

# Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling

**Meeting date:** 2 October 2023

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

---

**Membership:** Cllrs Seacome, Chidley and Sankey  
Cllr Pinegar (reserve)

---

## **Important notice – filming, recording and broadcasting of Council meetings**

This meeting will be recorded by the council for live broadcast online at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) and [www.youtube.com/user/cheltenhamborough](http://www.youtube.com/user/cheltenhamborough). The Chair will confirm this at the start of the meeting.

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

If you have any questions on the issue of filming/recording of meetings, please contact Democratic Services.

---

## **Speaking at Licensing Committee**

To find out more about Licensing Committee or to register to speak, please click [here](#) or contact Democratic Services.

**Please note:** the deadline to register to speak is 5.00pm on the day before the meeting.

---

**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)  
**Phone:** 01242 264 130

# Agenda

**1 Election of Chair**

**2 Declarations of interest**

**3 Determination of an Application for a Variation of a Premises Licence  
(Pages 5 - 34)**

**4 Any other items the Chairman determines to be urgent and which requires a decision**

This page is intentionally left blank

## Licensing Sub Committee – 2 October 2023

### Licensing Act 2003: Determination of an Application for a Variation of a Premises Licence

#### The Quad and Nook, Quadrangle, Imperial Square, Cheltenham

#### Report of the Licensing Team Leader

#### 1. Introduction

1.1 The Licensing Act 2003 (the Act) allows applicants to apply to vary their premises licence at any time. In this case, an application was received on 14 August 2023 for a full variation of a premises licence from SH Retail Investments Ltd in respect of The Quad And Nook on Imperial Square. A copy of the application is included at **Appendix A**. A plan of the premises is included at **Appendix B**.

1.2 The variation sought is summarised as follows:

- 1.1.1 To vary the premises licence to extend the sale of alcohol and Late-Night Refreshment from 00:00 (midnight) until 02:00 every day.
- 1.1.2 To extend the opening times from 08:00 until 02:30.
- 1.1.3 To add the provision of regulated entertainment from 10:00 until 02:00 every day.
- 1.1.4 To add an additional hour to the standard times on the day when British Summertime commences.
- 1.1.5 Extension of hours is to apply solely to the Nook fifth floor.
- 1.1.6 To update the premises licence conditions following consultation with the Police Licensing team.
- 1.3 A copy of the premises' existing premises licence is attached at **Appendix C** for reference.

#### 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.

**E-mail:**  
**Tel no:**

#### 2. Application (Ref. 23/01279/PRMV)

- 1.4 Applicant: SH Retail Investments Ltd.
- 1.5 Agent: Elisha Collins from Poppleston Allen Solicitors.
- 1.6 Premises: The Quad and Nook, Quadrangle, Imperial Square, Cheltenham

**3. Responsible Authorities**

1.7 No representations were received from any of the Responsible Authorities

**4. Interested Parties**

4.1 Eleven representations were received from interest parties included at Appendix D. Members should also refer to officer comments under paragraph 7 below.

**5. Local Policy Considerations (Adopted in Dec 2020)**

5.1 The paragraphs below outline the relevant extracts from the authority’s adopted Statement of Licensing Policy (Dec 2020). Member should refer to the full statement available on the authority’s website for a full understanding of the local policy considerations.

5.2 Policy Vision Statement - 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.

5.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the authority will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the authority.

5.4 The objective of this policy is to:

- a) promote the four licensing objectives;
- b) ensure that the premises are appropriate for their proposed use;
- c) ensure the premises layout and condition is acceptable for the proposed use;
- d) ensure that the premises are being managed responsibly; and
- e) promote the policy vision statement.

5.5 This policy also seeks to promote the authority’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.

**Licensing Objectives**

5.6 The authority will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:

- a) The prevention of crime and disorder;
- b) Public safety;
- c) The prevention of public nuisance; and
- d) The protection of children

5.7 In determining a licensing application, the overriding principle adopted by the authority 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.

5.8 The authority 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.

The Quad And Nook	Page 2 of 6	Last updated 22 September 2023
-------------------	-------------	--------------------------------

5.9 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.

**Core Hours for Licensable Activities**

5.10 The authority 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.

<b>Type of premises</b>	<b>Commencement Hour No earlier than</b>	<b>Terminal hour No later than</b>
Restaurants	10:00	01:00

5.11 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.

**6. National Guidance (August 2023)**

6.1 Statutory guidance has been issued under Section 182 of The Licensing Act 2003. Below is a summary of key extracts. Members should refer to the full document for further reference.

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

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.

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.

**Licence conditions – general principles**

6.5 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;
- 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.

**Each application on its own merits**

6.6 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.

**Determining actions that are appropriate for the promotion of the licensing objectives**

6.7 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

6.8 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.



6.9 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

**7. Licensing Comments**

7.1 The Committee must determine this application on its individual merits with a view to promoting the licensing objectives.

7.2 The Committee must have regard to all of the representations made and the evidence it hears and take such of the following steps as it considers necessary for the promotion of the licensing objectives which can include:

- Granting the application as requested; or
- Rejecting all or part of the application.

7.3 The overarching consideration for the Committee is the promotion of the licensing objectives. As such, the Committee must limit its consideration of the representations to those that are relevant to one or more of the licensing objections. The statutory guidance makes clear that “A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.”

7.4 Furthermore, this is an application to vary an existing premises licence, the remit of the Committee’s considerations is restricted to the merits of the variation. In other words, this is not an opportunity to review the existing, issued premises licence.

7.5 The Committee must determine this application with a view of promoting its own licensing policy. The Committee must not arbitrarily deviate from its own policy. When it decides to do so, clear recorded reasons must be provided in justification and explanation.

7.6 The Committee is to note that the proposed 02:00 terminal hour for the sale of alcohol contravenes the authority’s “Core Hours for Licensable Activities” policy that stipulates a terminal hour of 01:00 for restaurants (see 5.10). The policy goes on to provide guidance for further consideration by the Committee. The list of considerations is outlined at 5.11 above.

7.7 In relation to the representations, officers make the following comments:

7.7.1 A number of representations make reference to existing issues experienced by objectors from other licensed venues in the vicinity and the fact that this variation will exacerbate these issues. This application must be determined on its individual merits. The authority does not operate a cumulative impact policy and therefore the Committee is limited in what “cumulative effect” considerations it could consider relevant. On its individual merits, the committee should consider all the evidence in considering whether the grant of this variation is likely to lead to an adverse impact on any, or all, of the licensing objectives.

- 7.7.2 The impact granting the application will have on local property values is an irrelevant consideration for the Committee because this is not relevant to any of the licensing objectives.
- 7.7.3 A number of objectors question how noise from the premises will be managed and/or contained. It is significant that the Environmental Health Officer, recognised as the statutory expert on the prevention of public nuisance objective, has not submitted a representation. Similarly, in relation to representations referring to increased crime and disorder, Members are to note the police have not submitted any objections. A number of additional conditions are being proposed in consultation with the police. To what extent this is significant, is for the committee to determine in light of all the other information and evidence.
- 7.7.4 A number of representations referred to the fact that this application would turn the premises into a “nightclub”. Members are to note that the Licensing Act does not define premises by their use. There is a single licence type – premises licence – for all licensed venues.
- 7.7.5 A number of representations refer to a licence being granted. Members are reminded that this is a variation of an existing licence and consideration is limited to the merits of the variation not a review of the existing issued licence.
- 7.7.6 Parking becoming an issue as a result of this application should not be considered relevant because this does not relate to any of the licensing objectives.

---

**Background Papers**

Service Records

**Report Author**

**Contact officer:** Mr Jason Kirkwood  
**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
**Tel no:** 01242 262626

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**We** SH Retail Investments Ltd

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

<b>Premises licence number</b> 22/01488/PRMV
---

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
The Quad (ground floor) and The Nook (fifth floor) The Quadrangle Imperial Square			
<b>Post town</b>	Cheltenham	<b>Post code</b>	GL50 1PX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£75,000

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current residential address if different from premises address</b>	3rd Floor The Library Building Sun Street		
<b>Post Town</b>	Tewkesbury	<b>Postcode</b>	GL20 5NX

Part 3 - Variation

Please tick yes

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

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

Day	Month	Year
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

**Please describe briefly the nature of the proposed variation.**

To vary the premises licence to extend the sale of alcohol and Late-Night Refreshment from 00:00 (midnight) until 02:00 every day. To extend the opening times from 08:00 until 02:30. To add the provision of regulated entertainment from 10:00 until 02:00 every day.

To add an additional hour to the standard times on the day when British Summertime commences.

Extension of hours is to apply solely to the Nook fifth floor only.

To update the premises licence conditions following consultation with the Police Licensing team.

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

Part 4 Operating Schedule

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

- | <u>Provision of regulated entertainment</u> (Please read guidance note 3)                                   | <b>Please tick all that apply</b>   |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I)                                  | <input checked="" type="checkbox"/> |
| <u>Sale by retail of alcohol</u> (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 6)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 8)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 6)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<b><u>Please give further details</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 6)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 8)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b><u>Please give further details here</u></b> (please read guidance note 5)	
Thur			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 6)	
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)	
Sat				
Sun				

## E

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)					
Mon	10:00	02:00						
Tue	10:00	02:00						
Wed	10:00	02:00				<b>State any seasonal variations for the performance of live music</b> (please read guidance note 6)		
Thur	10:00	02:00						
Fri	10:00	02:00				<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 7) To add an additional hour to the standard times on the day when British Summertime commences.		
Sat	10:00	02:00						
Sun	10:00	02:00						

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)					
Mon	10:00	02:00						
Tue	10:00	02:00						
Wed	10:00	02:00				<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 6)		
Thur	10:00	02:00						
Fri	10:00	02:00				<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 7) To add an additional hour to the standard times on the day when British Summertime commences.		
Sat	10:00	02:00						
Sun	10:00	02:00						

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)			
Tue						
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)			
Sat						
Sun						

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>			
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)			
Wed						
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)			
Fri						
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)			
Sun						



<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	02:00	<b>Please give further details here</b> (please read guidance note 5)		
Tue	23:00	02:00			
Wed	23:00	02:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur	23:00	02:00			
Fri	23:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7) To add an additional hour to the standard times on the day when British Summertime commences.		
Sat	23:00	02:00			
Sun	23:00	02:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	08:00	02:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Tue	08:00	02:00			
Wed	08:00	02:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7) Changes solely to the Nook 5 <sup>th</sup> Floor Only.		
Thur	08:00	02:00			
Fri	08:00	02:00	To add an additional hour to the standard times on the day when British Summertime commences.		
Sat	08:00	02:00			
Sun	08:00	02:00			

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)  
N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	02:30	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)  To add an additional hour to the standard times on the day when British Summertime commences.
Tue	08:00	02:30	
Wed	08:00	02:30	
Thur	08:00	02:30	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	02:30	

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.

Below conditions have been agreed with

- The removal of Condition 1 to be replaced with
  - A CCTV system with a minimum of 3 cameras will be in operation when the premises is open and licensable activities are taking place. Recorded images shall be retained for a minimum period of 28 days (14 days for digital systems). The CCTV system shall be maintained in good working order. CCTV images will be provided to the police and other responsible authorities if requested as soon as practicable. The correct time and date will be generated onto both the recording and the real time image screen.
- The removal of Condition 3 to be replaced with
  - A challenge 25' scheme shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 25 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a PASS approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence N/A
---

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

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

Addition of the following conditions: <ol style="list-style-type: none"> <li>1. Challenge 25 Notices must be displayed in prominent positions where the notice can be conveniently read by members of the public.</li> <li>2. A log shall be kept at the premises to record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The DPS will sign and date the book each time it is checked. The book shall be made available for inspection upon the request of a duly authorised officer of the Licensing Authority or Police.</li> <li>3. An incident log be will kept which will include the date, time and details of incident that has taken place. The DPS shall check the book once a month ensuring that it is up to date. The DPS will sign and date the book each time it is checked. The book shall be made available for inspection upon the request of a duly authorised officer of the Licensing Authority or Police.</li> <li>4. The Designated Premises Supervisor (DPS) shall ensure that all Staff concerned in the sale of alcohol are trained in their responsibilities under the Licensing Act 2003, particularly concerning drunk sales, underage sales and proxy sales. Training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every twelve months. The training log shall be made available for inspection by Police and “authorised persons” immediately upon request.</li> <li>5. There shall be a minimum of 2 SIA registered door supervisors on each Friday and Saturday from 21.00 hours until close when the premises is open for licensable activities.</li> </ol>
---

**b) The prevention of crime and disorder**

See box a)
------------

**c) Public safety**

See box a)

**d) The prevention of public nuisance**

See box a)

**e) The protection of children from harm**

See box a)


**Please tick yes**

- 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 that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, 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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	04/08/2023
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	

Capacity	
----------	--

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

Alex Tomlinson  
 Poppleston Allen Solicitors  
 37 Stoney Street  
 The Lace Market

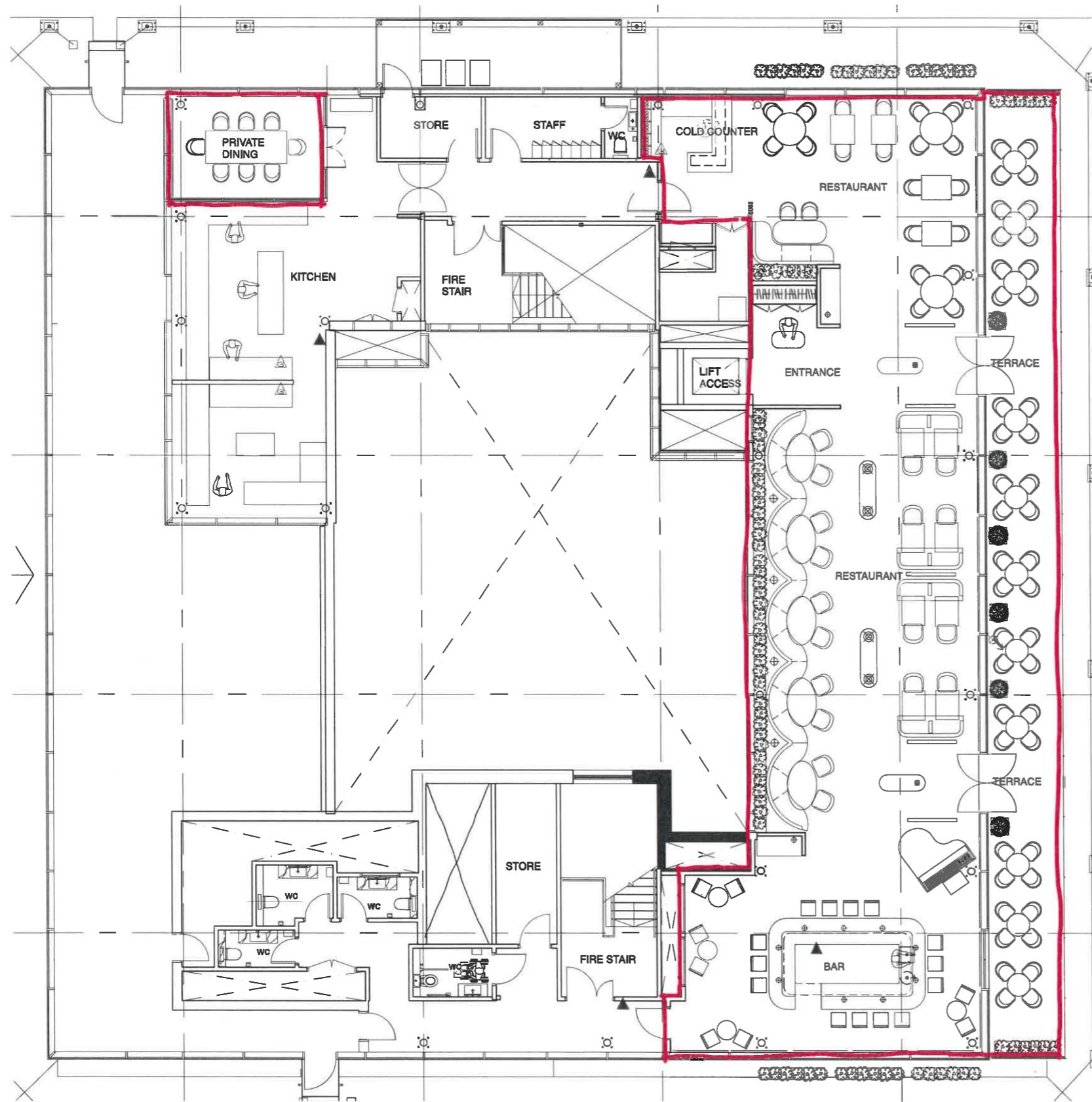
<b>Post town</b>	Nottingham	<b>Post code</b>	NG1 1LS
------------------	------------	------------------	---------

<b>Telephone number (if any)</b>	0115 953 8500
----------------------------------	---------------





**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**

a.tomlinson@popall.co.uk

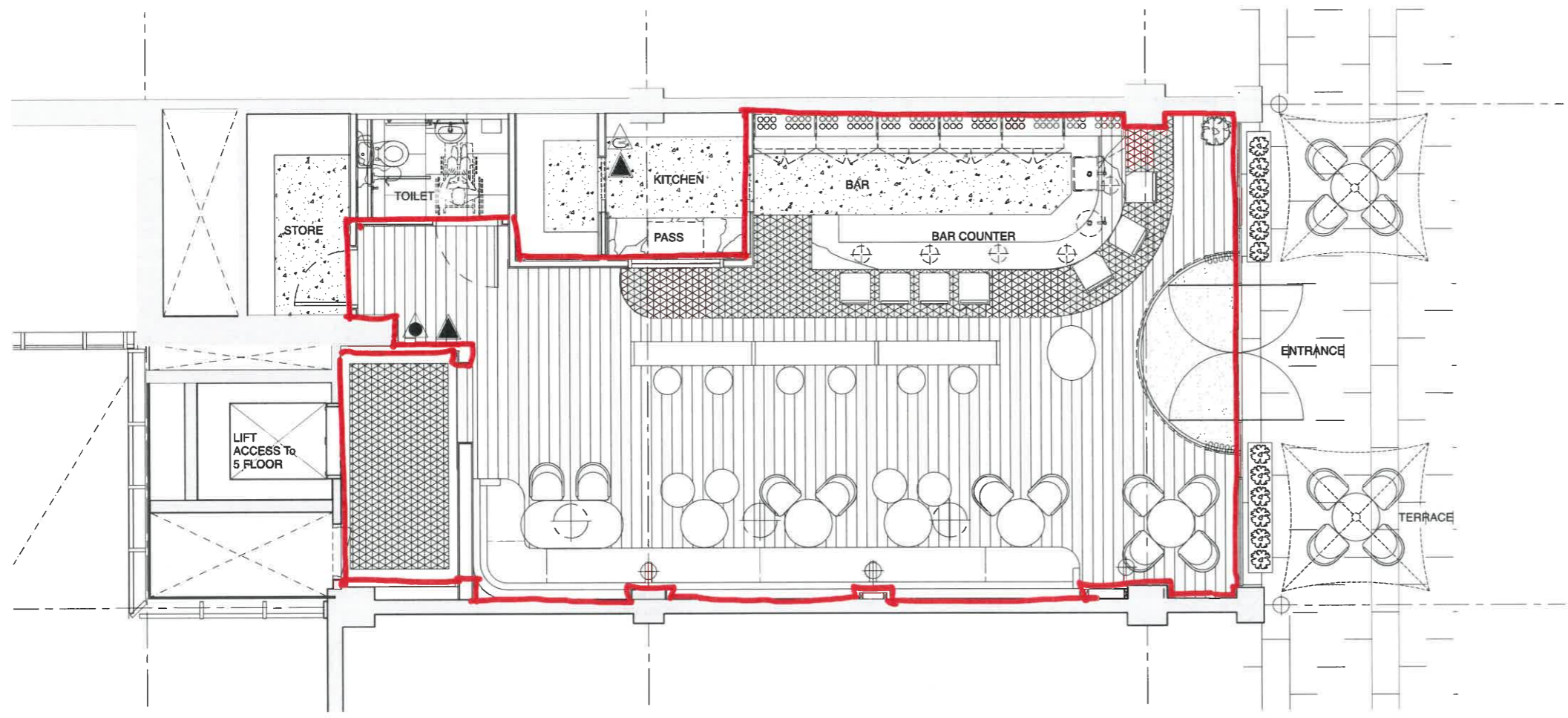
This page is intentionally left blank







**THE NOOK 5TH FLOOR RESTAURANT**

-  CARBON DIOXIDE FIRE EXTINGUISHER
-  FIRE BLANKET IN CONTAINER
-  FOAM FIRE EXTINGUISHER
-  RED LINE INDICATES LINE OF LICENSABLE ACTIVITIES

**SEATING LAYOUT AND LOCATION OF FIRE SAFETY EQUIPMENT INDICATIVE ONLY**



**THE NOOK GROUND FLOOR**

-  CARBON DIOXIDE FIRE EXTINGUISHER
-  FIRE BLANKET IN CONTAINER
-  FOAM FIRE EXTINGUISHER
-  RED LINE INDICATES LINE OF LICENSABLE ACTIVITIES

SEATING LAYOUT AND LOCATION OF FIRE SAFETY EQUIPMENT INDICATIVE ONLY





**CHELTENHAM**  
BOROUGH COUNCIL  
**Licensing Act 2003**  
**Cheltenham Borough Council**

**Premises Licence Number**

22/01488/PRMV

**Part 1 – Premises Details**

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

The Quad And Nook  
Quadrangle  
Imperial Square  
Cheltenham  
Gloucestershire

**Telephone number**

Not supplied

**Where the licence is time limited the dates**

Not applicable

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

Supply of Alcohol on sales only	Every Day	08:00 - 10:00	Nook 5th Floor only –
Late Night Refreshment	Every Day	23:00 - 00:00	
Supply of Alcohol and off sales	Every Day	10:00 - 00:00	Quad and Nook – on

**The opening hours of the premises**

Opening Hours	Every Day	08:00 - 00:30
---------------	-----------	---------------

**Non Standard Timings**

None

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

See above – on sales only between 08:00 – 10:00 and then both

**LICENSING : PUBLIC PROTECTION**

CHELTENHAM BOROUGH COUNCIL • P.O. BOX 12 • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS GL50 1PP  
TELEPHONE 01242 262826 • FACSIMILE 01242 227131 • DX 7406 CHELTENHAM 1 • www.cheltenham.gov.uk

**Part 2**

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

SH Retail Investments Ltd  
3rd Floor  
The Library Building  
Sun Street  
Tewkesbury  
GL20 5NX  
Electronic Mail v.caress@popall.co.uk

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

12760398

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

Mrs Tina Surman



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

Party Reference: 21/04917/PERSLI

Licensing Authority: Wychavon District Council

**Signature of Issuing Officer**

A handwritten signature in black ink, appearing to read 'DK', written over a horizontal line.

Darren Knight  
Executive Director of People & Change

**Date of issue**

12 November 2022

**Annex 1 – Mandatory conditions**

Premises licensed for the sale of alcohol

Condition 1

(1) No retail sale of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (d) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.

Condition 2 - Irresponsible promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to-
  - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objective;
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner that which carries significant risk of undermining a licensing objective;
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Condition 3 - Free tap water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 4 - Age verification policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

(a) a holographic mark, or

(b) an ultraviolet feature.

#### Condition 5 - Availability of certain measures of alcohol

The responsible person must ensure that-

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Conditions 1, 2 and 4 do not apply where the licence or certificate authorises the sale by retail or supply of alcohol only for consumption off the premises.

#### Condition 6 - Minimum pricing

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in 3 above-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula -  $P = D + (D \times V)$

Where -

i) P is the permitted price,

ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

i) the holder of the premises licence,

ii) the designated premises supervisor (if any) in respect of such a licence, or

iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Premises licensed to show films

Exhibition of films:-

(a) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with the following paragraphs.

(b) Where the film classification body is specified in the licence, unless paragraph c below applies, admission of children must be restricted in accordance with any recommendation by that body:

(c) Where,

(i) the film classification is not specified in the licence, or

(ii) the Licensing Authority has notified the holder of the licence that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

(d) In this section:- "children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

Premises which have door supervision requirements

This applies to all premises except theatres, cinemas, bingo halls and casinos.

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

(2) But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Annex 2 – Conditions consistent with the Operating Schedule**

Additional condition in connection with variation application October 2022

For alcohol sales for the Nook on the 5th floor between the hours of 08:00 and 10:00 hours each day. Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

The Prevention of Crime and Disorder:-

1. A CCTV system shall be installed at the premises. The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to officers of the authority, Trading Standards or Police on request.
2. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.

The Protection of Children from Harm:-

3. A Challenge 21 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 21 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence.
4. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every twelve/six/three months. The training log shall be made available for inspection by Police and "authorised persons" immediately upon request.

Prevention of Crime and Disorder:-

5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.

Conditions agreed with the Police

The prevention of public nuisance

- 6 a) The premises licence holder shall ensure that outside glass recycling will not take place between the hours of 22:00 hours and 07:00 hours the following day.

The protection of children from harm

- 7 a) Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

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

Not Applicable

## **Annex 4 – Plans**

Ground and 5th floor plans

# Appendix D – Representations

## **The Broad Walk**

My wife and I who live in Imperial Square will be affected adversely if this application is approved, hence strongly object on the following grounds:

Misuse of Alcohol (prevalent in nightclubs) is often at the root of many social problems - this we have seen over many decades. Granting this licence will cause:

Public nuisance leading to excessive noise and rowdy behaviour  
Threatening public safety (we have first-hand experience of this in imperial square)  
This often leads to criminal behaviour.

Granting this licence will not only devalue our property but will be a cause of much distress and expense to our hardworking police.

Hence we strongly object.

## **Imperial Square**

This is unbelievable. I object on the grounds of

Public Nuisance:

There is already significant noise and disruption caused by the Town Hall and 131 having an outside restaurant

How is the noise going to be contained on a roof top that will echo all over the square?

Public Safety:

How are you going to stop the number of drunks in the park and spilling out onto the surrounding streets causing a disorder and petty crime?

## **The Broad Walk**

I wish to register my following Objections to this Application

PREVENTION OF PUBLIC NUISANCE -

I object to allowing any type of music and/or entertainment to be extended from 10.00 until 02.00 on any day of the week as this results in noise and disturbance and constitutes a Public Nuisance.

Any form of music and/or entertainment must be INDOORS with all the doors and windows closed.

This is a residential area and residents must be able to sleep undisturbed.

I object to Extending the Sale of Alcohol and Late Night Refreshment from 00.00 (midnight) until 02.00 every day.

I object to Extending the Opening Times from 08.00 until 02.30.

## **The Broad Walk**

I object to this application for The Nook Restaurant to operate as a Night Club and sell alcohol and Late-Night Refreshment from 00:00 (midnight) until 02:00 every day as it would fail to meet the following licensing objectives.

Prevention of public nuisance. The glass structure of the venue and its position at the top of the tallest building in the area would undoubtedly create unacceptable levels of noise pollution.

Public safety. The combination of late night alcohol and roof top venues is high risk and difficult to manage.

The prevention of crime or disorder. Given there are other late night venues in the area there would be high numbers of intoxicated patrons exiting into Imperial Square simultaneously in the early hours. This is a recipe for disorder and public nuisance.

## **Claremont Lodge**

We are writing to you via e-mail as we are unable to access the on-line portal and wish to express our objections to the current application (reference 23/01279/PRMV) to extend both the use and licensing hours of The Nook on Five in The Quadrangle Imperial Square Cheltenham GL50 1PZ.

It is our view that the application by The Nook on Five to operate as a 'night club' and sell alcohol and late-night refreshment from midnight until 2am every day should be rejected for the following reasons:

### **Prevention of public nuisance**

The glass structure of the venue and its position at the top of the Quadrangle building in, what is, a partial residential area would give rise to unacceptable levels of noise and general disturbance in the early hours of the morning.

### **Public safety**

The combination of late-night alcohol and roof top venues is high risk and difficult to manage.

### **The prevention of crime or disorder**

There are already more-than-sufficient late-night venues in the immediate vicinity of The Nook on Five restaurant. An additional venue would only add to the late night/early morning noise and disturbance already experienced in the area.

## **Imperial Square**

I object to this licence application.

I live in Imperial Square. We already suffer from the late night noise and drunkenness from the customers of other businesses with late night licences in the area e.g. #131, Under The Prom, Queens Hotel, Happy House, the MooMoo and PopWorld.

We are regularly disturbed and woken up by the noise and nuisance coming from these businesses and their customers at closing time.



The proposal that a late night licence be granted to a bar/nightclub located in a glass atrium with open balconies on top of the tallest building in a built-up residential area is ill-conceived and inconsiderate to the residents and citizens living in the Square.

Imperial Square is already noisy enough, we do not need any more disturbance.

### **Imperial Square**

I object to the variation of The Nooks licensing.

I am concerned about the noise from the extended licensing hours, the potential public order and crime issues and public safety.

The Nook is high up, is a glass structure which is difficult to soundproof and being high up the sound will travel. In addition, if people are on the balcony outside and/or the doors onto the balcony are open it would be very disruptive.

There would also be issues of light pollution, a nightclub is very different to a restaurant and extended hours along with this would cause severe disruption.

There are already 4 night clubs with the immediate area, and this already causes disruption.

Another, would cause even more issues with public order issues. In addition, the level of crime will increase and the area (as I understand) has no camera surveillance unlike the area where the current clubs are. This would mean that any crimes relating to drugs etc would be likely to move to this venue.

Imperial Square and Gardens is an area that families enjoy, people walk their dogs and enjoy the gardens, the thought that a nightclub would be right in the middle of it is unacceptable.

The Nook has always been allowed on the premise it was an upmarket restaurant and this variation in licensing does not fit the spirit of the original vision.

I am strongly opposed to this proposal.

Please kindly consider my objection to the above application under the following licensing objectives:

- Public safety;
- The prevention of crime or disorder.
- The protection of children from harm.
- Prevention of public nuisance.

### **The Broad Walk**

My minor son (14 years old) and I live in the apartment (I am the owner of the apartment) therefore I am very concerned that drunk people will pass our windows and door every night if you decided to address the above application. The receiving of the requested license will increase noise in the area of Imperial Square Residence, the number of drunk people and risk of criminal issues.

My apartment has already suffered from drunk people returning from local pubs located in the area of our residence in the Imperial Square (I listed these issues below), therefore I am very concerned

and upset that risk of having similar issues on a regular basis will be hardly increased if you decided to give the Quad And Nook permission to sell alcohol until 2:00 every day and become a NightClub with opening hours from 8:00 until 02:30.

- My apartment was attacked by two drunk men, who ran up and down by the stairs, shouted and tried to break my door to come into my apartment at night time (I called 999 on 14/02/2022 at 00:23 to get help from the police). They kicked my door with their feet, shook the handle, knocked on the windows and walls, ran up and down my stairs and badly swore. If needed, you can get confirmation of this issue from the police, as the police officer (who managed to catch one of those men 20 mins after I called to 999) said to me that he was very drunk.

- Drunk people sometimes sit on my steps by my front door after returning from local pubs (they are shouting and laughing and sometimes calling my door to ask a question, etc.). Once someone left a glass from the bar with wine on my step by the front door.

Due to the above, we would suffer from drunk people every night if you extend the hours of selling alcohol in the area of our residence in the Imperial Square.

### **The Broad Walk**

Hi, we live across the road with a young child who may be disrupted with the music nightly, we believe the sound will travel more as it's a rooftop not a basement.

And this will also affect the value of our property should we come to sell, everyone will know there is a nightclub nearby.

Parking will be an issue late in the evening & the general dispersment of customers at the end of the night and the noise that goes along with people leaving / getting taxis etc..

### **Imperial Square**

I object to this application as it will cause yet another public nuisance in Imperial Square. It will undoubtedly cause noise pollution in a residential area, where the houses are listed and cannot have double glazing. Public safety could also be a risk with people drinking until 2am on the 5th floor of a building.

### **Imperial Square**

Late night clubs in Cheltenham are typically found in back streets (away from residents), at ground or lower ground level, with soundproofing and no windows. The Nook offers none of these. It is uniquely badly placed and badly designed. It's in the middle of a residential area, it's raised above other properties and made of glass. It offers little or no noise protection, and is at such a height, that it will not only impact close residents, but those across Cheltenham due to the positioning above other buildings.

Having music, drunk people and staff leaving at 2am or later, when road sweepers start at 5.30am, offers almost no time for residents to sleep. Residents are not allowed double glazing due to the 2\* listing status and as such will have no rest bite from the noise. This proposal will further impact the mental health of residents and lead to other more significant issues.