

APPENDIX 3

Batch 1

Ward Councillor

Representation from residential property with various signatories

Businesses and organisations

1

Dear Mr Kirkwood

Re Licence Application 20/00454/PRMA

Having spoken to and been contacted by a number of residents, I would like to take this opportunity to object to the above application in the strongest terms. Gibson House is in a mainly residential area where there is no need for additional licenced premises. The adjoining area towards the town centre already has a number of pubs, restaurants, etc.

No matter what conditions are applied to an alcohol licence at Gibson House there will be an unacceptable increase in anti-social behaviour whether this be noise late at night, urinating in the street, rowdiness, etc. My objection is not about "stopping people having fun" and more to do with allowing residents in St James Sq and the surrounding areas to enjoy a reasonable quality of life.

I am surprised that the application only related to the basement and cannot feel that this is a ploy to gaining licence for the whole building. Thus allowing it to be used as a night club.

Yours sincerely

Cllr Chris Mason
Lansdown Ward, Cheltenham Borough Council

C/O Municipal Offices, GL50 9SA

Jason Kirkwood

From: [REDACTED]
Sent: 18 March 2020 22:15
To: Internet - Licensing
Subject: Reference: 20/00454/PRMA. NEW PREMISES LICENCE: ST JAMES CLUB LTD T/A CHEMISTRY

Reference: 20/00454/PRMA. NEW PREMISES LICENCE: ST JAMES CLUB LTD T/A CHEMISTRY

To whom it make concern,

In regards to the application that has been made to Cheltenham Borough Council for a New Premises Licence, the reference to which has been placed above, we, the residents of 25 Cobblestone way, GL51 8PW, [REDACTED]

[REDACTED] wish to make a objection based on the following four grounds:

1. The prevention of crime and disorder;
2. Public safety;
3. The prevention of public nuisance to the nearby offices and St. Gregory's R.C. Church;
4. The protection of the children in St. Gregory's Catholic School & the nearby nursery from harm both from disoriented persons and any dangerous materials left on the ground nearby (i.e.: sharps and toxic substances);

Most sincerely,

[REDACTED]

Jason Kirkwood

From: [REDACTED]
Sent: 10 March 2020 19:06
To: Internet - Licensing
Subject: Reference 20/00454/PMRA New Premises Licence: St James Club Ltd t/a Chemistry
Attachments: Argument against proposal of the opening of Chemistry.docx

I attach my opposition to the above proposal.

Kind regards

[REDACTED]



[REDACTED]

For & On Behalf of
Ashlea Financial Planning Ltd
123 Promenade
Cheltenham
GL50 1NW123 Promenade

[REDACTED]

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Ashlea Financial Planning Ltd is registered in England and Wales at 81 Hatherley Road, Cheltenham, GL51 6EG
under Company registration number 5439258

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Reference 20/00454/PMRA New Premises Licence: St James Club Ltd t/a Chemistry

I write to object to the planning application above which is relevant to Gibson House, St James Square.

Reasons for objection

The Prevention of Public Nuisance

This is largely residential area which also houses the Catholic Church, St Gregory's and the Catholic Primary School St Gregory's. The access to the primary school is directly past the building.

The proposal indicates that on many occasions the club will be allowed to open until 2p.m. in the morning. This includes Christmas Eve when Catholics celebrate the birth of Christ with Midnight Mass. A night club opening until 2 p.m. would directly interfere with this spiritual occasion. The opening hours are also likely to interfere with other services. The likely noise in the evenings and comings and goings of rowdy crowds is also likely to be very disruptive for the people living in the local flats.

The protection of children from harm

Despite the efforts of the police such places are hotbeds for the distribution of drugs amongst the attendees. When it was there before needles and other drug paraphernalia were found on the access to the school which does not present a healthy image to primary school children. The noise from the very loud music was also disruptive and this was often to be heard in normal school hours.

As Cheltenham still has a housing shortage conversion into affordable housing which would be in keeping with the residential area might be more appropriate.

██████████ (St Gregory's Parishioner).

81 Hatherley Road

Cheltenham

GL51 6EG

10/03/2020

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

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

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

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

☐
☐
☐
☐

Contact details (of person completing form)

Name:	
Name of the organisation/body/person you represent. (If appropriate)	CHAPEL ARTS
Your full Postal Address or that of the organisation or body you represent	CHAPEL ARTS , KNAPPO RD GL
Post Code	GL 50 3 QQ
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

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

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	GRANDOVER RD
Post Code	GL50 2TN
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	ST JAMES CLUB CHEMISTRY GIBSON HOUSE
Name of Applicant for Licence (if known)	
Postal Address:	GIBSON HOUSE , ST JAMES SQUARE
Post Code:	GL 50 3QG

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about</p> <p>(eg crime, disorder, noise, disturbance etc)</p>
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Which of the Licensing Objectives does your representation refer to?

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

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

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

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

What are your concerns?

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

When we first came to this area we were reluctant to invest in the Christadelphian Hall building because of the reputation of the venue that is the subject of this objection. As the club was no longer in operation, we did decide to invest in the Christadelphian Hall building (now officially Chapel Arts) in an attempt to remove the adverse reputation of this part of town. However, there are still people reluctant to visit because of this building's recent history. Surely Cheltenham already has enough late night drinking venues.

to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

Signature:

[Redacted Signature]

Capacity:

Chapel Arts.

Date:

18 March.

Our Ref: DKH/083066/00000



For the attention of: John Kirkwood

Licensing Team
Public Protection Division
Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham
Gloucestershire GL50 1PP

Charles Russell Speechlys LLP
One London Square
Cross Lanes Guildford Surrey
GU1 1UN UK

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DX: 2436 Guildford

charlesrussellspeechlys.com

By Email and Special Delivery
licensing@cheltenham.gov.uk;

D: +44 (0)845 359 0026
F: +44 (0)845 3590030

13 March 2020

Dear Sirs

Licensing Act 2003 - Interested Party Representation
Premises Licence Application: 20/000454/PRMA
Property: "Chemistry", Gibson House, St James Square, GL50 3QG

We write with reference to the above, and confirm we are instructed on behalf of Genie Toys Plc.

We are writing on our client's behalf to formally object to the Application for a new Premises Licence in respect of the Property.

1 INTERESTED PARTY

We confirm that Genie Toys Plc is an interested party, entitled to make representations in respect of the Application.

Our client owns and occupies commercial office premises at Genie House, 20 St James Square, Cheltenham ("Genie House") for the purposes of its business of the design and development of toys and games.

Our client's property at Genie House directly abuts the Property.

2 NEW PREMISES LICENCE APPLICATION

We have kindly been provided with a copy of the Application submitted by the Applicant by the Council's licensing team on 10 March 2020.

There were no plans attached to the Application.

We are unsure as to whether that is because the Applicant has yet to submit plans to the Council.

In the circumstances, we must reserve our client's position to make further and supplemental representations once plans have been provided, and when our client is fully able to appreciate the scale and nature of the proposed operation of the business for which the Applicant seeks authorisation pursuant to the Application.

WKS/293381819.1

3 PREVIOUS NEW PREMISES LICENCE APPLICATION – SEPTEMBER 2010

Our client is aware of and made representations in respect of the previous new premises licence application made in September 2010. That application also related to the former Chemistry nightclub premises at Gibson House and was submitted by Headland Entertainments Limited.

Our client was represented at the licencing sub-committee hearing that took place on 11 November 2010, and when that new premises licence application was refused.

The applicant's appeal of that decision to refuse the grant of a new premises application was subsequently withdrawn by the applicant in June 2011.

We submit that this is relevant, as many (if not all) of the concerns and representations made in respect of that new premises licence application seem to us to similarly apply to the Application now made.

Further, the licensing sub-committee's grounds for refusing the previous application included:

- There was insufficient detail as to the numbers of customers likely to be leaving the premises at closing time.
- There was no dispersal policy in place.
- There were no proper plans for a smoking shelter and the proposal made at the hearing would exacerbate the problems outside the premises.

4 THE CURRENT APPLICATION

In light of the above, we suggest it is surprising that (based upon the information we have been provided with to date) the Application does not address the above concerns.

By way of example, and we address this further below, the provisions proposed for the prevention of public nuisance simply suggest that there will be an outside smoking area, managed by door supervisors, and to be used at any one time by no more than 10% of the overall capacity of the Property. It is unclear to us where this apparent outside smoking area is to be.

It is also unclear from the application we have seen as to the proposed capacity of the Property.

If there is further information in the Council's possession which covers such points, then we should be grateful if it could be provided to us please as a matter of urgency, and a further period allowed for representations on behalf of our client to be supplemented.

Turning specifically to the Licencing Objectives, we set out our client's representations below:

(a) The prevention of crime and disorder

Our client is very concerned as to the impact the granting of a premises licence will have on Genie House.

As explained above, our client occupies commercial office premises at Genie House, St James Square, Cheltenham, which it occupies the purposes of its business of the design and development of toys and games.

Our client is also the registered freehold owner (Land Registry title no. GR340288) of Genie House.

Genie House directly abuts the Property, and is separated only by a party wall.

Genie House also extends to the rear and abuts the outside area to the rear of Gibson House.

Given the close proximity of Genie House to the Property, our client is concerned as to the real risk of damage being caused to its property by persons attending the Property.

Further, and prior to the previous nightclub's closure in 2005, our client is aware of the regular need for the involvement of Police Officers to work with door staff because of complaints from neighbours arising from those attending and leaving the Property.

The application does little to address such concerns.

Whilst it is stated that there will be a CCTV system, consisting of a minimum of eight cameras installed at the Property, no information is given as to where such cameras will be installed, whether they will be inside or outside the Property, and whether any CCTV cameras will be placed in such a position as to act as a deterrent to prevent crime and disorder affecting Genie House.

With regard to the Council's Licensing Policy Statement, whilst it is acknowledged that the Property is not within the Designated Area of Concern, our client notes that it is in fact immediately adjacent to that area, being on the corner of St James Square and Knapp Road/Clarence Street. It is submitted that the fact that the Property is immediately adjacent to the Designated Area of Concern should be a factor to which the licensing sub-committee has regard.

(b) **The prevention of public nuisance**

Our client is extremely concerned at the impact the proposed use of the Property would have upon Genie House and the operation of its business.

The exact nature of the proposed licensable activities proposed is unclear, but the fact that an application has been made to install a sign "St James' Club" suggests use including a nightclub.

In particular, our client is concerned about noise nuisance and the adverse impact on the environmental quality and character of the area.

As stated above, Genie House immediately abuts the Property and is divided only by a party wall.

The Application includes inter alia:

- The playing of live music from 10am to 12 Midnight (10pm on Sundays);
- The exhibition of films from 10am to 12 Midnight (10pm on Sundays);
- The playing of recorded music from 10am to 12 Midnight (10pm on Sundays);
- The performance of dance from 10am to 12 Midnight (10pm on Sundays);
- The supply of alcohol from 10am to 12 Midnight (10pm on Sundays).

The Application accordingly seeks permission for the carrying out of such licensable activities for 14 hours per day on six days of the week and 12 hours a day on Sundays. It is submitted this is excessive in the extreme.

Further, the Application seeks to extend the operating hours for all licensable activities by two hours on all days on which races are held at Cheltenham Racecourse.

On the basis of our investigations, such additional provision of hours would apply on some 16 days per year.

Given the age and nature of the Property, our client is concerned that there is no, or no adequate sound insulation that will prevent disturbance to our client and its employees whilst it is conducting its business at Genie House.

Our client is also concerned as to noise, nuisance and disruption caused inter alia by persons smoking outside the Property (given of course the smoking ban which prevents smoking from within premises). As stated above, it is unclear to us what provision is to be made for smoking areas outside of the Property, but by looking at the footprint and layout of the Property itself, it would seem the only viable positioning for such areas will be to the rear of the Property, and which is immediately adjacent to and at the rear of Genie House.

The mere statement that the "outside smoking area will be effectively managed" within the Application is totally inadequate.

Further, it is unclear as to how many persons may be using such areas (wherever they may be) at any one time – our client cannot understand the proposal for no more than 10% of the overall capacity at the time, without understanding what it is proposed the total overall capacity of the Property is to be.

Further, simply suggesting the erection of signage is inadequate.

In addition to the failure to specify the proposed designated smoking areas, there appears no reference to the provision of a smoking shelter for use during inclement weather. This is particularly surprising given the reasons for refusal of the previous new premises application.

Further, the impact and disruption caused by the Property being operated for 14 hours a day for 6 days a week and 12 hours a day on Sundays will be substantial (by way of example, round the clock deliveries and refuse collection), particularly in an area with little or no on street parking. Our client is particularly concerned here that its two parking spaces at the rear of Genie House/the Property will be used for unlawful parking by persons operating/attending the Property, and/or access obstructed.

No provision is made within the Application for addressing such concerns.

On the basis of the information provided, our client therefore considers it is inevitable that significant noise nuisance will be caused to our client, and as a result, this will adversely impact upon our client's business.

In addition, our client is concerned as to (the fairly to be expected) drunken behaviour (such as vomiting and urinating in the streets and on Genie House), and rubbish being left in the vicinity of Genie House/the Property. All of this will affect the amenity of the area, and more specifically, adversely impact upon our client's business and those customers and contacts visiting Genie House.

With reference to the Licencing Policy Statement of Cheltenham Borough Council, it is notable that the Applicant has substantially failed to comply with the requirements of paragraph 3.22.. The Application has also inter alia failed to address the requirements of paragraph 3.27.

The Applicant further has failed to make provision for the sufficient measures referred to by paragraph 3.28 of the Licencing Policy Statement.

(c) The prevention of children from harm

Our client is in the business of the design and development of toys and games principally for children.

Further, our client notes there is a primary school, church (St Gregorys) and day nursery immediately in the immediate vicinity of the Property, and which will be in use for a significant proportion of the proposed hours for licensable activities at the Property.

It is accordingly suggested the Property is an inappropriate location for the operation of the licensable activities sought and for such periods as proposed within the Application itself.

5 **CONCLUSION**

Given the nature of the area in which the Property is situated, the lack of consideration given to the four Licencing Objectives within the Application, and for the reasons stated above, our client opposes the grant of the new premises licence sought and submits the Application is inappropriate and should be refused in its entirety.


In this regard, our client also urges the licencing sub-committee to have regard to the issues and problems experienced before Chemistry at the Property closed in 2005.

Our client would also urge the Licensing Sub-Committee to have regard to the changes in the character of the area in the last fifteen years, with new office and residential blocks resulting in a quieter and much improved area to that before the nightclub closure in 2005.

We should be grateful if you could acknowledge receipt of this letter.

We also would take the opportunity to notify you that it is our client's intention to be represented at the licencing sub-committee hearing.

Yours faithfully


Charles Russell Speechlys LLP

Jason Kirkwood

From: Internet - Licensing
Sent: 28 February 2020 13:16
To: Jason Kirkwood
Subject: FW: 20/00454/PRMA - Chemistry Gibson House St James Square Cheltenham Gloucestershire GL50 3QG

From: [REDACTED]
Sent: 28 February 2020 13:04
To: Internet - Licensing <Licensing@cheltenham.gov.uk>
Subject: 20/00454/PRMA - Chemistry Gibson House St James Square Cheltenham Gloucestershire GL50 3QG

To whom it may concern,

I am emailing regarding the consultation taking place for reference 20/00454/PRMA Chemistry Night Club on behalf of Elephant Moon Day Nursery which is located a few doors away from the Chemistry premises on St James Square.

The children's day nursery is registered for children aged between 3 month and 5 years old and open from 7.30am to 6.30pm. Parents can drop off their children and collect them at any time during these hours. The nursery is also located next to The Catholic Primary and Nursery School of Saint Gregory the Great – who operate similar hours through the school and clubs.

This licensing application gives the nursery many areas of concern as listed below:

- Location – Cheltenham has changed dramatically in the last 10 years, with this area being solely based on Education, Residential, The Church and Offices. There are restaurants located on the other side of St James Square as well as on St Georges Place but these can be seen as an extension of the Town Centre and have no impact on our usage. There is also a Pub with offices above located on Clarence Street but again this is really an extension of the Town Centre and does not impact our area.
- Opening Hours – The suggested opening hours on the licensing form is from 10am – 12am. This is in conflict with our parents dropping children at the nursery as well as collecting them. Many of our parents use push chairs to transport the children to/from the setting, which would involve passing the Chemistry Club and unfortunately we would be concerned about passing "Club Goers" and the impact this would have on children/parents.
- Smoking Area – There isn't a specific smoking area listed on the application so I would assume this would be at the front of the property at the top of St James Square. Again, we can only see a negative impact being made on Children/Parents having to pass a group of smokers on the pavement and the intimidation this would cause.
- Nuisance – Undoubtedly, there will be a nuisance element of "Club Goers" at the premises. Whilst I understand there will CCTV and Safety Logs present, I do not feel this is the correct environment to place a Licensed property, particularly as it is located 3 doors away from a Children's Day Nursery and a Primary School. There is an ally way between the School and the Nursery which links Knapp Rd to St James Square which is hidden from public view and an area which could be exploited by this nuisance element of club goers by way of litter, urinating, vomiting etc – all of which should be prohibited in an area which is widely used by children.
- Past History – whilst I am not familiar with the Chemistry club, I have been told that the premises did bring a negative impact on the area whilst it was open, in particular finding syringes and condoms around the area, as well as lots of late night noise and a police presence.

I fully appreciate the need to occupy the building as it has been empty for a long time – however the use class as a licensed club is incorrect for this part of St James Square. I have met with the Landlord a few years ago and he discussed converting the premises to apartments which we would have no objection to.

Kind Regards,

Elephant Moon Day Nurseries