

## Licensing Sub-Committee

Wednesday, 6th August, 2014  
2.00 - 2.40 pm

Attendees	
<b>Councillors:</b>	Roger Whyborn (Chair), Andrew Chard and Anne Regan
<b>Officers:</b>	Phil Cooper and Vikki Fennell
<b>Also in attendance:</b>	Adam West, objector

### Minutes

**1. ELECTION OF CHAIRMAN**

Councillor Whyborn was duly elected as chairman.

**2. APOLOGIES**

Sarah Muukua, applicant, had given her apologies.

In the absence of the applicant, the Chair asked the committee if they wished to adjourn the meeting. Members were happy to continue with the meeting on the basis that they were satisfied that they had everything they needed on which to make an informed decision.

**3. DECLARATIONS OF INTEREST**

No interests were declared.

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

Phil Cooper, Licensing Officer, introduced the report as circulated with the agenda. An application had been received for a premises licence at Mamma's Kitchen, 10 Bennington Street, Cheltenham, Gloucestershire, GL50 4ED.

The application sought authorisation for the following licensable activities:

- The sale/supply of alcohol for consumption on the premises 8am to 11pm Sun – Weds and 8am to midnight Thurs – Sat
- The performance of live music indoors only 8am to 11pm Sun – Weds and 8am to midnight Thurs – Sat
- The performance of recorded music indoors only 8am to 11pm Sun – Weds and 8am to midnight Thurs – Sat
- The provision of late night refreshment indoors and outdoors 11pm to 1am Thurs – Sat.

The Licensing Officer stated that the opening times of the premises were 8am to 11.30pm Sunday to Wednesday and 8am to 1am Thursday to Saturday.

The Licensing Officer referred members to the report which listed the applicants' steps to promote the licensing objectives:

- A CCTV system would be operational
- A 30 minute drinking up time would be provided
- Suitable notices would be posted inside and outside requesting patrons to leave the premises quietly and respect the neighbours
- The designated premises supervisor would monitor noise levels outside the premises of live and recorded entertainment
- That all windows and doors would be kept shut after 10pm to prevent noise from regulated entertainment
- An incident/complaints book would be made available to police and authorised council officers
- A Challenge 21 (or equivalent) scheme would be adopted.

The Licensing Officer confirmed that none of the eight responsible authorities had objected to the application and that Gloucestershire Police were satisfied with the steps taken by the applicant in the voluntary conditions put forward that they would promote the licensing objectives. One representation had been received from a resident Mr Adam West of 13 Bennington Street, on the grounds of prevention of public nuisance and crime and disorder and his letter of objection was attached at Appendix D.

The chair asked members if they had any questions or queries.

A member asked whether there would be adequate ventilation of the premises and whether air conditioning would be available if all windows and doors were closed after 10pm. The Licensing Officer stated that the applicant had volunteered the condition of closing the windows and doors after 10 pm if there was any regulated entertainment taking place at the premises and it would be a breach of their licence if they did not adhere to it. He added that it would be up to the applicant what facilities she put in place inside the premises.

Members raised queries about the provision of outdoor refreshment from 11pm to 1 am Thursday to Saturday and whether there was a specific outdoor area and if so for how many people and where it was located. A member asked whether there could be a health and safety risk to people using the outdoor seating area with delivery vehicles delivering to nearby major retailers. The Licensing Officer replied that there was no provision for an outdoor eating area on the plan submitted. In response to any vehicle delivery hazards, the Licensing Officer advised that there had been no objections from the responsible authorities and Gloucestershire Highways was not a responsible authority under the Licensing Act.

The Chair asked if Bennington Street was classed as a residential area, to which the Licensing Officer said this was up to the members to determine.

As the applicant was not present, the Chair asked the objector if he would like to expand on his reasons for objection.

Adam West, objector, made the following points. He was concerned:

- If the premises were open until 1am Thursday to Saturday that there would not be a 30 minute drinking up time and he felt the late opening would lead to vandalism, urinating and more rubbish.
- That the outside space would create pollution from cigarette smoke and again lead to more litter both in his property and in the street.
- That the noise levels, especially on Thursday to Saturdays, on a regular basis, would lead to sleep deprivation for him and his partner who had to get up early for work. This was his main concern.

In reply to further questions by members of the committee, the Licensing Officer informed members that the application was for a restaurant and bar, as stated on page 14 of the application, indicating that alcohol could be sold on its own as well as with meals. He was not aware of the number of people allowed in the premises but this could not form part of any licensing condition. He advised that the Fire and Rescue Service had been consulted and no objection had been received.

A member asked the objector directly, whether at present anyone ate or drank outside, to which he replied that to his knowledge there was no defined outside area.

The sub committee adjourned to deliberate their decision at 2.20pm.

The sub committee reconvened at 2.35pm and the Chairman read the following statement:

In respect of the application from Mamma's Kitchen, 10 Bennington Street, Cheltenham, Gloucestershire, GL50 4ED;

The sub committee has read the material presented to it and has listened to all of the evidence and submissions. The sub committee in coming to its decision has also considered the four licensing objectives, the national guidance and the council's statement of policy.

The decision of the sub committee is as follows:-

The application for determination of a premises licence be granted.

There will be the following conditions added to the licence:-

1. All of the steps outlined in 2.3 on page 2 of the report will be incorporated in to conditions of the licence; this included implementing a challenge 21 scheme, CCTV and a 30 minute drinking up time.
2. There be no outside consumption of food / drink / alcohol / late night refreshment at any time

The sub committee has placed these conditions on the licence for the purpose of promoting all four of the licensing objectives and the potential noise disturbance on local residents.

The sub committee recommends the following:-

1. That there be suitable ventilation and/or cooling system inside the property to cover instances when all doors and windows need to be closed after 22.00.

In all other respects the sub committee has found that the licensing objectives are satisfied and the conditions imposed on the licence will ensure that the licence meets those objectives.

The interested party is reminded that should the applicant fail to meet the licensing objectives, that they can report matters to the licensing authority and the applicant and that licence can be subject to a review.

The chair pointed out that the applicant had volunteered that the windows and doors would be closed after 22.00 hours whenever any regulated entertainment occurred, but highlighted that this would become a condition of the licence which would then be enforceable.

Upon a vote it was unanimously;

**RESOLVED that the application is granted as requested, with the relevant conditions.**

Roger Whyborn  
**Chairman**