

## **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.

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**

<b>Premises Licence Number</b>	22/01810/PRVM
--------------------------------	---------------

**Premises Details**

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

<b>Where the licence is time limited the dates</b>
Not applicable

<b>Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities</b>			
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

<b>Non Standard Timings</b>
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