

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling

Meeting date: 22 May 2024

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership: Annual and Selection Council has not taken place at the time of publication – as yet the Members of the Committee are not known.

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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
Phone: 01242 264 130

Agenda

1 Election of Chair

2 Declarations of interest

3 Moo moo report (Pages 5 - 20)

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

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Licensing Sub Committee – 22nd May 2024

Licensing Act 2003: Determination of an Application for a Variation of a Premises Licence - 24/00483/PRMV

Moo Moo, Regent Street, Cheltenham
Gloucestershire. GL50 1HE

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 28th March 2024 for a full variation of a premises licence from the applicant in respect of Moo Moos, Regent Street, Cheltenham. The details of the application are provided below:-

The proposed variation is to extend the terminal hour for sale of alcohol (on premises) to 04:00 the following day on Friday and Saturday and regulated entertainment in the form of recorded music (indoors) to 04:30 the following day on Friday and Saturday following consultation with police licensing. No change to opening hours or any other licensable activities which remain as existing.

1.2 The variation sought is summarised as follows:-

No change to the opening hours.

No change to the hours for late night refreshment

Live music no change and extend recorded music finish to 04:30 hours on Fridays and Saturdays (from 04:00 hours currently)..

To extend the sale of alcohol on Fridays and Saturdays to 04:00 hours (from 03:00 hours currently).

1.3 A copy of the premises' existing premises licence is attached at **ANNEX A** 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: legalservices@onelegal.org.uk

2. Application (Ref. 24/00483/PRMV)

Applicant: Bar Fever Ltd.
Agent: Poppleston Allen Solicitors.

3. Responsible Authorities

- 3.1 No representations were received from any of the Responsible Authorities

4. Other persons (previously known as Interested Parties)

- 4.1 One representation was received from an other person included at ANNEX B.

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). Members 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.
- 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.

Type of premises	Commencement Hour No earlier than	Terminal hour No later than
Pubs/ bars/ nightclubs	10:00	03:00

- 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 considered as relevant 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 04:00 terminal hour for the sale of alcohol on Fridays and Saturdays is in conflict with the authority’s “Core Hours for Licensable Activities” policy that stipulates a terminal hour of 03:00 for nightclubs (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. However, the current hours for certain licensable activities should be considered and the fact that the Police and Environmental Health have not objected to the application.

7.7 Members are reminded of the power in relation to a review of a premises licence.

8. **Decision**

8.1 Members are asked to consider the evidence and determine the application. Members may decide to do the following:-

- a) Grant the application as applied for.
- b) Grant the application with conditions, if this is deemed appropriate to promote one or more of the licensing objectives.
- c) Refuse the application.

8.2 In all cases, the sub – committee should provide its reasons for the decision and conclusions it has drawn in relation to the application and representations received.

Background Papers

Service Records

Report Author

Contact officer: Mr Jason Kirkwood
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 262626

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) or 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.

2. All individuals at the premises carrying out a security activity must be licensed by the Security Industry Authority. (Security activity is defined in Schedule 2 of the Private Security Industry Act 2001).

Annex 2 – Conditions consistent with the Operating Schedule

1. In accordance with Schedule 8 paragraph 6(6) and (8) the following embedded conditions and restrictions which apply to the existing licence(s) are preserved in this licence:

From the Justice's Licence:

- a) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day continue in force.
- b) On commencement of British Summertime, the benefit of the clock going forward at 0200, instead of 0100 GMT is preserved.

2. (a) Maximum number of persons permitted: Ground Floor: 350 Upper Mezzanine Floor: 240 Total for Premises: 590

- (b) Any variation in the Safe Capacity (as detailed in the Fire Risk Assessment) shall be notified to the Constabulary and the Fire and Rescue Service (along with a copy of the updated Fire Risk Assessment) and to all staff employed at the premises prior to any variation in capacity being implemented.
- (c) All staff employed at the premises shall be notified by the licence holder of the Safe Capacity at least annually.

3. a) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe / Cheltenham Innkeepers Association (or successor pubwatch body).

- b) The number of duty staff shall be such as to enable active monitoring in the immediate environment, of the licensed premises (i.e. staff outside the doors to the premises) and to take reasonable and appropriate steps to minimise the negative impact of customers arriving or leaving.
- c) Freephones or payphones shall be made available to customers to permit the selection of hackney carriages or private hire services.
- d) Advice on personal safety shall be displayed prominently within the premises.
- e) Reasonable steps shall be taken to bring to the notice of customers a request that they respect the needs of the local residents and leave the premises and locality in a quiet and orderly fashion.
- f) From 23.00hrs nightly drinks shall not be served in glass 'pint' containers (beer glasses). They shall be replaced by polycarbonate / plastic 'glasses'.
- g) After 20.00hrs SIA registered door supervisors shall be employed at the minimum ratio of 1:100 customers or part thereof at the premises.
- h) For a period of 30 minutes following the end of entertainment or until all customers have dispersed from the immediate vicinity, there shall be a minimum of 2 door supervisors on the street outside the premises wearing high visibility jackets. This shall be increased to 3 door supervisors on the street on Fridays and Saturdays to ensure the safe, orderly and quiet dispersal of customers in the immediate vicinity.
- i) The CCTV system shall be maintained in good working order and recordings shall be kept for 28 days (14 days for digital systems) and be provided to Officers of the Council and Police on request.
- j) After 1.00 am, all customers will be queued in the direction of Regent Street.
- k) The front door will be manned by a minimum of two SIA doorstaff. One member of security staff will take all reasonable steps to ensure that prospective customers keep noise to a minimum. Customers not complying with this requirement will be refused entry.
- l) Customers will be dispersed via the link corridor after 3.00am on Monday and Saturday.

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

1 Not Applicable

Annex 4 – Plans

1 See drawing number FM - 14 - 011



CHELTENHAM
BOROUGH COUNCIL
Licensing Act 2003
Premises Licence Summary

Premises Licence Number	22/01810/PRVM
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Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Moo Moo Moo Moo Regent Street Cheltenham Gloucestershire GL50 1HE	
Telephone number	01242 222380

Where the licence is time limited the dates

Not applicable

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

Sale/Supply of Alcohol	Sunday	12:00 - 01:00	
Sale/Supply of Alcohol	Monday to Saturday	10:00 - 03:00	
Performance of Dance	Sunday	09:00 - 01:00	Indoors
Performance of Dance	Monday to Saturday	09:00 - 04:00	Indoors
Performance of Live Music	Sunday	09:00 - 01:00	Indoors
Performance of Live Music	Monday to Saturday	09:00 - 04:00	Indoors
Performance of Recorded Music	Sunday	09:00 - 01:00	Indoors
Performance of Recorded Music	Monday to Saturday	09:00 - 04:00	Indoors
Late Night Refreshment	Sunday	23:00 - 01:00	Indoors
Late Night Refreshment	Monday to Saturday	23:00 - 04:00	Indoors

Non Standard Timings

- a) The terminal hour on: St Patrick's Day (17th March); Easter Saturday Easter Sunday; the Sunday before the May Bank Holiday; the Sunday before the Spring Bank Holiday; Friday, Saturday and Sunday of the August Bank Holiday weekend; Christmas Eve; and, Boxing Day shall be 04.00hrs for Alcohol sales and 05:00 for regulated entertainment and Late Night Refreshment.
- b) The opening hours on: St Patricks day (17th March); Easter Saturday Easter Sunday; The Sunday before the May Bank Holiday, The Sunday before the Spring Bank Holiday; Friday, Saturday and Sunday of the August bank Holiday weekend; Christmas Eve and Boxing Day will end at 05:30 hrs.
- c) Permitted licensable activities may be offered continuously from the standard starting time on New Years Eve until the standard terminal hour on 1 January.
- d) The terminal hour on race days shall be 04:00 hrs for alcohol sales, regulated entertainment and late night refreshment.
- e) The opening hours on race days will end at 04:30hrs.
- f) In all cases where non standard timings apply the 30 minute drinking up time shall be preserved.

The opening hours of the premises

Opening Hours	Sunday	09:00 - 01:30
Opening Hours	Monday to Saturday	09:00 - 04:30

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

On

Name, (registered) address of holder of premises licence

Bar Fever Ltd
3 Monkspath Hall Road
Solihull
B90 4SJ

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

06845048


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

Mr Luke Drabble

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

Prohibited

Signature of Issuing Officer


Darren Knight
Executive Director of People & Change

Date of issue

16 December 2022

Annex B

To Whom it may concern,

I am writing with regard to the current application to extend the licensing hours at club Moo Moo. Our nearby property at 16 Ormond Terrace is a mixed commercial/residential building which sits in a corner occupied by Popworld, around 100m from Moo Moo, and a planned housing scheme, formerly GAP.

Our recent refurbishment of 16 Ormond Terrace has enabled us to relocate our Obstetric medical ultrasound clinic, Earlylife Ltd, and created an additional two professional workspaces which are also now occupied. The residential basement has also recently been refurbished, such is the current imperative of many landlords in this part of Cheltenham due to economic factors and a fundamental change in retail. Therefore, the drive towards the creation of small/affordable accommodation in this part of the historic town centre is essential for the life and vibrancy of the town as a whole. This is evidenced by many residential applications around Regent street, as well as the proposed re-development of 102 – 106 Promenade, Cheltenham, formerly the rear of GAP, where 24 residential units are planned.

What must be apparent is an emerging conflict this part of town and, having tested our new accommodation myself, the incompatibility of the nightclubs in their existing form to ANY adjacent residential spaces. You are probably aware Pop World, which holds license since 1980's already permits music until 6am, 5 nights a week. The level of noise from Pop World is very loud to the point where the windows in our apartment rattle in their frames and music can be clearly heard in all parts of the building, presently rendering it unviable accommodation for anyone wishing to sleep overnight. There is an active formal noise complaint with Environmental Health. An extension of licensing hours can only give rise to more after-hours noise and anti-social behaviour, with the associated policing burden, not to mention the broken glass, public urination and vomit as can be easily witnessed already in the pavements and alleyways.

The planned diversification of redundant commercial/retail space is clearly key to the viability of this part of the historic town centre. It is a new approach, of bringing life back to the area as well as providing much needed accommodation for local people.

However it is in direct conflict with the current, excessive noise created by the clubs, or indeed any increase in licensing hours.

While the night time industries are struggling in decline at present, they are nevertheless an important component of the local economy. But should be subject to

careful and wide-angled scrutiny and not impact upon the essential provision of affordable quality accommodation, or the quality of life for those already living in the area. For these reasons it would seem difficult to justify any increase in licensing hours at this location.

With all good wishes,

Cooper & Tan Investments Limited