

## Licensing Sub-Committee

Thursday, 29th September, 2011  
10.10 - 11.50 am

Attendees	
Councillors:	Heather McLain, Diggory Seacome and Charles Stewart

### Minutes

**1. ELECTION OF CHAIRMAN**

Councillor Seacome was elected as the Chairman.

**2. APOLOGIES**

None

**3. DECLARATIONS OF INTEREST**

None

**4. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE**

The applicants were not present at the start of the meeting and the Chairman made a decision to determine the application in their absence. A phone call was made and a message was left for the applicant. The meeting started at 10.10am.

Phil Cooper, Licensing officer introduced the report as circulated with the agenda. He explained that an application had been received from Bath Road Market Ltd in respect of Bath Road Market, 252 Bath Road, Cheltenham, GL53 7NB.

Appendix A of the report provided a copy of the application.  
Appendix B and C of the report showed location and site plans.

Point 1.2 of the report detailed the applicants requested premises licence permissions.

Point 2.4 of the report identified the applicant's steps to promote the four licensing objectives.

Point 3 of the report detailed additional conditions to be applied to the licence, if granted, in agreement with Gloucestershire Constabulary and the applicant. No representations were received from the other responsible authorities.

Representations had been received from seven people residing in the vicinity of the premises. Those representations were attached to Appendix D of the report.

Point 7.1 of the report detailed the four licensing objectives.

Phil Cooper referred Members to 7.9 of the report which referred to Mr Siddall's representation. Members were advised to note that Health and Safety was not a licensing objective and should not be considered relevant.

Mr Paul Siddall and Mrs Julia Chandler attended the meeting. Both had submitted representations against the application and copies of their representations were attached to Appendix D of the report.

Mr Siddall confirmed that he lived in Langdon Road and overlooked the premises. He explained that the premises had been operating under a Temporary Event Notice during the last few weeks. Mr Siddall stated he had been at home during the first days opening but had been away for the last few weeks.

He explained that an event was being advertised on the internet for the 11 December 2011 for local beer tasting. It was confirmed that a Temporary Event Notice was not yet in place for this event but this type of licence could be applied for at very short notice.

Mr Siddall stated that the previous premises used the outside open space as a garden nursery and felt that the proposed application would cause more disruption. He explained that parking issues had already occurred during the opening of the premises and Mr Siddall said he had taken some photographs of illegal parking and had forwarded them to the relevant authority.

Mr Siddall said that noise was the biggest issue at present as the outside space is separated by a low wall and wire mesh which resulted in sound coming straight out of the outside area. Mr Siddall confirmed there is very little space between the outside space and his property. Noise is already made when the Market is operating and Mr Siddall said he felt this noise would increase if there were people drinking in the outside space.

Mr Siddall corrected 7.9 of the report which stated he had mentioned health and safety. This should have said public safety. Mr Siddall raised concern for members of the public safety with regard to the iron frames in the market stalls. He said there was very little room around them and people congregating in that area would cause safety issues due to the lack of space.

Mr Siddall detailed concerns with regard to members of the public congregating outside of the premises resulting in passers by having to walk onto the road. This would impact people's public safety outside of the premises. Mr Siddall felt there was a lack of enforcement in the area with regard to the local licensed premise in the area.

Mr Siddall stated that the premises had placed a bench outside the front of the premises for customers to sit on and have tea or coffee.

During the first opening day of the premises Mr Siddall said he went across to the applicant to say hello and discuss the parking and unloading issues that had occurred that morning. Mr Siddall said he felt the response from the applicant was aggressive and rude and was concerned about how future problems would be dealt with.

When asked, Mr Siddall said things were worse now than when the previous premises were operating. He stated that now the Police Station had closed and with the run up to Christmas he feared the roads would become blocked with the unloading and illegal parking.

When asked, Mr Siddall stated he was unable to confirm but thought the applicants had the premises on a three year lease.

Mrs Chandler stated that she supported everything Mr Siddall had said.

Mrs Chandler detailed the illegal parking and road block problems that had arisen since the premises had started trading. At 8.00 am vehicles were illegally parked over the pedestrian crossing and no one could get past causing the road to become blocked.

Mrs Chandler stated that she had a 13 year old son and felt that he and other children would be put at risk as a result of walking past people drinking outside of a premise.

Mrs Chandler raised concerns about the music outside of the premises and felt the application suggested the music would be amplified. Ms Chandler said the Council needed to take into account the location of the premises and the fact that this was in a residential area.

Mrs Chandler also stated concern over potential for litter from customers smoking outside of the premises and felt the application could be used for more than a market venue as the application did not state what else the use was intended for.

At 10.37 am the meeting was adjourned by the Chairman. A telephone call had been received from the applicant stating they had been advised by letter from the Licensing Department that the meeting started at 1.00 pm.

The Chairman apologised to interested parties and said the meeting would start again at 10.55 am. The Chairman also reassured Mr Siddall and Mrs Chandler that they would not need to repeat what had already been said.

The meeting re started at 10.56 am. The Chairman confirmed a clerical error had been made which had stated the incorrect start time of the meeting. The Chairman apologised and advised the applicants it was not their fault.

The applicants introduced themselves as Adam Nicholson and Lisa Turnbull of Bath Road Market.

The Chairman advised the applicants that they had gone through the standard procedure as far as they could have done in the applicant's absence. The Chairman asked the applicants to make their application to the Sub Committee.

Mr Nicholson said they had recently launched Bath Road Market at the old Robert Youngs site. It was a market venue for local traders and shoppers open on Thursday Friday and Saturdays. The market enabled local crafts, food, vineyards and ciders to be sold in a traditional format and was proving to be very popular especially with the run up to Christmas. The market would also be

used for children's fun days and charity events. The venue had been selected for the local carol singers during the Christmas period rather than the local pubs.

Local breweries provided their produce and the applicants had the idea of providing mulled wine for customers over the Christmas period. All goods sold at the market were from local producers.

Mr Nicholson stressed the consumption of alcohol would be for a glass of mulled wine and they were not planning to buy bulk amounts of alcohol from the cash and carry and re sell at double the price.

The music would be ambient and provided by buskers. There were no plans to amplify the music.

Mr Nicholson stated they were sympathetic to residents concerns and this premises was not trying to take on other pubs in the area and wanted the market to improve as things went forward.

Members asked the following questions:

- When asked, Mr Nicholson confirmed the application requested the premises to be open seven days a week but presently would only be trading on Thursday Friday and Saturdays. During half terms and Christmas the market would trade over more days if the Committee were happy with this.
- When asked, Mr Nicholson stated that the same stall holders are used and that they managed the loading and unloading of the traders and were mindful of how this was done. The recent loading and unloading had gone extremely well and had started at 7.45am and was completed by 9.00am. This process was monitored by Mr Nicholson or an employee.
- When asked, Mr Nicholson advised the loading bay space outside of the premises was not used to save the space for loaders. They had received a visit from police officers and parking wardens to watch how the unloading was managed. To support them with this the traffic wardens had supplied Mr Nicholson with five yellow Cheltenham Borough Council traffic cones which were placed on Langdon Road and either side of the pedestrian crossing to ensure this process was managed correctly.
- A Member raised concern with the loading and unloading time coinciding with school times and asked if this had caused any problems.
- Mr Nicholson confirmed he had two children himself so was very mindful of children's safety.
- Mrs Chandler asked the applicants about how the number of people entering the premises would be monitored.
- Ms Turnbull advised this would be done by eye to ensure the premises did not become overcrowded and there was a rear door to allow pedestrian access if customers needed to leave the premises.
- Ms Chandler stated this door was not for pedestrian use as the kerb was not dropped.

- Mr Nicholson stated that this door was used on the first day of opening and said he should not have done this. This door had not been used since and there was another exit door to use.
- When asked, Mr Nicholson confirmed that during children's fun day alcohol would not be served but during the Christmas season mulled wine would be sold.
- When asked, Mr Nicholson stated the music would not be amplified and advised the representatives to let the applicants know if the noise levels were too loud and they would work around it.
- Ms Turnbull advised the Committee that the music was only an idea and thought that short bursts of music for 5 or 10 minutes would be a good idea. This would give more ambience and it would be nice for local children to come along and sing at plays.
- When asked, Ms Turnbull confirmed they intended for the guitarists or buskers to play outside but had not yet specified a place yet. The applicants advised there would be no room inside for this to take place on busy days like Saturdays.

Mr Siddall voiced concern over how easily any future issues arising would be dealt with and questioned the free beer sampling and felt if this was popular the premises may turn this into a marketing tool.

The Chairman asked the applicants if they were going to operate like a pub.

Mr Nicholson said he understood Mr Siddalls concerns and said he would be happy if the licence was granted to have restrictions attached to his licence to support residents concerns.

The Chairman suggested contact telephone numbers were available to residents in case issues arise.

Mr Siddall stated that concerns needed to be dealt with in a receptive responsible manner and that the applicants needed to be prepared to resolve the problem.

Mr Nicholson said that Mr Siddall was referring to their first meeting which was short and succinct. He said himself and Ms Turnbull did not have time to have battles on a daily basis and did not want to fall out with people, life is too short and they only had the lease for 3 years.

Mr Nicholson clarified that produce could be bought and consumed on the premises and if a customer wanted a bottle of beer to drink they were permitted to do so at the premises.

Mr Nicholson stated that they wanted to introduce an ethical market and would be sympathetic to the neighbours.

A Member asked Mr Nicholson what was to stop a customer buying one bottle of beer and then another and to keep drinking.

Mr Nicholson confirmed the premises would be run within the parameters of the licence.

The Chairman suggested that polycarbonate glasses or polystyrene cups were used and not glass glasses.

Members retired from the Chamber to make their decision at 11.26am

Members returned to the Chamber at 11.50am with their decision.

**RESOLVED that the application be granted subject to the following conditions.**

- **The performance of music would not be permitted in any outside area and any music played inside would be restricted to buskers or music or a similar kind.**
- **That speakers must not be directed outdoors.**
- **Polycarbonate glasses to be used only and polystyrene cups for mulled wine.**

**Members explained that whilst they were permitting the sale and supply of alcohol for consumption on and off the premises it was their expectation that the alcohol consumed on the premises would be, as the applicant has indicated, only sample tasting and during the Christmas period. The Sub Committee were not keen to see the premises used for the consumption of alcohol.**

**And the following conditions as agreed with the applicant and Gloucestershire Constabulary to be applied to the licence:**

- **A CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.**
- **The Challenge 25 (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 25 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a Pass approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.**
- **Signage shall be displayed on all exits in regular use by customers informing them that they are now entering a no drinking zone.**
- **Alcohol shall not be displayed within 4 metres of any entrance/exit door in regular use by customers**

**The Chairman reminded residents of their right to review the licence.**

**Chairman**