto residential properties. Licensing alcohol and music in the external gardens until 2am & 3am will seriously impact the residential properties in the area, and the Ladies College.

This will be a blight and prevent residents from their right to enjoy their property. There is already a serious noise issues from the external areas of 131, noting that CLC have already objected to the current activities.

This is in addition to late night drinking which involves a number of other issues, with people leaving the premises and causing a disturbance.

Montpelier is becoming more like Benidorm every year, I thought the proprietor would have more taste.

Comments for Licensing Application 20/01546/PRMV

Application Summary

Application Number: 20/01546/PRMV

Address: 129 - 133 Promenade Cheltenham Gloucestershire

Proposal: Premises Licence Full Variation

Case Officer: Mr Louis Krog

Customer Details

Name: Not Available

Address: 36D The Broad Walk, Imperial Square, Cheltenham, Gloucestershire GL50 1QG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 11:43 AM on 05 Dec 2020 I object to this application due to potential for increases in disorder, public safety and noise disturbance that will inevitably occur in the vicinity of 129 – 131 The Promenade. In particular the potential for playing of recorded music outdoors is bound to cause excessive noise disturbance.



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk*

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

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

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

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	1 Summerfield Mews Fauconberg Road
Post Code	GL50 3AU
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 The Promenade Limited
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129 -131 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about
(eg crime, disorder, noise, disturbance etc):

Allowing live music until 2am is a significant public nuisance as it will be a noise disturbance as well as increase the threat of crime.

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	40 meters
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Part 2 continued

What are your concerns?

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

Public Nuisance:

I live within 40 meters of the club and can see and hear it from my bedroom and kitchen windows. The back of the club where the music will occur faces my house, and noise from live music until 2 am is a major nuisance and will make it difficult to sleep.

In addition, taxis park on the street directly outside my home. Inebriated customers coming and going in early hours with noise and traffic also causes a major nuisance.

Prevention of Crime:

There is risk of inebriated customers making inappropriate use of church yard or walls on Fauconberg street, which is directly adjacent to my home. This is also risk of drug dealers taking the opportunity to sell to customers coming and going from the club in the early hours

Public Safety

There is risk of inebriated customers and drivers hurting themselves or others in early hours.

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

I am writing this document around 9pm on 20 December, 2020. While COVID rates surge, the 131 club is at this very moment hosting live music in their heated and tented outdoor area. With all windows in my home shut, I can very clearly hear the music from my bedroom. This is already a very unwelcome disruption to my evening and allowing it to continue to 2am would be egregious. This is an otherwise quiet neighborhood that consists of private homes, hotels, churches, and schools.

Signature:

Capacity:

Date:

20 December 2020

CHEL TENHAM
BOROUGH COUNCIL

Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	17 ROTUNDA Terrace MOUNTFIELD STREET CHELTENHAM
Post Code	GL50 1SW
Daytime contact telephone number	
Email address - If (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 the Promenade
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129-133 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about
(eg crime, disorder, noise, disturbance etc)

License variation, reference 20/01546/PRMV

Which of the Licensing Objectives does your representation refer to?

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

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

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

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

Part 2 continued

What are your concerns?

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

NOISE LEVEL,
DRUNKEN BEHAVIOUR AT ALL HOURS
CAR DOORS SLAMMING
URINATING IN STREET

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

Signature: [REDACTED]

Capacity: RESIDENT

Date: 18/12/2020

17 December 2020

46d The Broad Walk,
Imperial Square,
Cheltenham,
GL50 1QG

Dear Sir/Madam,

Re: 20/01494/PRMTFR - Application to Vary Premises Licence - 129-133 Promenade, Cheltenham

I write to Object to the above Application. I believe it contravenes the Licensing Objective: 'The prevention of Public Nuisance'.

I live less than 100 yards from the premises. When I bought my flat many years ago, the 129-133 Promenade properties were not licensed. Since becoming licensed, the noise nuisance (from the music and in the street at closing time) has become increasingly bad. This is because the original outside area to the front of 131 has now been expanded to the front of two adjacent properties and has recently been expanded further to the side and back of the properties. I am not allowed to have double glazing and so the noise affects me a lot. I am in my nineties so I am usually in bed before 11pm and after 7am.

The applicant has applied to stop licensable activities 'at the front of the premises at 23.00 hours'. As far as it goes, I accept this as a reasonable compromise between the requirements of 131 and the local residents. However, the Application to allow Late Night Refreshment and Recorded Music at the rear of the premises until 1am, and other licensable activities until 2am, is completely unacceptable. The deadline of 23.00 needs to apply to the whole of the outside, not just 'the front'. My flat is as near to the side/rear of the premises as it is to the front so it is essential to stop all outside music, and the noise in the street made by patrons leaving the premises, by 23.00 hours if I am to get to sleep.

The two main causes of noise nuisance are

- 1) from the music emitting from the outside areas of the premises (NB some outside areas have been covered with marquees - these are not sound proofed and do not cut out the noise to any extent; not at all when the sides are not closed)
- 2) the alcohol enhanced voices, the shouting and slamming of car doors etc at closing time. This is bad enough at 11pm but would be intolerable if closing time was made even later.

Please reject this Application.

Please ensure that music and licensable activities stop in all outside areas at 23.00 hours. Also please restrict the volume of music, during the times that it is allowed, so that it does not reach my flat.

Yours faithfully,

Objection to: 20/01546/PRMV -Premises Licence Full Variation / 129-133 Promenade, Cheltenham, Gloucestershire. (Applicant: The Lucky Onion LLP)

My contact details are: [REDACTED] 32 Imperial Square, Cheltenham, GL50 1QZ. Email: [REDACTED]

I live approximately 150 meters from the premises.

I am making this Representation in respect of the Operating Schedule and the Conditions added on 2.10.2017.

My objection refers to the following Licensing Objective:

The prevention of public nuisance

My concerns are:

1. The Operating Schedule (g) states: 'The external area at the front of the premises shall not be used for any licensable activities after 23.00 hours'.

When these words were originally included in the operating schedule, the only outside area being used for licensable activities was 'the front of the premises', meaning the front of 131. However, the outside area being used has now been considerably extended to the front of the two adjacent buildings (considerably increasing the number of patrons and therefore the potential noise nuisance) and also to the side and to the rear of the premises. It should be made clear that the cessation of licensable activities at 23.00 applies to all the outside area, not just 'the front of the premises'.

This is necessary to prevent noise in general, and Recorded Music in particular, emitting from the premises after 23.00.

This is particularly essential as the properties around Imperial Square are in a conservation area and are not allowed to install double glazing. In consequence, residents are fully exposed to any noise nuisance.

2. For the avoidance of doubt, it should also be made clear that 'outside' includes all those areas currently covered with marquees. These marquees are not sound proofed and provide little barrier to noise emissions.

3. It is very important that the Recorded Music does not disturb the local residents. This is particularly essential after 23.00 when residents are entitled to a peaceful night's sleep. Condition 3, added on 2.10.2017, states that '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'. This is very vague and subjective. In addition to this general obligation, the maximum allowable volume of the music should be stated. I suggest that management should be obliged to ensure that music cannot be heard further than 50 metres from the boundary of the property. This more precise requirement will be good for 131 and good for the residents as both parties will be know whether or not the music level is in breach of the licence conditions.

The above points can be incorporated in the licence by

1. Amending Operating schedule (g) to read "The external area of the premises shall not be used for any licensable activities after 23.00 hours. For the avoidance of doubt, 'external area' includes all covered areas"
2. Adding the following Condition: "Management shall ensure that, at all times, the volume of music emitting from the premises, internal and external, shall not be heard beyond 50 meters from the boundary of the premises".

Objection to: 20/01546/PRMV -Premises Licence Full Variation / 129-133 Promenade, Cheltenham, Gloucestershire. (Applicant: The Lucky Onion LLP)

My contact details are: [REDACTED], 32 Imperial Square, Cheltenham, GL50 1QZ. Email: [REDACTED]

I live approximately 150 meters from the premises.

I am making this Representation in respect of the Operating Schedule and the Conditions added on 2.10.2017.

My objection refers to the following Licensing Objective:

The prevention of public nuisance

My concerns are:

1. The Operating Schedule (g) states: 'The external area at the front of the premises shall not be used for any licensable activities after 23.00 hours'.

When these words were originally included in the operating schedule, the only outside area being used for licensable activities was 'the front of the premises', meaning the front of 131. However, the outside area being used has now been considerably extended to the front of the two adjacent buildings (considerably increasing the number of patrons and therefore the potential noise nuisance) and also to the side and to the rear of the premises. It should be made clear that the cessation of licensable activities at 23.00 applies to all the outside area, not just 'the front of the premises'.

This is necessary to prevent noise in general, and Recorded Music in particular, emitting from the premises after 23.00.

This is particularly essential as the properties around Imperial Square are in a conservation area and are not allowed to install double glazing. In consequence, residents are fully exposed to any noise nuisance.

2. For the avoidance of doubt, it should also be made clear that 'outside' includes all those areas currently covered with marquees. These marquees are not sound proofed and provide little barrier to noise emissions.

3. It is very important that the Recorded Music does not disturb the local residents. This is particularly essential after 23.00 when residents are entitled to a peaceful night's sleep. Condition 3, added on 2.10.2017, states that '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'. This is very vague and subjective. In addition to this general obligation, the maximum allowable volume of the music should be stated. I suggest that management should be obliged to ensure that music cannot be heard further than 50 metres from the boundary of the property. This more precise requirement will be good for 131 and good for the residents as both parties will be know whether or not the music level is in breach of the licence conditions.

The above points can be incorporated in the licence by

1. Amending Operating schedule (g) to read "The external area of the premises shall not be used for any licensable activities after 23.00 hours. For the avoidance of doubt, 'external area' includes all covered areas"
2. Adding the following Condition: "Management shall ensure that, at all times, the volume of music emitting from the premises, internal and external, shall not be heard beyond 50 meters from the boundary of the premises".

Objections to Application Reference : 20/01494/PRMTFR



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk

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

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

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

Contact details (of person completing form)

Name:	[redacted] d
Name of the organisation/body/person you represent. (if appropriate)	
Your full Postal Address or that of the organisation or body you represent	37B The Broad Walk Imperial Square Cheltenham
Post Code	GL50 1QG
Daytime contact telephone number	[redacted]
Email address - If you would prefer to correspond via email, please enter their email address. (optional).	[redacted] email address.

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	129-133 Promenade Cheltenham Gloucestershire
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129-133 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)</p> <p>Application Reference : 20/01494/PRMTFR</p> <p>Public nuisance of additional noise and disturbance due to proposed additional hours of recorded music, late night refreshment & supply of alcohol in external areas.</p> <p>Impacts local residents, hotel guests & potentially hotel business in the vicinity.</p>

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	290 metres
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Part 2 continued

What are your concerns?

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

Recorded Music & Late Night refreshment.

The proposed later hours of these facilities to the Rear (including side?) will increase noise late at night and in early hours, disturbing the night's rest of Fauconberg Rd & Montpelier St residents and Queens Hotel guests, possibly impacting the Queens Hotel business. These activities should cease in all External areas at 11pm.

Supply of Alcohol

The proposed later hours of these facilities to the Front & Rear (including side?) will also present increased noise late at night and in early hours, disturbing Imperial Sq, Fauconberg Rd & Montpelier St residents and Queens Hotel guests. Supply of Alcohol in External areas & taking of Alcohol into External areas should cease at 11pm. The consumption of alcohol in External areas should also cease at 11pm, avoiding multiple orders before 11pm to sustain longer drinking outside.

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

Side external areas - Various licensing applications for the premises have identified Front and Rear External areas separately, without mentioning Side areas. The South Side merits greater consideration than the rear as noise from that area has a greater impact on the vicinity, particularly Fauconberg Rd and Montpelier St residents.

Marquees - All areas outside the permanent buildings, including marquees, should be classed as External. Marquees offer little noise insulation against music and general noise from crowded areas where alcohol is consumed.

Signature:

[Redacted Signature]

Capacity:

Resident in the vicinity

Date:

14-12-2020

43 The Broadwalk
Imperial Square
Cheltenham
GL50 1QG



9th Dec 2020

Dear sirs

With reference to the Lucky Onion's request to alter the Licences at 131.

It appears to ignore the number of residents who live well within earshot of the gardens at 131, these are not only in Imperial Square and the disturbance to residents would be very intrusive especially late at night/early morning as proposed.

Music and socialising outside, especially in the summer is great, however 131 is not in the correct location to provide this on such a grand scale.

They have neighbours who need to sleep and go to work in the morning.

The present licensing they have is acceptable and they were refused late night activity when that was given - should not be relaxed.

I STRONGLY OBJECT to the request made by the Lucky Onion.

Kind regards





Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	2 SUMMERFIELD MGWS FAH CONBER ROAD
Post Code	GL50 3AU
Daytime contact telephone number	01242 -
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	NONE

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 the Promenade
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129-133 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p> <p>License variation, reference 20/01546/PRMV</p> <p>NOISE, DISTURBANCE, DISORDER.</p>

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	I LIVE NEXT TO ST. ANDREWS CHURCH. 2 mins WALK To 131
--	---

Part 2 continued

What are your concerns?

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

THE LOUD MUSIC, TILL THE EARLY HOURS
OF THE MORNING. DRUNKS USING ST.
ANDREWS CHURCH^{GARDEN} AND MY WALL AS A TOILET.
TAXIS WAITING TO PICK UP PEOPLE (ENGINE)
(CRUISING) PEOPLE BEING SICK (WHICH I HAVE TO
CLEAN UP) I CAN SEE ALL THIS FROM ALL MY
WINDOWS. NOT A GOOD LOOK FOR THE ICONIC
PROMENADE!!! AS FOR THE HEATED TENTS!!!

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

Signature:

Capacity:

Date:

Dear Sir/Madam,

I am submitting an objection to License applications for outdoor music and alcohol at late evening and night time by the following applicants:

- 'No 131'

The Promenade, Cheltenham, GL50 1NW

and

- 'Queens Hotel' (MGallery)

The Promenade, Cheltenham, GL50 1NN.

I am Diana Rawlings, the owner and resident of apt. 47, The Broadwalk, Imperial Square, Cheltenham, GL50 1QG.

I noted that my neighbours 'Queens Hotel' and 'No 131' are planning to sell alcohol and play music outdoor until about 1am, which will put under risk my family's safety.

I am very concerned that a lot of drunk people will walk around my residence and look at my windows, as my apt 47 is located at the ground floor, and next door to the 'Queens Hotel'. I am also concerned that music will be played until very late time.

All the Broadwalk apartments, including my apt 47, have single glazed windows, so music at night until about 1am will affect us. I have a minor son, who is in prep school, and I believe that such license would badly affect our privacy, comfort and peace.

- The Manager of the Queens Hotel sent a letter advising that they are building the Markiser and that they are planning to apply for a license for late alcohol and music outside, however he did not provide the number of their application for the license.

- The N 131 provided the following number of their application: 20/01546/PRMV.

Please, kindly consider my concern before making a decision in reference to the above, as before COVID-19 crisis I already had a few incidents when drunk people were sitting with glasses of wine on my stairs at front of my entrance door. So I am very scared to be informed that the above entities might get a license to play music and serve alcohol outside until even later.

I rely on your understanding,

Thank you very much,

Kindest regards,

37A The Broadwalk
Imperial Square
Cheltenham
GL50 1QG

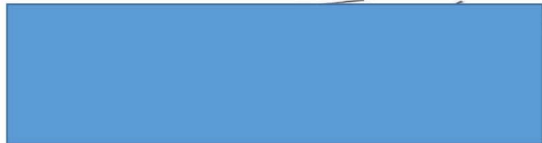
19/12/2020

Dear Sir

Re: The Lucky Onion LLP. Premises License at 129-133 The Promenade,
Cheltenham, GL50 1NW

I write objecting to their application to extend the time of serving drinks and playing music outdoors to after 11pm. because it is likely to cause a lot of noise and disruption in the surrounding area.

Yours sincerely





Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (if appropriate)	
Your full Postal Address or that of the organisation or body you represent	Flat 3 Summerfield House 21 Royal Parade Cheltenham Gloucestershire
Post Code	GL50 3AY
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 the Promenade
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129-133 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc) License variation, reference 20/01546/PRMV</p> <p>The proposed alteration of the license to extend licensable activities of 131 The Promenade, to the outdoors.</p>

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	140 metres along Fauconberg road from the rear of Flat 3 Summerfield House
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Part 2 continued

What are your concerns?

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

Public Nuisance: I am concerned as a local resident close to the rear of 131 the Promenade that pre-recorded music played in their outdoor areas until 1am will prevent me from sleeping properly. The lights used to illuminate the outdoor areas until 2am will add to the nighttime disturbance in the area. The noise of taxis, cars and pedestrians using Fauconberg road due to the outdoor patrons of 131 the Promenade coming and going, may also increase the noise levels into the early hours of the morning. The carbon emissions from the outdoor heaters in operation until the early hours in the outdoor areas on cold nights may also impact local pollution levels.

Crime and Disorder/Public Safety: Fauconberg road and Montpellier street at the rear of 131 The Promenade have had a number of crime incidents. For example, St Andrews church was subjected to an arson attack. Council Officers should ask advice from Gloucestershire police on the potential impact on crime and disorder and public safety in this area, if the number of patrons frequenting the outdoor areas of 131 The Promenade, increases into the early hours of the morning.

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

Given the licensee owns and operates many establishments in Cheltenham and the county, the licensee has opportunities to find more appropriate places to extend open air music and alcohol provision that are not near a public garden, a school, a church and a residential conservation area.

Precedent: Agreeing to license music and alcohol in outdoor areas into the early hours of the morning sets a precedent for the area, as it is unusual in such a publicly prominent part of the Cheltenham conservation area. Allowing this to occur could fundamentally alter the character of the area and creates doubts for residents that they are living in a conservation area. This precedent may also have the unintended consequence of other licensed establishments seeking similar licenses to remain competitive.

Signature: 

Capacity: myself as a local resident

Date: 20th December 2020

Dear Sir

REPRESENTATION TO AN APPLICATION BY LUCKY ONION LLP

129 - 133 PROMENADE CHELTENHAM GLOUCESTERSHIRE GL50 1NW VARIATION OF PREMISES LICENCE

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 operators. I have been manager of the premises since August 2018 and have worked in the hospitality industry for 19 years.

I previously made a representation to an application by the hotel earlier in the year, however the changes to the application have led to changes in the representation. As the Council will recall this first application by the applicants was refused

At the time I lodged my initial representation by the representatives of The Promenade, I did make the observation that although the applicant is not obliged to consult with local residents and businesses before lodging the application, they had not. Notwithstanding this, I and the local residents were not consulted in advance of this further application being lodged, although we did receive a letter from the applicants solicitors after the application had been lodged, inviting us to make contact with the hotel manager. I have since tried to speak to the manager on a number of occasions, as well as speaking to the contact detailed in the applicant's solicitor's letter, but I am yet to receive a reply or an answer to my request to discuss the application itself.

By way of background, and I appreciate that the Committee may already be familiar with the locality of both my premises and that of the Applicant, the Queens Hotel is adjacent to the Promenade. The Queens Hotel has been in existence since 1838 and has 84 bedrooms. Our main clientele during the week are business guests and at the weekend we attract visitors to the City coming to relax and enjoy a getaway from the busy day to day. A number of the hotel's 84 bedrooms face towards, and overlook, the external areas of the applicant premises that are the main focus of their application.

My understanding is that the current application is to enable the hotel to provide recorded music and late night refreshment in the external area at the front of the premises until midnight on each day of the week, and until 0200, on each day of the week, in the external area to the rear of the premises

The basis of my representation is as follows:

1. The application is inconsistent with the Licensing Objectives

The Queens Hotel already suffers from noise and nuisance disturbance caused by the patrons of 129 – 133 The Promenade.

It is my view that any extension of the permitted hours, until as late as 2am, within the external areas would do nothing to improve this situation and would simply make matters worse for the residents of my hotel who have had cause to complain about the noise.

In the circumstances, 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

2. Designated area of concern

I am aware that the premises fall within 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 Council's own policy, and an extension of hours as requested by the applicant would be inconsistent with the Council's own policy.

I feel that it is only fair to point out that since the earlier refusal of the application for variation made by The Promenade, I have also submitted an application to vary my licence, to enable my hotel to place a marquee with bar in the gardens of the premises. I gave careful thought to this (largely driven by the need to create additional seating space as a consequence of the need for social distancing in the internal parts of my hotel). Given the location of the Queens Hotel, and being sensitive to the amenity of the local residents (and those of The Promenade), the application was limited so that all licensable activities must cease at 2200 on any day of the week. The use of the marquee is also time limited (to the 31 March 2021) by way of condition attaching to the hotel's premises licence. This seems a more appropriate approach and in keeping with the locality of the respective hotels. The application was granted without any representations being made.

I would be grateful if you could please acknowledge receipt of this email and confirm that it is deemed as a relevant representation. Should the applicant decide to pursue this matter, I look forward to receiving confirmation as to when it will be considered by the Licensing Committee.

I look forward to hearing from you.

Yours sincerely

Any outdoor activities including the sale and consumption of alcohol and the playing of loud music should not be allowed as requested by the applicant.

Everything like this should be indoors with windows closed by 23.00 hours each day.
Marquee-type coverings are outdoor structures because they are not soundproofed.
Proposals in these applications transgress the following licensing objectives:

The prevention of crime and disorder.
Public safety.
Prevention of public nuisance.

These licensing proposals greatly affect a conservation area which is occupied by a large and ever-growing number of private dwellings and inhabitants living close by.

We would ask that those dealing with these applications take note of the genuine feelings of the people who will be directly impacted and reject them.

In October 2017 sensible arrangements were put in place by the Licensing Authority regarding opening hours and restrictions on outdoor drinking at this establishment. We see no reason to alter them.

Yours sincerely
41, The Broadwalk,
Imperial Square,
Cheltenham,
GL50 1QG

Much of what you see set out below was raised in my email of 29th September 2020

I live 160 yards from 131 as the crow flies. Apart from one small gap to the side of St. Andrews church there are buildings standing between my house and the complex. Despite this not only am I disturbed by the noise from 131 while in my garden but also hear the partying from inside my house. This surpasses any other disturbance that I have come across in the 34 years I have lived in this house. I originally said there must be more than 100 peoples bedrooms sited as close or closer than me to 131. After a more comprehensive survey of the surrounding area I think a more accurate figure would be around 300 bedrooms

As previously mentioned I really don't think that is right that local residents should have to live so close to such late night activities. Many might view it as commercial considerations taking precedence over locals rights to a peaceful night. When Subtone was open you received complaints then about the noise. This despite the fact that the club was largely situated inside the building and that local residents lived a good deal further away than is the case with 131. I think I am right in stating that there is no other similar club or bar, certainly of this size, that operates close to such a concentration of private residences in our town. I also live in the hope that connections between the owner , who I understand is a significant party donor, would have absolutely no bearing on the consideration of the application.

I take it that you have contacted the other interested parties, for instance the police who already have to deal with significant issues at the back of the premises.

There have been other applications for extended licences in Montpellier and I think I am right in saying that no licenced premises have been allowed to operate into the small hours. And of course I have already said this is a larger site.

Of course as a Street Pastor I know that a large number of people leave en bloc around closing time. We always station ourselves outside along with the police. We know from experience things often become particularly noisy and lively and on occasions rowdy.

Thank you for your attention

Regards,

17 Royal Parade,

Bayshill Road,

Cheltenham

GL50 3AY

We wish to object to the application to extend licensable activities until 2am at 131 The Promenade.

It is within close proximity to our home in Imperial Square and we do not wish to be kept awake by the music and inevitable noise until 2am.

Objection to: 20/01546/PRMV The Lucky Onion 129-133 The Promenade

3 Summerfield Mews
Fauconberg Road
GL50 3AU

28th December 2020

Objection to Lucky Onion, 129-131 Promenade licensing application

To CBC Licensing.

As a nearby residents to the premises above we strongly object to their application for the reasons of noise and nuisance.

This area is mixed residential and business. In the past we have been kept awake by 131 playing loud music into the early hours of the mornings. As this rarely happened we made no formal complaint to the Council but it would certainly wake us up or stop us from going to sleep especially in hot weather when windows had to be left open.

On one occasion when I was still dressed I followed the noise outside to make sure it was coming from 131 which it was. Even at 8pm on December 20th 2020 noise could easily be heard from Summerfield Mews emanating from 131 as we were walking from Montpellier Street back to Summerfield Mews. With the advent of 131's outside awnings it is to be expected that once we are in more reasonable state that 131 will use their anticipated licensing hours to make our lives worse on a much more regular basis. As they never have informed us in the past when they had late events they obviously do not care about the residents around them. This is born out by their split application to have longer hours at the rear of the premises which is where we are.

We have no direct evidence that the nuisance is caused by people from

131 but quite often prior to Covid-19

we experience people carrying on partying or arguing in the church grounds between us and 131 and thus causing us concern.

Yours faithfully,



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk

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

☒
☐
☐
☐

Contact details (of person c

Name:	
Name of the organisation/body/person you represent. (if appropriate)	N/A
Your full Postal Address or that of the organisation or body you represent	1 SUMMERSFIELD HOUSE 21 ROYAL PARADE CHELTENHAM
Post Code	GL50 3AY
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 PROMENADE
Name of Applicant for Licence (if known)	131 PROMENADE LTD
Postal Address:	129-133 PROMENADE CHELTENHAM
Post Code:	NP1 1XNN

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p> <p>LATE NIGHT NOISE CAUSED BY THE PLAYING OF RECORDED MUSIC IN AN OPEN AIR SETTING</p>

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	140m (approx)
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Part 2 continued

What are your concerns?

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

SEE ATTACHED SHEET

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

NO LICENSABLE ACTIVITY AFTER 2300

Signature: 

Capacity: LOCAL RESIDENT

Date: 29/12/2020

CONCERNS

I object to the change in use of the outdoor areas; specifically to the playing of recorded music in an open air environment till early in the morning.

It is significant that proposed activity at the front of the property would cease 2 hours prior to that which is proposed at the rear of the property.

This is a tacit admission that potential noise and nuisance issues do exist, but that the welfare of householders to the rear is of no consequence.

One of the many consequences is that householders to the rear will not be able to leave bedroom windows open at night due to noise nuisance. The result will be poor sleep patterns during summer, given the relentless rise in night time ambient temperatures.

There is also a potential noise issue created by late night taxi traffic, especially in Fauconberg Road which already serves as an unofficial taxi rank.

A question: Has a noise assessment been conducted by either the proprietor or the Council? If not, would the Council consider asking proprietor to pay for one to be conducted, once Covid restrictions are lifted, to determine the likely level of nuisance. A quick ad-hoc check several months ago (by me) indicated that noise levels (measured mid-evening in the rear terrace with a smartphone) peaked at 91db. This was a combination of music noise, compounded by the fact that individuals were raising their voices to converse effectively.

Finally, what, if any, **meaningful** noise mitigation procedures do the management of 131 plan to introduce to avoid noise nuisance? There is nothing in the application relating to noise mitigation measures and of course in an open air venue there is little that can be done.

Please reject this application on the basis that it will introduce a significant level of nuisance to local residents.



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

☒
☐
☐
☐
Contact details (of person contacted)

Name:	[Redacted]
Name of the organisation/body/person you represent. (If appropriate)	N/A
Your full Postal Address or that of the organisation or body you represent	33 IMPERIAL SQUARE, CHELTENHAM, GL50 1PZ
Post Code	GL50 1PZ
Daytime contact telephone number	[Redacted]
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	[Redacted]

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	129-133 PROMENADE, CHELTENHAM, GLOS
Name of Applicant for Licence (if known)	THE LUCKY UNION GROUP
Postal Address:	THE LUCKY UNION GROUP HEAD OFFICE LONDON ROAD, CHELTENHAM
Post Code:	GL52 6UT

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)</p> <p>I OBJECT TO THE PLANNED CHANGES TO THE LICENCING OF 129-131 PROMENADE OPPOSITE MY HOME WHICH WICK CAUSE NOISE INCREASED NOISE POLLUTION AND PUBLIC DISORDER FOR LOCAL RESIDENTS</p>

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	APPROX 150m
--	-------------

Part 2 continued

What are your concerns?

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

DURING THE SPRING/SUMMER/AUTUMN MONTHS, LOCAL RESIDENTS ALREADY SUFFER FROM LOUD MUSIC EMANATING FROM N°131 HOTEL AND BAR. LONGER LICENCING/DRINKING/MUSIC HOURS WILL BE A DISTURBANCE (NOISE POLLUTION) TO LOCAL RESIDENTS. IN ADDITION, OUR EXPERIENCE DURING THE SUMMER IS THAT LONG LICENCING/MUSIC HOURS SIMPLY MEANS THAT DRUNKEN INDIVIDUALS REMAIN IN THE SQUARE LONGER. WE HAVE

HAD TO CALL THE POLICE AT 2AM IN THE MORNING

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

→ WE HAVE ALSO CONTACTED AND COMPLAINED TO THE COUNCIL ON THIS MATTER. IMPERIAL SQUARE CONTAINS RESIDENTS BUT YOU CONTINUE TO ALLOW NOISE, LATE AT NIGHT, AT 129-133 PROMENADE, AT THE SQUARE GARDENS BAR AND, I ASSUME, AT THE NEW

Signature: 

ROBERT BAR WITHIN THE QUADRANGLE

Capacity: RESIDENT

Date: 23RD DEC 2020



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

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

Contact details (of person

Name:	[Redacted]
Name of the organisation/body/person you represent. (If appropriate)	N/A
Your full Postal Address or that of the organisation or body you represent	33 IMPERIAL SQUARE CHELTENHAM
Post Code	GL50 1QZ
Daytime contact telephone number	[Redacted]
Email address - If you (optional).	[Redacted] or your email address.

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

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

Part 2 Continued

Premises/Club Details Reference 20/01546/PMV

Name of premises/club you are making representation about:	131 and associated properties.
Name of Applicant for Licence (if known)	
Postal Address:	131 The Quadrant Cheltenham
Post Code:	GL50 1NW

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)	
Reference 20/01546/PMV	131 Licence Variation Application.
Noise, disturbance resulting from the change to the licensing at 131. This will increase noise pollution, and disorder in the square as a result.	

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	182 metres.
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Part 2 continued

What are your concerns?

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

I am concerned about the extended hours proposed as we already suffer disruption from 131 hotel + bar. The noise does not stop when the music/licensing does, as people then tend to congregate in the square, continuing to drink and be noisy. During the summer this sometimes continued until after 2am and on several occasions we, or other residents have had to call the police because of the disturbance. In addition, it encourages the selling of drugs on the edges of

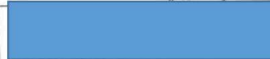
the square - we have children who suffer from disturbed sleep due to the noise + commotion.

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

continued.

I can not think of ANY conditions which would make this acceptable.

The square is becoming more residential than commercial and the licensing and noise issues need to take this into account. We have a right to enjoy our property and have quiet in the evenings. Over the summer the noise continued into the early hours and this would be worsened by the extension of licensing hours.

Signature: 

Capacity: Resident.

Date: 22nd Dec 2020.



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk

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

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

☒
☐
☐
☐
Contact details (of person completing form)

Name:	[REDACTED]
Name of the organisation/body/person you represent. (if appropriate)	SELF & FAMILY
Your full Postal Address or that of the organisation or body you represent	12 ROYAL PARADE BAYS HILL ROAD CHELTENHAM
Post Code	GL50 3AY
Daytime contact telephone number	[REDACTED]
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 HOTEL & CLUB, CHELTENHAM
Name of Applicant for Licence (if known)	
Postal Address:	131 PROMENADE CHELTENHAM ENGLAND
Post Code:	GL50 1NW

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)	
<ul style="list-style-type: none"> - NOISE - PARKING - RUBBISH - EXCESS DRINKING 	<ul style="list-style-type: none"> - DRUGS - SPOILAGE TO A RESIDENTIAL NEIGHBOURHOOD - PUBLIC NUISANCE - UNDER AGE DRINKING.

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	500 Metres.
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Part 2 continued

What are your concerns?

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

In my view there is no justification for a late night open air / beer garden licence in this location or neighbourhood.
The previous such "speakeasy" in Montpellier was a total public nuisance and was much smaller in size and scope

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

- 1) CRIME AND DISORDER ARE PART OF INNER CITY BEHAVIOUR IN CHELTENHAM. ALL THIS APPLICATION DOES IS SPREAD IT OUT TO A PLACE NEAR A SCHOOL AND PUBLIC PARK
- 2) NUISANCE TO PUBLIC, Safety and underage CONSUMING Drink & ~~DRUGS~~ DRUGS

Signature: 

Capacity: HOUSE HOLDER / OWNER

Date: 24 DEC 2020.

[redacted]
46c The Broadwalk, Montpellier, Cheltenham, Glos. GL50 1QG

29th Dec 2020.

The Licensing Authority,
Cheltenham Borough Council.
Dear Sir.

Application No 20/01546/PRIV

I am writing to object to the last
ground application to extend its licensing
hours to 12.00pm midnight at the front of
131 and 2.00am at the side.
The extensive and extending licensing
of alcohol (and music) near Imperial
Gardens is changing the character of

Cheltenham to becoming just another town
with loud noise for those who party
and no peace for those who don't.
This is unlikely to bring more commercial
activity to the rest of the town and will
create more parking chaos.

The fact that the owner makes a profit
of his generous support of the town does
cannot be overlooked.

Yours.

[redacted]
apologies for not emailing this but my
computer is out of order.

23/12/20.

To:

Cheltenham Borough Council
Municipal Offices
The Promenade
Cheltenham GL50 3AY / PRMV



131
Ref: The Promenade – Application to extend licensable activities until 2am.

Dear Sir/Madam,

I object on the grounds that 131 Promenade backs onto residential properties. Licensing alcohol and music in the external gardens until 2am & 3am will seriously impact the residential properties in the area, and the Ladies College.

This will be a blight and prevent residents from their right to enjoy their property. There are already a serious noise issues from the external areas of 131, noting that CLC have already objected to the current activities.

This in addition to late night drinking which involves a number of other issues, with people leaving the premises and causing a disturbance.

I truly hope you will seriously consider the remarks made above. Living on Royal Parade is a real privilege, but noise disturbance will definitely not enhance this.

Kind regards,

[Redacted]
Holland House
15 Royal Parade
Cheltenham GL50 3AY

Mob: [Redacted]



Application number
20/01546/PRM

407 The Brookwalk
Imperial Square
Cheltenham GL50 1Q9

PLANNING
Rec'd 04 JAN 2021
SERVICES

01 242 269411

email

* com

Dear Sir/Madam,

As a resident of Imperial Square
I would like it noted that I object very
strongly to you granting an extension to
the licensing hours to the application from
131 The Promenade, The Lucky Onion.

My objection is to any form of
outside music and the sale of alcohol
on any of the terraces, front or rear
after 11pm.

I hope you will agree to have
any of the above outside after 11pm is
not acceptable in a residential area.

Yours truly,

POSTAL
M 29 DEC 2020 O
SERVICES



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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e mail: licensing@cheltenham.gov.uk

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

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

Contact details (of person completing form)

Name:		
Name of the organisation/body/person you represent. (If appropriate)	SF ANDREW'S UNITED REFORMED CHURCH	
Your full Postal Address or that of the organisation or body you represent	MONTPELLIER STREET / PARKENBERG ROAD	
Post Code	GL50 1SP	
Daytime contact telephone number		
Email address - If you would prefer to correspond via email, please enter their email address. (optional).		

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

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

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	131 the Promenade
Name of Applicant for Licence (if known)	The Lucky Onion LLP
Postal Address:	129-133 Promenade Cheltenham Gloucestershire
Post Code:	GL50 1NW

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc) License variation, reference 20/01546/PRMV CRIME, DISORDER, NOISE, DISTURBANCE
--

Which of the Licensing Objectives does your representation refer to?

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

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

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

Please indicate the distance (in metres) between your address and the premises subject of your representation:	LESS THAN 100 METRES
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Part 2 continued

What are your concerns?

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

OUR CONCERNS ARE SET OUT IN THE ATTACHED SEPARATE SHEET

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

NONE OF WHICH WE CAN SUGGEST

Signature:



Capacity:

CHURCH CHAIR OF TRUSTEES

Date:

27 DECEMBER 2020

Lucky Onion Representation details Dec 2020 St Andrew's URC

1. Contact; [REDACTED],

Chair of Trustees - St Andrew's United Reformed Church, Montpellier St, GL50 1SP

2. Concerns cover crime, disorder, noise and disturbance:

3. Our representation refers to all four Licensing Objectives:

A Crime and Disorder

The town end of Montpellier St is known in the neighbourhood as a centre of drug dealing activity. The police are well aware of this. Associated activity often spills into the Church Garden, facing Fauconberg Road, where needles and other drug taking paraphernalia have been found. **This is also a health hazard and ever present danger to regular users of the church environs.** Extending any licence will only encourage an increase in this activity.

The **Arson attack** suffered by the Church on 9/10 June 2020 was considered to be directly related to drug taking activity. The fire that badly damaged the main timber doors of the church Fauconberg Road entrance was set with firefighters which were found with other drug taking equipment on the steps when the fire service was called. An incident number was recorded by the police, but they have been unable to prosecute to date. The church was extremely fortunate that the fire did not spread from the 135 year old doors to the rest of the building while damaging the doors beyond repair as the fire smouldered for a significant length of time, believed to be overnight. Further spread would probably have destroyed the building as part of a major fire incident in the middle of the night.

Extending the time of opening and having it away from The Promenade may appear preferable but it will encourage more criminal activity in a less visible area that does have domestic premises nearby.

B+C Public Nuisance and Public Safety

These concerns are closely allied to Crime and Disorder (above). The regular drug dealers do not respect other street users, driving can be conducted dangerously. Having individuals lurking in the street is very upsetting to residents and other legitimate users. Activity on Church premises usually finishes by 11.00pm, but even then there is often undesirable activity in the street. This would be exacerbated by an extension of the Licence to the Lucky Onion, as their premises overlook Montpellier St and Fauconberg Road. An increase in the general level of noise, including music, is public nuisance to all residents/domestic properties and street users.

Another aspect to Public Nuisance is that the church gardens are used for disposal of rubbish and as an unofficial urinal with use likely to increase if there are more late night revellers needing to relieve themselves and wanting a convenient "hiding" place to use. They are less likely to want to relieve themselves in Imperial Gardens as it is more open.

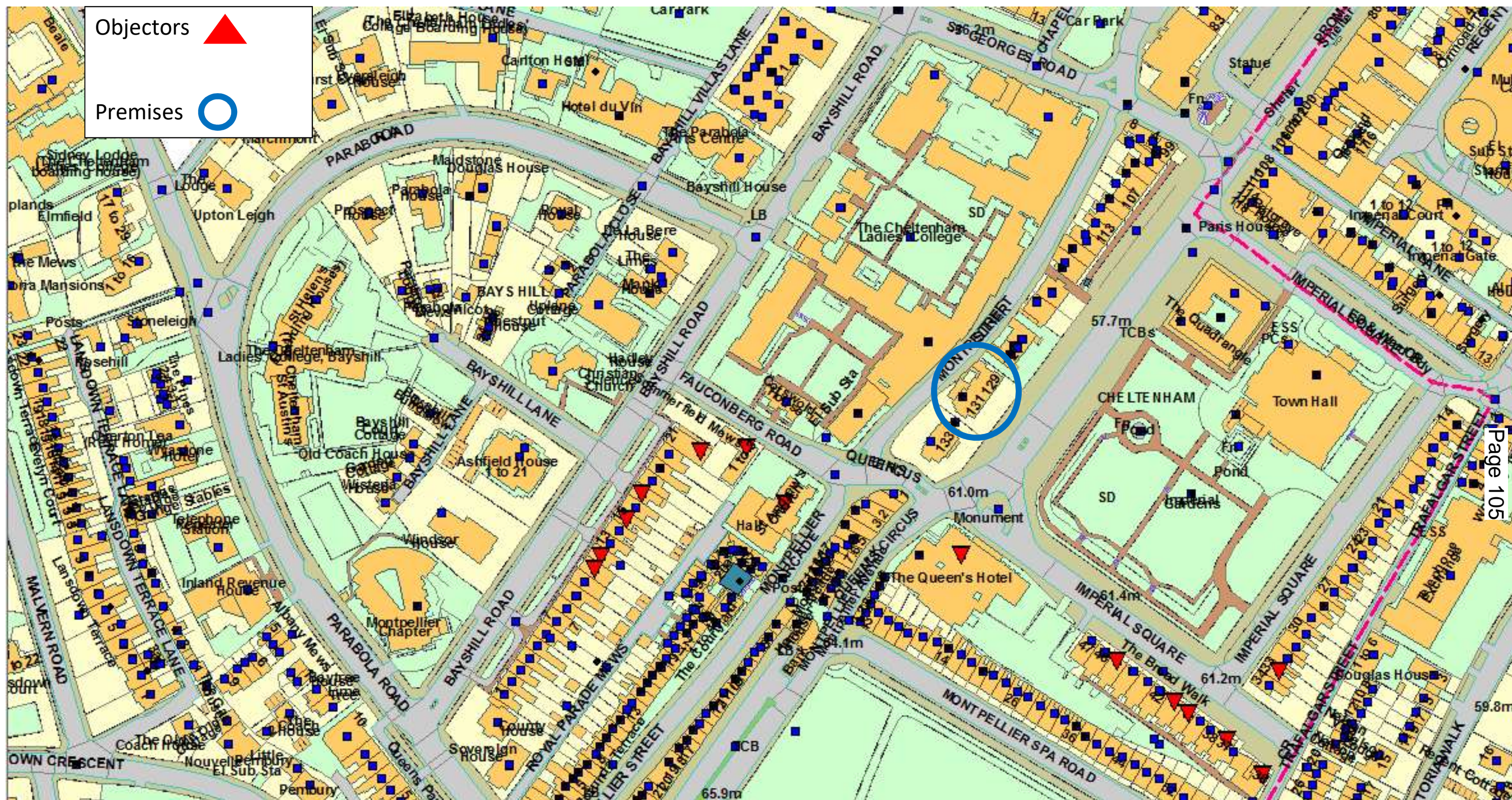
D The Protection of Children from Harm

This is not a concern at night but it does increase the chances of children finding discarded drugs or drug taking equipment in the street or in the church gardens. There are weekly activities held at the church involving young children and in good weather they can take place in the gardens.

In short: Risks of Crime and to Public health (drug dealing and taking plus urinating), Dangerous driving and excess noise for domestic environment that exists next to the church at night followed by increased risk of harm to children during the day from activities at night.

4. **Mitigating conditions if application is rejected;** Removal of Drug nuisance and minimise noise levels after 11.00 pm that affect residential properties plus less chance of harm to children and to adjacent properties.

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