

3 November 2023

Committee	Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)
Date	Monday, 13 November 2023
Time of Meeting	10:30 am
Venue	Tewkesbury Borough Council Offices, Severn

ALL MEMBERS OF THE SUB-COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ELECTION OF CHAIR

To elect a Chairman for the ensuing meeting

2. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	PREMISES LICENCE APPLICATION REF: 23/01625/LIQPRM - 35 CHURCH ROAD, BISHOPS CLEEVE, CHELTENHAM, GLOUCESTERSHIRE, GL52 8LP	1 - 47

To determine an application for a premises licence for 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP.

COUNCILLORS CONSTITUTING SUB-COMMITTEE

Councillors: S Hands, G M Porter and R J E Vines

Reserve: P A Godwin

Substitution Arrangements

The Council has a substitution procedure and, in respect of this Sub-Committee, should a Councillor be unable to attend the meeting, a substitute will be selected from the parent Licensing Committee.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)
Date of Meeting:	13 November 2023
Subject:	Premises Licence Application Ref: 23/01625/LIQPRM - 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP
Report of:	Licensing Officer
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Seven

Executive Summary:

An application has been received for a premises licence for 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP. No representations were received from responsible authorities, although conditions were agreed with the Police and Environmental Health. Three representations were received from 'other persons' and, as such, the matter is being referred to the Licensing Sub-Committee for determination.

Recommendation:

To DETERMINE the application by:

- **granting the application as applied for;**
- **granting the application but with modification to times or conditions, appropriate to promote the licensing objectives; or**
- **rejecting all or part of the application.**

Financial Implications:

There are no financial implications arising directly from the consideration of this application. However, any appeal to the Magistrates' Court against the refusal of the application or against the imposition of conditions could result in the Council having to bear the legal costs of defending its decision.

Legal Implications:

As outlined in the report.

Environmental and Sustainability Implications:

None.

Resource Implications (including impact on equalities):

If any party to the hearing were successful in appealing any decision taken by the Sub-Committee at a Magistrates Court, the Licensing Authority may be liable to having costs awarded against it.

Safeguarding Implications:

None.

Impact on the Customer:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 35 Church Street is a premises located on Church Road in Bishops Cleeve. The Applicant intends for the ground floor of the premises to trade as a wine bar/restaurant.

1.2 The applicant has applied for the following activities:

- The sale by retail of alcohol for consumption on the premises from 12:00 to 21:30 Monday to Thursday, 10:00 to 22:30 Friday and Saturday, 12:00 to 19:30 Sunday
- The performance of recorded music indoors from 12:00 to 22:00 Monday to Thursday, 10:00 to 23:00 Friday and Saturday, 12:00 to 20:00 Sunday
- Opening hours from 12:00 to 22:00 Monday to Thursday, 10:00 to 23:00 Friday and Saturday, 12:00 to 20:00 Sunday

1.3 These hours include the reduction by the applicant, from the initial application, of the sale by retail of alcohol end time by 30 minutes on each day, to allow for a drinking up time.

1.4 The initial application included an external seating area to the side of the premises which the applicant has since removed from the application. An updated plan has been provided.

1.5 The applicant has confirmed their intention to provide an external seating area at the front of the premises.

1.6 A copy of the application is attached at **Appendix A**.

1.7 A location plan is attached at **Appendix B**.

1.8 A copy of the original plan submitted with the application is attached at **Appendix C**.

1.9 A copy of the updated plan of the premises is attached at **Appendix D**.

1.10 The applicant has provided comments in response to representations received. This is attached at **Appendix E**.

2.0 RESPONSIBLE AUTHORITIES

2.1 This application was subject to the statutory 28 days consultation with responsible authorities and other persons. In addition to Tewkesbury Borough Council as the Licensing Authority, a full copy of the application was sent to the following responsible authorities identified in the Act as statutory consultees. Their responses to the consultation, if any, are also shown:

2.2 Environmental Health Authority

Conditions agreed:

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- 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.
- 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.
- 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.

2.3 Chief Officer of Police

Conditions agreed:

- 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.
- 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.
- 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.
- The correct time and date will be generated onto both the recording and the real time image screen
- 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.
- 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.

- 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.
- Non-alcoholic/Low-alcohol drinks shall be promoted especially to 'designated drivers' of groups.
- 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.
- 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.
- 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.

2.4 Fire and Rescue Authority – No comment made.

2.5 Health and Safety Enforcing Authority – No comment made.

2.6 Planning Authority – No comment made.

2.7 Body with responsibility for child protection – No comment made.

2.8 Public Health Authority – No comment made.

2.9 Trading Standards – No comment made.

2.10 Home Office Immigration Enforcement – No comment made.

3.0 OTHER PERSONS

3.1 In addition to responsible authorities, the Act permits any 'other person' to make a representation if it is relevant to the application and relates to one or more of the licensing objectives. These are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

3.2 Three representations were received from ‘other persons’ in relation to the application. These are reproduced at **Appendix F**.

4.0 **MEETING PROCEDURE**

4.1 A copy of the meeting procedures is attached at **Appendix G**.

5.0 **GUIDANCE AND POLICY**

5.1 **Statutory guidance**

5.1.1 The Licensing Act 2003 states that, in carrying out its functions, a Licensing Authority must ‘have regard to’ guidance issued by the Secretary of State under section 182 of the Act. The guidance is therefore binding on all licensing authorities to that extent; however, it is recognised that each case must be decided on its own merits and the guidance should not fetter the discretion of the Licensing Authority to make decisions in individual cases. Any decision that the Licensing Authority makes should be supported by full reasons.

5.1.2 The following extracts from the guidance are relevant to this application.

5.2 **Licence conditions – general principles**

5.2.1 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.

5.3 Each application on its own merits

5.3.1 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.

5.3.2 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or 'other person' may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

5.3.3 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance; and
- its own statement of licensing policy.

5.4 Public nuisance

5.4.1 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that, in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

5.4.2 Public nuisance is given a statutory meaning in many pieces of legislation. It is, however, not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 5.4.3** Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate; however, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable).
- 5.4.4** Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 5.4.5** As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises, but the approach of licensing authorities and responsible authorities should be one of prevention and, when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

5.5 Licensing policy

General principles

- 5.5.1** Every application received by the Licensing Authority will be considered on its own individual merits.
- 5.5.2** If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions.
- 5.5.3** The Licensing Authority will aim to carry out its licensing functions in a way that promotes tourism, increases leisure and culture provision and encourages economic development within the borough; however the Licensing Authority will also always try and balance the needs of the wider community, local community and commercial premises, against the needs of those whose quality of life may be adversely affected by the carrying on of licensable activities, particularly within residential areas.
- 5.5.4** In particular the Licensing Authority will attempt to control any potential negative impacts from the carrying on of licensable activities, such as increased crime and disorder, anti-social behaviour, noise, nuisance, risks to public safety and harm to children.
- 5.5.5** The Licensing Authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 5.5.6** The Licensing Authority acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the authorisation concerned. As a matter of policy, however, the Licensing Authority expects every holder of an authorisation to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate surroundings of their premises.

Representations

- 5.5.7** When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons.
- 5.5.8** Representations must be made to the Licensing Authority within the statutory period of 28 days beginning on the day after the relevant application is received by the Licensing Authority. Representations must be made in writing.
- 5.5.9** Representations can be made either be in support of an application or to express objections to an application being granted; however, the Licensing Authority can only accept “relevant representations.” 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.
- 5.5.10** For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 5.5.11** Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a responsible authority or other person to produce a recorded history of problems at a premises to support their representations, and it is recognised that in fact this would not be possible for new applications.

Representations from other persons

- 5.5.12** Relevant representations about applications can also be made by any ‘other person’, regardless of their geographical position in relation to the relevant premises; however the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

Conditions on licences and certificates

- 5.5.13** Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The Licensing Authority will ensure any conditions that are imposed on a premises licence or club premises certificate are appropriate for the promotion of the licensing objectives;
- are precise and enforceable;
 - are unambiguous and clear in what they intend to achieve;
 - do not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - are tailored to the individual type, location and characteristics of the premises and events concerned;
 - are not to 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;
 - do not replicate offences set out in the 2003 Act or other legislation;
 - are proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);

- do not 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
- are written in a prescriptive format.

5.5.14 Although the Licensing Authority may use standardised forms of wording in conditions to cover commonly arising situations and circumstances, “blanket conditions” will not be applied to licences and specific conditions may be drawn up and applied to meet local need and circumstances.

6.0 DECISION

6.1 Representations

6.1.1 Three representations were received during the consultation process. Members should take into account the following comments in relation to the representations:

6.2 Determination

6.2.1 In determining the application, the Sub-Committee must have regard to the statutory guidance issued by the Secretary of State, the Council’s adopted policy statement, the representations made and the evidence it hears. In particular, the Sub-Committee must seek to promote the four licensing objectives, which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

6.2.2 The Sub-Committee, having regard to all of the above, must take such steps as it considers appropriate for the promotion of the licensing objectives which can include:

- granting the application as applied for;
- granting the application but with modification to times or conditions, appropriate to promote the licensing objectives; or
- rejecting all or part of the application.

6.3 Each application on its own merits

6.3.1 Members are reminded that each application must be considered on its own merits and in accordance with the Licensing Authority’s Statement of Licensing Policy.

Furthermore, conditions attached to licences 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.

6.4 Licensing and planning

6.4.1 Paragraph 14.64-65 of the Statutory Guidance, that the sub-committee must have regard to, states in relation to the relationship with planning and licensing:

“The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

“There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.”

6.4.2 The planning authority have not made any comments in relation to this application.

6.4.3 There have been comments made in relation to business needs, access and traffic. These concerns are not relevant under the licensing process and would relate to planning. Therefore, these should not be considered when making a decision.

6.5 Live Music Act 2012/Deregulation Act 2015

6.5.1 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

7.0 CONSULTATION

7.1 A 28-day consultation was carried out in accordance with the regulations.

8.0 ASSOCIATED RISKS

8.1 None.

9.0 MONITORING

9.1 If the application is granted a varied premises licence – incorporating any conditions that have been determined to be appropriate for the promotion of the licensing objectives – will be issued. If the application is refused, the applicant and all interested parties will be notified of the decision in writing.

9.2 In either case, the applicant and all interested parties will be provided with details of their right to appeal against the decision.

- 10.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES
- 10.1 [Tewkesbury Borough Council's Licensing Act 2003 Policy Statement](#)
- 10.2 [Statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003](#)

Background Papers: Licensing Act 2003

Tewkesbury Borough Council's Licensing Act 2003 Policy Statement

Statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003

Contact Officer: Licensing Officer
john.griffiths@tewkesbury.gov.uk

Appendices: Appendix A – Copy of application
Appendix B – Location plan
Appendix C – Copy of original plan of the premises
Appendix D – Copy of updated plan of the Premises
Appendix E – Applicant comments in response to representations
Appendix F – Copies of representations from 'other persons'
Appendix G – Meeting procedures

Application for a premises licence to be granted 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.

I/We MIHAELA BODINI*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
35 CHURCH ROAD BISHOPS CLEEVE			
Post town	Bishops Cleeve	Postcode	GL52 8LP

Telephone number at premises (if any)	07880965136
Non-domestic rateable value of premises	£ 16,750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** Please tick as appropriate

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	<input checked="" type="radio"/> Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname: BONDI			First names: MIHAELA		
Date of birth 10/02/1998		I am 18 years old or over		Please tick yes	
Nationality		ROMANIAN			
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
05	10	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

**PREMISES IS LOCATED ON THE HIGH STREET AND WILL TRADE AS A WINE BAR/ RESTURANT.
THE LICENSED PROPERTY IS LOCATED ON THE GROUND FLOOR.**

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	✓
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	
Day	Start	Finis h		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	-----	-----	
Tue	-----	-----	
Wed	-----	-----	State any seasonal variations for indoor sporting events (please read guidance note 5)
Thur	-----	-----	
Fri	-----	-----	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 (please read guidance note 6)
Sat	-----	-----	
Sun	-----	-----	
	-----	-----	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Fri					
Sat					
Sun			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 (please read guidance note 6)		

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finis h	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	12:00 ----- PM	22:00 ----- PM	<u>Please give further details here</u> (please read guidance note 4) EASY LISTENING BACKGROUND MUSIC, THROUGH SPEAKERS.	
Tue	12:00 ----- PM	22:00 ----- PM		
Wed	12:00 ----- PM	22:00 ----- PM	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Thur	12:00 ----- PM	22:00 ----- PM		
Fri	10:00 ----- AM	23:00 ----- PM	<u>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</u> (please read guidance note 6)	
Sat	10:00 ----- AM	23:00 ----- PM		
Sun	12:00 ----- PM	20:00 ----- PM		

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><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> (please read guidance note 6)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)			
Day	Start	Finis h	On the premises	<input checked="" type="checkbox"/>		
			Off the premises	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Mon	12:00 PM	22:00 PM	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)			
Tue	12:00 PM	22:00 PM				
Wed	12:00 PM	22:00 PM				
Thur	12:00 PM	22:00 PM				
Fri	10:00 AM	23:00 PM				
Sat	10:00 AM	23:00 PM				
Sun	12:00 PM	20:00 PM				
					<u>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</u> (please read guidance note 6)	

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MIHAELA BODINI
Date of birth	██████████
Address:	████████████████████
Postcode	██████████
Personal licence number (if known)	

Issuing licensing authority (if known) TEWKESBURY BOROUGH COUNCIL

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	22:00	
	PM	PM	
Tue	12:00	22:00	
	PM	PM	
Wed	12:00	22:00	
	PM	PM	
Thur	12:00	22:00	
	PM	PM	
Fri	10:00	23:00	
	AM	PM	

Sat	10:00	23:00	
	AM	PM	
Sun	12:00	20:00	
	PM	PM	

VI

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

A TRAINING PROGRAM TO BE IMPLEMENTED TO ENSURE ALL STAFF ARE AWARE OF LICENCING LAW AND AREA ABLE TO COMPLY WITH IT AT ALL TIMES.
 THE PROGRAM TO BE REVIEWED EVERY SIX MONTHS.
 NEW STAFF TO COMPLETE THE TRAINING PRIOR TO STARTING WORK.

b) The prevention of crime and disorder

CCTV SYSTEM INSTALLED WITH PARTICULAR FOCUS ON BAR AREA.
 ALL STAFF TRAINED TO ALLOW ANY CASUAL DRINKING AND MAINTAIN A RELAXED RESTURANT ENVIROMENT AT ALL TIMES.
 DETAILS OF LOCAL TAXI FIRMS AVAILABLE TO CUSTOMERS AND FOR STAFF TO CALL ON CUSTOMERS BEHALF.

c) Public safety

FULL RISK ASSESSMENT TO BE CARRIED OUT AND EVERY RESONABLE STEP TAKEN TO MINIMISE ANY POTENTIAL RISKS HIGHLIGHTED.
 ALL STAFF TRAINED IN THE UNDERSTANDING AND USE OF FIRE FIGHTING EQUIPMENT.

d) The prevention of public nuisance

RECORDED MUSIC VOLUME WILL BE KEPT WELL WITHIN ACCEPTABLE LEVELS AT ALL TIMES.

e) The protection of children from harm

A STRICT AND CLEAR AGE VERIFICATION/RESTRICTION POLICY DETAILED WITHIN THE STAFF TRAINING PROGRAM TO ENSURE NO ONE UNDER THE AGE OF 18 WILL CONSUME ALCOHOL ON THE PREMISES. CHALLENGE 21 INITIATIVE TO BE USED.

Checklist:

Please tick to indicate agreement

<input type="checkbox"/>	I have made or enclosed payment of the fee.	✓
<input type="checkbox"/>	I have enclosed the plan of the premises.	✓
<input type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	✓
<input type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	✓
<input type="checkbox"/>	I understand that I must now advertise my application.	✓
<input type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected.	✓
<input type="checkbox"/>	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	24/08/2023
Capacity	LANDLORD

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	[REDACTED]
Capacity	[REDACTED]

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
MICHAEL CLARK			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for

- the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:
 - A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:
 - does not have the right to live and work in the UK; or
 - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

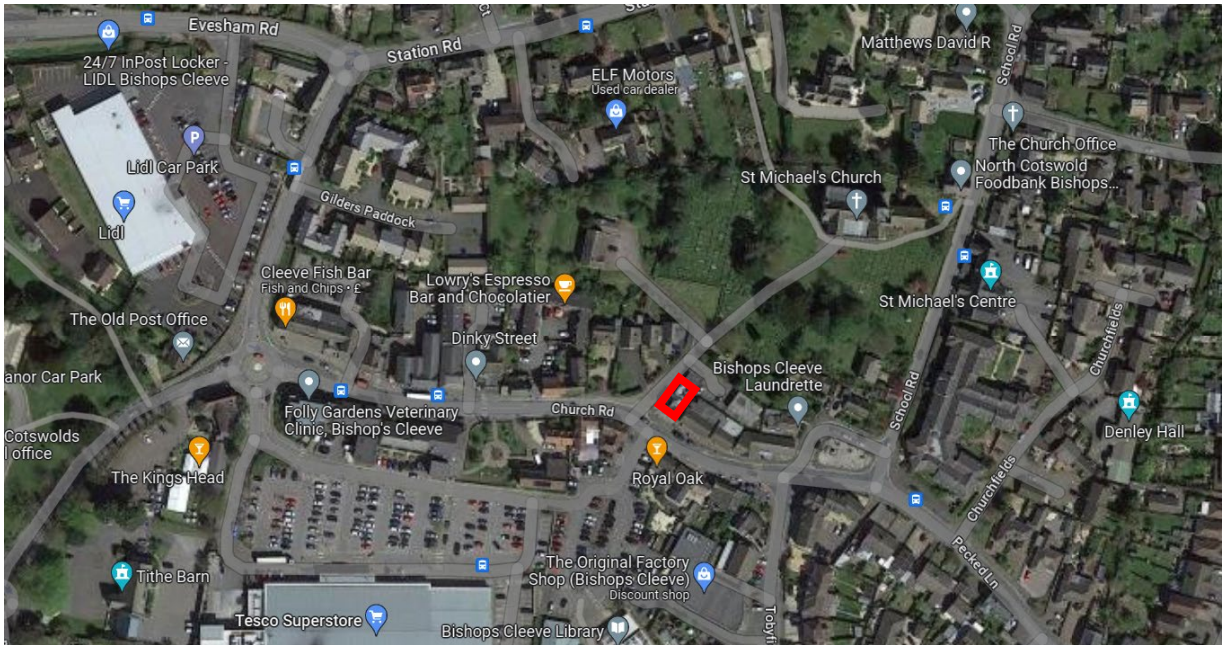
As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



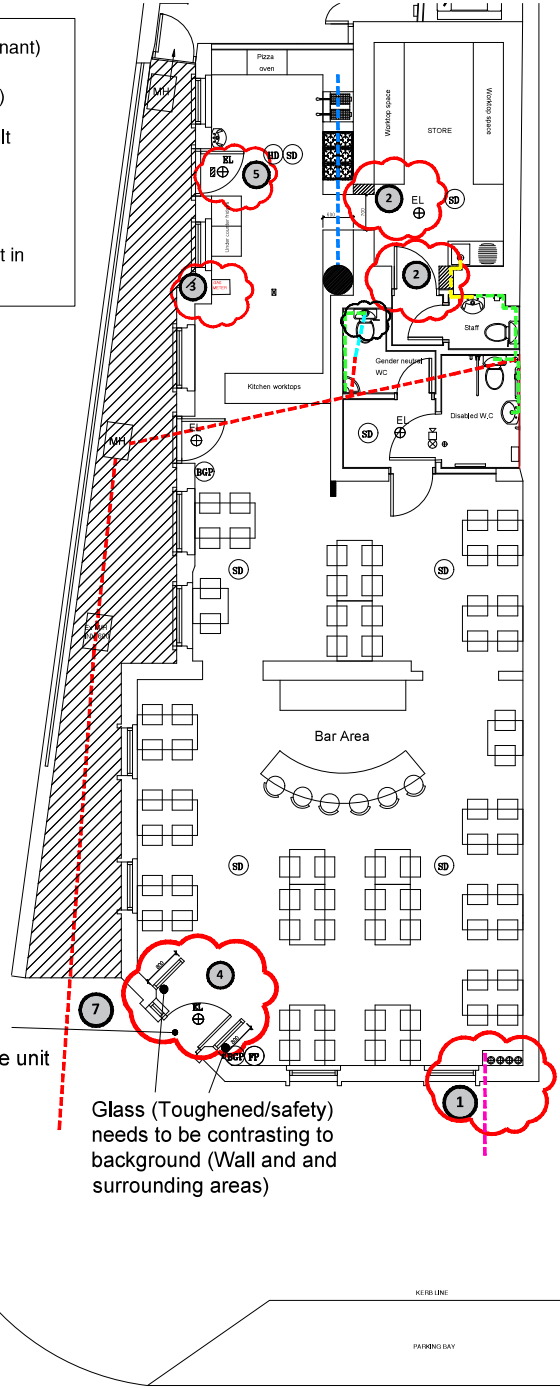
Google Maps (Satellite) – 2023.



Google Street View – March 2023.

Original Plan Submitted with Application

- ⊕ BGP Break glass point (By tenant)
- ⊕ HD Heat detector (By tenant)
- ⊕ SD Smoke detector, with built in sounder (By tenant)
- ⊕ FP Fire panel (By tenant)
- ⊕ EL Emergency light with built in running man (By tenant)



- Note: All internal walls and finishes by Tenant
- ① Full height boxing for water services and broadband by Tenant
- ② New studwork to areas (All by Tenant)
- ③ New internal gas meter (By landlord)
Boxing out of meter (By tenant)
- ④ New glass panels to entrance area (By tenant)
- ▨ Restaurant external seating area, with minimum 0.6m wide walkway to flats
- ⑤ New vent in top of door (By tenant)
- ⑥ New sinks to be installed (By tenant)
- ⑦ Temporary ramp system to negotiate step to unit (By tenant)
- ⊕ Proposed rodding position by WC drain (By tenant)
- New overhead extract run for cooking equipment (By tenant)
- Proposed position for flue through roof (By tenant)
- Above Ground drainage (By tenant)
- New below Ground drainage connection (By contractor)
- Below Ground drainage (Existing)
- Proposed sink connection (By tenant)
- Incoming broadband through wall and positioned in cupboard (By others)

Door colours to be contrasting to background walls. Ironmongery on said doors to be a contrasting colour to background walls and doors.

- Two lobby doors
 - DDA toilet door
 - Staff and gender neutral toilet door
- (By tenant)

Extracts in W.Cs all linked to one with a single exit point extract to side of building to open air. (Contractor to create external opening and provide grill. (Internal extracts by tenant)

36

Temporary ramp system required for the public to negotiate the step into the unit

Glass (Toughened/safety) needs to be contrasting to background (Wall and surrounding areas)

Rev: 09.06.2023	Building control plan combined with landlord tenant plan		MAC	Checked:
Date:	Description:		Drawn:	
Project/Client: 35 Church Road		Drawn By: MAC	Date: 04.05.2023	Checked By:
Drawing: Proposed ground floor		Scale: 1:100@A3	Drawing No: FP371	Revision: A
		Project No: 1859		

CPLC
ASSOCIATES
The Bungalow, 87a Station Road
Bishops Cleeve, Cheltenham, GL52 8HJ.
Telephone : 01242 672 333
cplc@cplc-associates.com

©CPLC Associates Ltd, Contractors must work to figured dimensions which are to be checked on site. Any discrepancies must be reported immediately.

Updated Plan

- BGP** Break glass point (By tenant)
- HD** Heat detector (By tenant)
- SD** Smoke detector, with built in sounder (By tenant)
- FP** Fire panel (By tenant)
- EL** Emergency light with built in running man (By tenant)



- Note: All internal walls and finishes by Tenant
- 1** Full height boxing for water services and broadband by Tenant
- 2** New studwork to areas (All by Tenant)
- 3** New internal gas meter (By landlord)
Boxing out of meter (By tenant)
- 4** New glass panels to entrance area (By tenant)
- 5** New vent in top of door (By tenant)
- 6** New sinks to be installed (By tenant)
- 7** Temporary ramp system to negotiate step to unit (By tenant)
- Proposed rodding position by WC drain (By tenant)
- New overhead extract run for cooking equipment (By tenant)
- Proposed position for flue through roof (By tenant)
- Above Ground drainage (By tenant)
- New below Ground drainage connection (By contractor)
- Below Ground drainage (Existing)
- Proposed sink connection (By tenant)
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Door colours to be contrasting to background walls. Ironmongery on said doors to be a contrasting colour to background walls and doors.

- Two lobby doors
- DDA toilet door
- Staff and gender neutral toilet door

(By tenant)

Extracts in W.C.s all linked to one with a single exit point extract to side of building to open air. (Contractor to create external opening and provide grill. (Internal extracts by tenant)

37

Temporary ramp system required for the public to negotiate the step into the unit

Glass (Toughened/safety) needs to be contrasting to background (Wall and surrounding areas)

B 17.10.2023 External seating area to side of building omitted A 09.06.2023 Building control plan combined with landlord tenant plan Rev. Date: Description:	Project/Client: 35 Church Road		Drawn By: MAC	Date: 04.05.2023	Checked By: MAC
	Drawing: Proposed ground floor		Scale: 1:100@A3	Drawing No: FP371	Revision: B
		Project No: 1859			

CPLC
 ASSOCIATES
 The Bungalow, 87a Station Road
 Bishops Cleeve, Cheltenham, GL52 8HJ.
 Telephone : 01242 672 333
 cplc@cplc-associates.com

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Representations made relating to the application for a premises licence: 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP

1 – [REDACTED]

I am writing to make representations concerning the above application for a new premises licence at 35 Church Road, Bishop's Cleeve.

My wife and I live at [REDACTED], and we object to the application for a variety of reasons:

Our Responses are in Red.

Bishops Cleeve Italian restaurant is the 6th Italian restaurant that our tenant has set up. All of them are still running and very successful.

This business model is to create a quality family restaurant that integrate the community.

The quality food is the focus of the restaurant accompanied by moderate amounts of wine, beer, and spirits.

The quality can be shown by the fact his Solihull restaurant won the young Michelin chef of the year award 2022. We feel this is exactly what is needed to help regenerate the high street in Bishops Cleeve.

1 Public safety

- 1.1 It is our understanding that the proposed restaurant intends to have outside seating (where the outside paving has already been removed and replaced and external lighting has been installed without planning permission). The proposed outside seating area is at the entrance to a quiet residential street (Church Approach) which is also the road entrance to the village church (and a busy thoroughfare connecting the north and south of the village via a public footpath). Serving alcohol to people sat outside of the premises is likely to result in: the obstruction of the drop down kerb adjacent to the premises; patrons of the premises obstructing Church Approach (which may impact on the ability for emergency vehicles to access Church Approach); and the fire escape for the flats that have been built on top of the premises being obstructed. – **The seating will be directly outside the building at the front, there will be no seating down the side alley. This is out the way of Church Road approach. We have taken the necessary precautions regarding fire safety with building control.**
- 1.2 Permitting the sale of alcohol will encourage beverage deliveries to be made along an already congested road. With the premises not having a rear entrance, deliveries will either block Church Approach or they will cause an obstruction on the blind bend on Church Road where the premises is situated (which also happens to be directly opposite the vehicular access to the Tesco car park). - **Beverages and food will be delivered at the same time using vans not HGVs. The vans can use numerous spaces near 35 Church Road, including 4 directly outside the property. Tenant is happy to restrict deliveries between hours of 12PM and 5PM.**
- 1.3 The Royal Oak is the only licensed premises in the vicinity. Although it has a premises licence permitting the sale of alcohol and playing of music, its outside seating area is to the rear of the premises (away from residential areas) and its patrons are confined to that one establishment. Permitting a second venue in the vicinity that serves alcohol (not to mention the playing of music) will encourage people to move between the two venues, crossing Church Road at a dangerous

bend and junction. - We feel that the customer base is significantly different, to a pub. The restaurant is catering for a glass of wine or beer with a meal rather than being a dedicated drinking venue. There is a zebra crossing that is located approximately 50m on the same road which will enable people to cross between the two properties safely.

2 Prevention of public nuisance

- 2.1 Serving alcohol to people sat outside of the premises risks obstructing the public in the enjoyment of their right to walk along Church Approach in the manner currently enjoyed, not to mention restricting the width of the pavement (which the public has used for many years without obstruction when walking along Church Road). The village already has a problem with young people smoking and drinking in public areas (particularly in the church yard), and allowing alcohol to be served outside in view of the public at the entrance to the church would be seen as an endorsement of public drinking. - This Italian restaurant will be a high quality, establishment, where people can expect to have a glass of wine, it will not be a pub environment. A strict and clear age verification/restriction policy will be detailed within staff training program.
- 2.2 If permitted to serve alcohol outside, I question how the proprietor will ensure that patrons remain within a confined, designated area and prevent the obstruction of the public pavement. – This area will be seated customers only, people will not be standing and walking around with drinks.
- 2.3 The east end of Church Road is the quieter, more residential part of the street. The playing of music, particularly to the extent of the hours proposed, risks adding to the noise pollution already endured by the local residents from The Fitness Studio at The Old Sorting Office. It would be inappropriate to put the local residents (many of whom are elderly) in a potential position of to having to confront the proprietor of the premises to ask them to reduce the volume of the music if it did cause a nuisance. Restrictions requiring the proprietor to keep windows and doors closed to reduce the effect of noise on the surrounding premises would not be appropriate, as people will need to enter and leave the premises and it is highly likely (particularly given the nature of restaurant dining) that windows and doors will be kept open during summer months for ventilation. - This Italian restaurant will be a high quality, establishment, where people can expect to have a glass of wine, it will not be a pub environment. Recorded background music volume will be kept well within acceptable levels at all times.
- 2.4 Extending the point made in paragraph 2.3, the east end of Church Road is almost silent after 6pm as almost all of the businesses in the area are closed by that time. Encouraging the consumption of alcohol at this location, together with the playing of music, will fundamentally disrupt the aesthetic of the area. It would be more appropriate to confine such a business to the west end of Church Road, where similar businesses have congregated. - The Royal Oak is open till 11PM, and as previously mentioned recorded background music volume will be kept well within acceptable levels at all times.
- 2.5 Extending the point made in paragraph 1.3, having two venues that are permitted to serve alcohol and play music that are in close proximity to one another will encourage people to be outside, moving between the venues, in a part of the village

that is known for being quiet (in terms of pedestrian traffic) at night and is essentially a residential area. - Please refer to our response to this in point 1.3.

3 Prevention of crime and disorder

- 3.1 I refer to paragraph 2.1 regarding the encouragement of public drinking in an area already subject to anti-social behaviour caused by, amongst other matters, underage alcohol consumption. - The application is for the sale of Alcohol for a restaurant, not a bar or public house. The restaurant brings a much-needed high quality venue and will concentrate on food excellence rather than alcohol volume.

4 The protection of children from harm

- 4.1 I refer to paragraph 2.1 regarding the encouragement of public drinking in an area already subject to anti-social behaviour caused by, amongst other matters, underage alcohol consumption. It is also not unreasonable to assume that if people are sitting outside to eat and drink alcohol, it is likely that they will also be smoking/vaping (and any attempted restrictions on such behaviour would be difficult to enforce, and I question whether the proprietor would so discourage their patrons from such behaviour and risk losing their custom). – Refer to our response on 2.1
- 4.2 As mentioned in paragraph 1.1, Church Approach is the entrance to the main north-south public footpath that runs through the church yard. Pupils from nearby Bishop's Cleeve Primary Academy, not to mention Cleeve School, regularly use that route to walk to and from school in significant numbers. It is not appropriate for them to have to pass an establishment serving alcohol, particularly to people outside, not to mention passing people smoking/vaping. - The Church Approach is not the main route in and out of Cleeve, there are other Establishments that sell alcohol that the children from the local school's pass, including the Royal Oak directly opposite. A strict and clear age verification/restriction policy will be detailed within staff training program.

Even if a licence is granted with restrictions and conditions designed to place limits on noise levels and how alcohol is served, the fact that a licence is granted will set an unwelcome precedent for the premises and the area. The current proprietor of the premises may adhere to such restrictions and conditions, but the door would be left open for an unscrupulous proprietor to exploit such a licence to the detriment of the residents of Church Road and Church Approach, not to mention the numerous residents of the village as a whole who regularly use the area. Relying on enforcement action would not be an adequate remedy for those effected, as they would remain exposed to the infringing actions while waiting for the process to be concluded. - The application is for the sale of Alcohol for a restaurant, not a bar or public house. The restaurant brings a much-needed high quality venue and will concentrate on food excellence rather than alcohol volume.

The appropriate course of action is not to grant the licence in the first place.

2 – [REDACTED]

Introduction:-

The original planning application for the building, on the ground floor, was for 3 retail units with the restriction that NO FOOD would be allowed. After rejection by Tewkesbury council it was approved by Gloucester Council.

We now have a proposed restaurant which wants an alcohol licence to also include drinking in an outside area.

Objections:-

- A) No account has been taken that this outside area is in front of domestic premises which are within a few feet of the proposed area.
Indeed no part of the licence application asks for the applicant to consider others in the area? No notification has been given to close neighbours of this application as required? - **The Proposed seating area faces the Royal Oak and the approach to Tesco Car Park. We, the applicant have followed all the steps set up by Tewkesbury Borough Council, regarding this premises licence. Including advertising the license in the local newspaper (Gloucester echo and Citizen) & displayed the relevant notices on the property which the public can easily view.**
- B) The proposed outside seating area for eating and drinking is insufficient to allow for flats entrance, tables and chairs for eating plus emergency evacuation.
Before fire service approval we would request that the proposed seating area is actually stacked with the chairs and tables to test if the remaining space is sufficient to cover flats entrance etc - **The seating area to the side of the building has been removed.**
- C) With the proposed opening hours we have invasion of our privacy from viewing, have to suffer noise, smell and music for up to 15 hours per day. All from a very short distance away approx 15 feet. - **All noise will be kept within an acceptable level. The**
- D) **nearest property is 50feet away.**
- E) If we have to accept approval it is requested that The Fri/Sat opening is reduced to the other 5 days opening time of 12noon.
Also, that the Fri/Sat closing time is reduced to 10pm. By drinking up time and premises closure are completed we are probably nearer 11 pm before noiseless. - **We have set hours appropriate to location and setting.**
- F) To reduce viewing of our premises and the general passing public, including the morning and afternoon infant and junior school children it is proposed that:-
The current railings are covered. This would be beneficial to both drinkers and passing public. - **The railings are existing and will remain unchanged, as previously mentioned the seating area to the side has been omitted from the application.**
- G) Conservation Area
Whilst we have been informed this is not within the remit of licensing we believe that it should be considered.
The short road length is as its name suggests an 'approach to the Church'
Do weddings parties and particularly funeral and burial attendees wish to be accosted by noise, music, smell and drinking. - **35 Church Road is not within the conservation area, which is not relevant to licensing applications.**
- H) Licensed Area
It is requested that you give consideration to the Licensed area being restricted to consumption within the indoor restaurant area. This would solve most of the objections from both the public and ourselves.

We trust that the above points are taken into your consideration of this licence application.

As mentioned in a previous point, the outside seating will face the Royal Oak and the approach to Tesco car park, minimising the impact on nearby residential properties. The external area is limited, and the restaurant will be serving seated customers this will minimise noise and movement.

3 - Bishop's Cleeve Parish Council

The Councillors have asked me to say that whilst they support the premises licence application for the restaurant itself, they have concerns about extending the licence to the outside areas indicated on the plan.

- Although the plan states that there would be a 0.6m wide walkway for access and egress to the flats, they dispute this measurement. The current walkway is approximately 1m wide, and the addition of outside seating and /or tables would basically fill this space. They believe this would contravene fire regulations and affect the safety of the residents who will occupy the flats above. – The seating at the side of the building has been omitted from this application.
- It is unclear if the applicants wish to place seating outside the front of the premises. Again, the Councillors are concerned that this would affect public safety as it would severely reduce the public footpath in an area that leads directly to a drop-down kerb for push chairs, wheelchairs and mobility scooters. – With the seating at the front of the building, we will obtain an unobstructed minimum 1.5m walkway for pedestrians at all times.
- The Councillors also believe that having patrons outside of the building potentially consuming alcohol and smoking would cause a public nuisance to pedestrians and nearby residents, particularly given the long licensing hours that have been requested by the applicants.- - The application is for the sale of Alcohol for a restaurant, not a bar or public house. The restaurant brings a much-needed high quality venue and will concentrate on food excellence rather than alcohol volume.

Representations made relating to the application for a premises licence: 35 Church Road, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8LP

1 – [REDACTED]

I am writing to make representations concerning the above application for a new premises licence at 35 Church Road, Bishop's Cleeve.

My wife and I live at [REDACTED], and we object to the application for a variety of reasons:

1 Public safety

- 1.1 It is our understanding that the proposed restaurant intends to have outside seating (where the outside paving has already been removed and replaced and external lighting has been installed without planning permission). The proposed outside seating area is at the entrance to a quiet residential street (Church Approach) which is also the road entrance to the village church (and a busy thoroughfare connecting the north and south of the village via a public footpath). Serving alcohol to people sat outside of the premises is likely to result in: the obstruction of the drop down kerb adjacent to the premises; patrons of the premises obstructing Church Approach (which may impact on the ability for emergency vehicles to access Church Approach); and the fire escape for the flats that have been built on top of the premises being obstructed.
- 1.2 Permitting the sale of alcohol will encourage beverage deliveries to be made along an already congested road. With the premises not having a rear entrance, deliveries will either block Church Approach or they will cause an obstruction on the blind bend on Church Road where the premises is situated (which also happens to be directly opposite the vehicular access to the Tesco car park).
- 1.3 The Royal Oak is the only licensed premises in the vicinity. Although it has a premises licence permitting the sale of alcohol and playing of music, its outside seating area is to the rear of the premises (away from residential areas) and its patrons are confined to that one establishment. Permitting a second venue in the vicinity that serves alcohol (not to mention the playing of music) will encourage people to move between the two venues, crossing Church Road at a dangerous bend and junction.

2 Prevention of public nuisance

- 2.1 Serving alcohol to people sat outside of the premises risks obstructing the public in the enjoyment of their right to walk along Church Approach in the manner currently enjoyed, not to mention restricting the width of the pavement (which the public has used for many years without obstruction when walking along Church Road). The village already has a problem with young people smoking and drinking in public areas (particularly in the church yard), and allowing alcohol to be served outside in view of the public at the entrance to the church would be seen as an endorsement of public drinking.
- 2.2 If permitted to serve alcohol outside, I question how the proprietor will ensure that patrons remain within a confined, designated area and prevent the obstruction of the public pavement.

- 2.3 The east end of Church Road is the quieter, more residential part of the street. The playing of music, particularly to the extent of the hours proposed, risks adding to the noise pollution already endured by the local residents from The Fitness Studio at The Old Sorting Office. It would be inappropriate to put the local residents (many of whom are elderly) in a potential position of having to confront the proprietor of the premises to ask them to reduce the volume of the music if it did cause a nuisance. Restrictions requiring the proprietor to keep windows and doors closed to reduce the effect of noise on the surrounding premises would not be appropriate, as people will need to enter and leave the premises and it is highly likely (particularly given the nature of restaurant dining) that windows and doors will be kept open during summer months for ventilation.
- 2.4 Extending the point made in paragraph 2.3, the east end of Church Road is almost silent after 6pm as almost all of the businesses in the area are closed by that time. Encouraging the consumption of alcohol at this location, together with the playing of music, will fundamentally disrupt the aesthetic of the area. It would be more appropriate to confine such a business to the west end of Church Road, where similar businesses have congregated.
- 2.5 Extending the point made in paragraph 1.3, having two venues that are permitted to serve alcohol and play music that are in close proximity to one another will encourage people to be outside, moving between the venues, in a part of the village that is known for being quiet (in terms of pedestrian traffic) at night and is essentially a residential area.
- 3 Prevention of crime and disorder
- 3.1 I refer to paragraph 2.1 regarding the encouragement of public drinking in an area already subject to anti-social behaviour caused by, amongst other matters, underage alcohol consumption.
- 4 The protection of children from harm
- 4.1 I refer to paragraph 2.1 regarding the encouragement of public drinking in an area already subject to anti-social behaviour caused by, amongst other matters, underage alcohol consumption. It is also not unreasonable to assume that if people are sitting outside to eat and drink alcohol, it is likely that they will also be smoking/vaping (and any attempted restrictions on such behaviour would be difficult to enforce, and I question whether the proprietor would so discourage their patrons from such behaviour and risk losing their custom).
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regularly use the area. Relying on enforcement action would not be an adequate remedy for those effected, as they would remain exposed to the infringing actions while waiting for the process to be concluded.

The appropriate course of action is not to grant the licence in the first place.

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The Councillors have asked me to say that whilst they support the premises licence application for the restaurant itself, they have concerns about extending the licence to the outside areas indicated on the plan.

- Although the plan states that there would be a 0.6m wide walkway for access and egress to the flats, they dispute this measurement. The current walkway is approximately 1m wide, and the addition of outside seating and /or tables would basically fill this space. They believe this would contravene fire regulations and affect the safety of the residents who will occupy the flats above.
- It is unclear if the applicants wish to place seating outside the front of the premises. Again, the Councillors are concerned that this would affect public safety as it would severely reduce the public footpath in an area that leads directly to a drop-down kerb for push chairs, wheelchairs and mobility scooters.
- The Councillors also believe that having patrons outside of the building potentially consuming alcohol and smoking would cause a public nuisance to pedestrians and nearby residents, particularly given the long licensing hours that have been requested by the applicants.

LICENSING SUB-COMMITTEE (LICENSING ACT 2003 AND GAMBLING ACT 2005)

- All parties present will be asked to identify themselves.
- Licensing Officer will open the proceedings with an outline of the relevant facts.
- Sub-Committee and other parties to ask questions of the Officer and any witnesses called by the Officer.
- Any Responsible Authorities present will be invited to present their case.
- Members and other parties may ask questions of the Responsible Authorities.
- Other parties present will be invited to make representations.
- The Sub-Committee, relevant authorities and/or the applicant may ask questions of the other parties.
- The applicant will be invited to present his/her case including any witnesses.
- Sub-Committee and all other parties present may ask questions.
- Any written representations made to the Sub-Committee will be considered.
- Final comments will be invited from the Officer, Responsible Authorities and other parties.
- The applicant will be invited to make any final comments.
- The Sub-Committee will determine the application.

NB. The Sub-Committee may impose a time limit on all parties making a submission. Should this be the case, the time limit will be equal for all parties.