

Licensing Committee

Friday, 3rd July, 2015
2.00 - 3.25 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Wendy Flynn, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton and Jon Walklett
Also in attendance:	Vikki Fennell and Andy Fox

Minutes

1. APOLOGIES

Apologies were received from Councillor McCloskey. The Chairman informed the committee that Councillor McCloskey was now a member of the committee in place of Councillor Barnes who was now a substitute.

2. DECLARATIONS OF INTEREST

None

3. PUBLIC QUESTIONS

None

4. MINUTES OF LAST MEETING

The minutes of the Licensing Committee held on 5 June 2015 were approved and signed as a true record.

5. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - BENTLEYS BAR, 76 HIGH STREET, CHELTENHAM

The Senior Licensing Officer, Andy Fox, introduced the report regarding an application from Mr Alexander Heslop in respect of Bentley's Bar, 76 High Street, Cheltenham. The applicant had existing permission to place 4 small tables and 8 chairs on the highway during the operating hours of the premises and was now applying to extend this permission. The street furniture had existing permission to be in place from 10:00 to 23:00 hours Monday to Sunday. The applicant was applying to extend this permission from 10:00 to 03:00 Sunday to Wednesday and 10:00 to 04:00 Thursday to Saturday with 2 larger tables and 8 chairs.

Appendix A showed the plan of how the tables and chairs would be positioned during the premises opening hours and Appendix B contained a letter supporting the applicant's request.

The Officer informed members that an objection to the extension of hours had been received from Gloucestershire Police on the grounds of Public Safety, Crime and Disorder and Public Nuisance.

The Officer advised members that the application related solely to extending the times of the furniture being in situ, not the style of the furniture, and on this basis members should consider whether this application was compatible with the current Street Scene Policy.

At this point the Chair referred to item 6 on the agenda, relating to a similar application by the same applicant for the premises next door and agreed to discuss the two together. The Officer therefore read out details of the application as regards Lounge 72, the adjoining premises, as set out in the report relating to agenda item 6.

The following debate thus related to both applications.

In questions to the Officer, members expressed concerns about the reasons for the police objections, the presence of door staff and disturbance to local residents. The Officer informed members that with the presence of another licensed premises opposite, this was a busy street and was highlighted as a pinch point by the police, however there were no statistics or details of any trouble to justify this. He confirmed that there were door staff on duty at varying times and that he was not aware of any complaints from nearby residents. In answer to a further question, the Officer did not know the terms of the licence for the tables and chairs at the premises opposite and whether this extended past midnight. A member offered the information that there were only 2 flats in the vicinity of the establishment.

The applicant, Mr Heslop, was invited to address the committee. He told members that he had been at Bentleys for 8 years, trading as a late night bar. He had an extended licence and traded until 3am Sunday to Wednesday and until 4am Thursday to Saturday at Bentleys and until 2am every day at Lounge 72 and that he complied with the permissions of his present licence with regards to the placement of tables and chairs on the highway. He wanted to make improvements to the outside area with planters and heaters and had submitted drawings to show this. He asked members to consider his application to extend the hours the tables and chairs could stay outside to match his current licensing hours, as he felt it would give patrons an area to gather where it would be easier and safer to manage by security and management.

In reply to questions from members, Mr Heslop confirmed that he had door staff on duty at Bentleys every night 11 till close and at Lounge 72 at weekends only. He also always had door staff on Bank holiday Sundays and race days. His door staff moved around the outside area to the edge of the barriers and worked together with other door staff at other premises and had radio link contact. He confirmed he was a member of Night Safe and that there were 14 cameras at his premises. He stated that alcohol consumption was not permitted outside after 11pm, just smoking.

Mr Heslop stated that if keeping the tables and chairs outside later was an issue that he would be happy to stack them, but wanted to keep the barrier as an area to contain people smoking. A member questioned if 2 larger tables would encourage more revelry and hence more noise, than 4 smaller tables. Mr Heslop replied that the new tables were only 10cm larger in diameter and that the number of chairs would still remain at 8, so he did not envisage this creating a problem.

Two members expressed their support for this application, stating smokers would be outside anyway and thus it would seem sensible to keep them within an enclosed area where more control could be maintained and that they didn't see this as creating any more noise or disruption. It was also felt that the atmosphere outside could be more relaxed if people were able to sit down.

Another member again questioned the position of the police and whether they had enough man power to patrol the streets and deal with people if they were on the streets for longer. Neither the Chair nor Officer had knowledge of this and could not comment on police resources. The Chair pointed out that from the objection of the police, they clearly felt that there would be an increase in noise, confrontation and crime and disorder. However people would be on the street anyway so the question was how best to manage the situation.

The Chair moved that if a vote on the substantive to allow tables and chairs on the highway for the extended period of time failed that an alternative motion could be to give permission to retain the barriers but not the tables and chairs outside.

Upon a vote on the substantive, it was 7 for, 2 against.

RESOLVED THAT, the application in respect of Bentleys Bar, 76 High Street, Cheltenham, for two tables and eight chairs to be on the highway from 10.00 to 03.00 Sunday to Wednesday and 10.00 to 04.00 Thursday to Saturday be approved, as members felt the application was compatible with the current Street Scene Policy.

6. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - LOUNGE 72, 72 HIGH STREET, CHELTENHAM

The Senior Licensing Officer, Andy Fox, introduced the report regarding an application from Mr Alexander Heslop in respect of 72 High Street, Cheltenham, trading as Lounge 72. The applicant had existing permission to place 3 tables and 8 chairs on the highway during the operating hours of the premises and was now applying to extend this permission. The street furniture had existing permission to be in place from 09:00 to 23:00 hours Monday to Sunday. The applicant was applying to extend this permission to 10:00 to 02:00 every day.

Appendix A showed the plan of how the tables and chairs would be positioned during the premises opening hours.

The Officer informed members that an objection to the extension of hours had been received from Gloucestershire Police on the grounds of Public Safety, Crime and Disorder and Public Nuisance.

The Officer advised members that the application was not seeking to alter the style, quantity or location of the furniture and related solely to extending the times of the furniture being in situ and on this basis members should consider whether this application was compatible with the current Street Scene Policy.

The chairman had agreed to take this item in conjunction with item 5 as the two premises were next door to each other and run by the same applicant. Thus members had already had the opportunity to ask questions on this matter in the

previous item. The Chair therefore moved to vote on the extension of hours from 10.00 to 02.00 every day at Lounge 72.

Upon a vote it was 7 for, 2 against.

RESOLVED THAT, the application in respect of Lounge 72, at 72 High Street, Cheltenham, for tables and chairs to be on the highway from 10.00 to 02.00 every day be approved, as members felt the application was compatible with the current Street Scene Policy.

7. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

RESOLVED THAT in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, 2 and 7, part 1 Schedule 12A (as amended) Local Government Act 1972, namely:

Information relating to any individual,

Information which is likely to reveal the identity of an individual,

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

8. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

Members were advised that they had the following recommendations to vote on:

Whether Mr Ghaffar was a fit and proper person to hold a private hire driver's licence as he had passed all of the assessments required under the council's current adopted policy.

Upon a vote, it was 1 for, 6 against, 2 abstentions

Or

Whether Mr Ghaffar's application for a Private Hire driver's licence be refused as the committee considered him not to be a fit and proper person due to the information contained within his DBS certificate and concerns about his use of English.

Upon a vote, it was 6 for, 3 against.

The Chairman informed the applicant that the committee had particular concerns over his use of English and also the report was looked at on the balance of probabilities as to what had happened, one person against another, and thus the committee was not convinced he was a fit and proper person to hold a private hire driver's licence.

RESOLVED THAT, Mr Ghaffar's application for a Private Hire driver's licence be refused as the Committee considered him not to be a fit and

proper person to hold such a licence due to the information contained within the DBS certificate and his English language ability.

9. COMMITTEE RESPONSE TO LICENSING ACT 2003 LICENSING POLICY STATEMENT CONSULTATION

A report by the Licensing and Business Support Team Leader had been submitted to the committee setting out the committee's response as a consultee on the adoption and review of the Licensing Policy statement and national licensing policy, as discussed at the Licensing Committee meeting held on 5 June 2015.

The Chair acknowledged that there had been some discussion on the paragraph relating to the Late Night Levy and the Solicitor, Vikki Fennell, confirmed that this was being looked at but that it was a separate issue from this recommendation today.

The Chair informed the members that the committee's responses expressed their views on this and that the report would then go to Cabinet to decide whether to accept or not and to decide on what policy to take to Council.

With the amendment of the word chapter to paragraph in 2.1.1 of the report, the Chair stated that as consultee to the lead member, the committee was recommended to note the comments in paragraph 4 of the report and to approve these as the committee's response to the consultation.

Upon a vote it was 7 for, 1 abstention.

RESOLVED THAT, the committee noted the comments in paragraph 4 and approved these as their response to the consultation on the Licensing Act 2003 Licensing Policy Statement Consultation.

10. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None

11. DATE OF NEXT MEETING

31 July 2015

Roger Whyborn
Chairman