

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Monday, 13 November 2023

Premises: 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP.

Applicant: Mihaela Bodini

Application for a premises licence under the Licensing Act 2003.

Present: Councillors S Hands, G M Porter (Chair) and R J E Vines.

Representatives of applicant: None

Responsible Authorities: None

Other Persons addressing the Sub-Committee: Three local residents.

SUMMARY OF REPRESENTATIONS

1. Two responsible authorities had made representations in relation to the application: Environmental Health Authority and Gloucestershire Constabulary.
2. The Environmental Health Authority and Gloucestershire Constabulary subsequently agreed conditions for inclusion within the Operating Schedule.
3. Three representations had been received from other persons in relation to the application all objecting to the application.

THE APPLICATION

Relevant licensable activities and hours applied for:

Sale by retail of alcohol for consumption on the premises	Monday to Thursday	12:00 – 21:30
	Friday and Saturday	10:00 – 22:30
	Sunday	12:00 – 19:30
Performance of recorded music indoors	Monday to Thursday	12:00 – 22:00
	Friday and Saturday	10:00 – 23:00
	Sunday	12:00 – 20:00

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the provisions of the Licensing Act 2003, the obligation to promote the four licencing objectives; the relevant sections of the Council's Statement of Licensing Policy and the Statutory Guidance it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to additional conditions agreed with Environmental Health and the Gloucestershire Constabulary.

CONDITIONS CONSISTENT WITH THOSE RECOMMENDED BY THE RESPONSIBLE AUTHORITIES AND AGREED WITH THE APPLICANT

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
2. There must be no deliveries or collections relating to licensable activities at the premises between the hours of 2000 hours and 0800 hours on any day.
3. There must be no emptying of recycling (including bottle bins) or waste bins between the hours of 2000 hours and 0800 hours on any day.
4. The Premises Licence Holder must ensure that all external doors and windows are closed when regulated entertainment is taking place internally, except to allow entry and egress.
5. The premises will operate and enforce a Challenge 25 policy where all persons who appear to be under the age of 25 will be challenged for acceptable identification to prove they are over 18 prior to the purchase of alcohol. The only acceptable forms of identification will be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
6. Challenge 25 posters will be displayed at the entrance to the premises, all areas where alcohol is displayed and at the cash till payment area. The posters will be displayed prominently and in the sight of customers and staff.
7. A CCTV system with a minimum of 3 cameras will be in operation and recording 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.
8. The correct time and date will be generated onto both the recording and the real time image screen.
9. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
10. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
11. The Designated Premises Supervisor (DPS) or other suitably competent person will undertake a risk assessment on an event-by-event basis at times when the premises is being used for hire or events. The risk assessment will identify if SIA door supervisors are required and if deemed necessary the rate employed shall be 1 per 50 of occupancy (or part thereof) and subject to a minimum of 2 door supervisors.
12. Non-alcoholic/Low-alcohol drinks shall be promoted especially to 'designated drivers' of groups.

13. 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.
14. An incident log will be 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.
15. The 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 six months. The training log shall be made available for inspection by Police and "authorised persons" immediately upon request.

REASON

The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the Licensing Act 2003. The Sub-Committee could not take into account representations which did not relate to one or more of those licensing objectives and it was acknowledged that any representations received must be relevant and evidenced-based.

CONSIDERATION

In determining the application, the Licensing Sub-Committee considered the fact that no Responsible Authorities had objected to the application. It also took into account the concerns raised by the Other Persons and the steps put forward by the applicant in their written submission to promote the licensing objectives.

APPEAL

All parties were reminded of their rights of appeal against the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the authority's decision.

REVIEW

All parties were reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allowed the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arose, in relation to the licensing objectives: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminded all parties that, for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted. The Environmental Health team could be contacted out of hours to report complaints of excessive noise nuisance.