

Licensing Sub Committee-Alcohol and Gambling

Tuesday, 18th September, 2018
2.15 - 3.25 pm

Attendees	
Councillors:	Mike Collins (Chair), Tim Harman and Dennis Parsons
Also in attendance:	Phil Cooper and Vikki Fennell

Minutes

1. ELECTION OF CHAIR AND VICE CHAIR

The sub-committee nominated Councillor Collins to chair the meeting.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. DECLARATIONS OF SITE VISITS

Councillor Parsons declared that he had visited the site.

5. MINUTES OF THE LAST MEETING

The minutes of the last meeting were signed as a correct record.

6. DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

The Licensing Officer introduced the report which had been circulated with the agenda. He explained that an application had been made by Dunkertons Cider Co Ltd in respect of Dowdeswell Park, London Road, Cheltenham to authorise the sale by retail of alcohol for consumption on and off the premises, every day from 10:00 - 23:00 and for the performance of live and recorded music indoors and outdoors, every day from 10:00 - 22:00.

He reported that during the statutory consultation process, no representations had been received from any of the responsible authorities. However, Gloucestershire Constabulary had agreed conditions with the applicant which were outlined at section 3.3 of the report. Seven representations had also been received from other people with concerns raised about public nuisance, public safety and crime and disorder.

He advised the sub-committee that they could:

- Grant the application subject to such conditions as the sub-committee considers appropriate for the promotion of the licensing objectives; or
- Refuse all or part of the application.

The Chair welcomed the group and explained that as the licensing authority they had a duty to promote the four statutory licensing objectives, which were:

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

He proceeded to invite the applicants, Chris Connor, the Group Operations Manager for the Lucky Onion and Jeremy Benson the Managing Director of Dunkerton's Cider to speak in support of their application. They explained that:

- They ran tours around the cidery, whereby people had the opportunity to purchase cider, there was also a shop attached to the cidery which sold bottled cider. The opening times of the shop were from 10am-6pm;
- They did not intend to run an all day drinking establishment, they had applied for a licence from 10:00-23:00 as they wished to have flexibility in order to react to market needs;
- They intended to host corporate and themed events inside and outside of the premises;
- They wanted the flexibility to run tours at short notice and not be restricted by Temporary Events Notices for which they could only obtain a certain number each year;
- They had held a press event at the premises 3 weeks previous in conjunction with Battledown Brewery and had monitored the sound levels during this event. They confirmed that the overriding sound was that of passing traffic;
- The applicant confirmed that they had 24 hour security on the site and CCTV was installed in the shop;
- They marketed their produce at a certain type of clientele and the shop also sold an array of meats and cheeses;
- The applicants explained that it was never their intention to upset the neighbours and they were happy to work with them to resolve any issues.

The Licensing Officer offered the following responses to Members' questions:

- You must submit a temporary event notice (TEN) at least 10 clear working days before your event and the event must have no more than 499 people. A single premises can have up to 15 TENs in one calendar year, as long as the total aggregate length of all the events does not exceed 21 days.
- Similarly, for late temporary events notices, 5 clear working days must be given. He advised that if you don't hold a personal licence, you can serve up to 2 late TENs per year or if you hold a personal licence, the limit is 10.
- The date for which they wished the premises licence to start as outlined on the application form was irrelevant as there had been statutory processes due to objectors' comments which took the application process beyond the 28 day consultation period;
- The licensing team had received no complaints following the press event;
- The application had been brought to the attention of the public through a public notice in the newspaper, a sign had been displayed at the premises and it had been published on the Council's website. The 2 relevant ward councillors had also been informed;
- He confirmed that background music is not licensable;

- No mandatory condition can be applied regarding noise levels as decibels can change subject to a number of conditions. He advised that environmental health instead preferred to work with the applicants to agree conditions.

The applicant offered the following responses to Members' questions:

- They intended to run all the events themselves;
- They wanted flexibility in the licence so they could hold 10 events throughout July should they wish. However, they were a small team and so the number of events they could hold would be limited. Such events included a harvest festival and Halloween themed night.
- Events would only be held outside in the summer months due to the weather conditions;
- The area outside the shop was limited in space and only had the potential to hold 400-500 people;
- They were an organic and environmentally friendly company and conscious of cars travelling to the events. They confirmed at the press night the majority of people had travelled by taxi or bus and they had around 40 cars in the car park;
- Deliveries took place from 08:30 – 17:00;
- Staff would only be required to work outside these hours during harvest time.

The 3 objectors in attendance were then invited to speak. They noted:

- They were pleased with the refurbishment compared with the previously derelict site;
- Their main concerns were surrounding loud music and events being held outside;
- They were alarmed by the fact that the applicant had suggested they may wish to hold 10 events throughout July;
- Whilst they had no objections to the occasional noise disturbance they were concerned that it could get out of hand;
- Concerns were raised about the lack of clarity on what was being proposed. They wished to see conditions imposed which limited the number of events held outdoors and the level of noise;
- One objector noted that the area was one of outstanding natural beauty and feared for the peace and tranquillity as a result of such an establishment;
- They were concerned about the drinking culture in the Cheltenham town centre and feared such drinkers would congregate at the premises;
- Objectors felt it would have been courteous to notify them of the press event;
- They were concerned that there hadn't been an independent person monitoring the noise at the press event;
- One objector noted that a tannoy at one of the previous businesses on the site could often be heard over the noise of the traffic.

In their closing statement the applicants noted that any noise complaints could affect their licence and it would reflect badly upon them. They reiterated that they had 24 hour security on site who do a sweep of the site every hour and have a number of points they are required to check.

The application was then open to debate by Members. One Member noted that a condition regarding noise levels had been applied to the licence of an event held at Whaddon Road. The Licensing Officer confirmed that a condition had been applied which stated that the applicant must abide by table 1 of the 1995 code of practice from the noise council. Members shared objectors' concerns over the number of events the applicants were planning to hold and felt suitable conditions should be applied. The applicant confirmed they were happy for conditions to be applied and suggested a number to the sub-committee. Following a lengthy discussion the following conditions were agreed between the applicant, sub-committee and officers:

1. A maximum of 7 outdoor events with live or recorded music will take place per annum and all of those will take place during British Summer Time (End of March to the end of October);
2. The maximum number of people at any one event will be 499 people;
3. All events will be managed in house by Dunkerton's;
4. The same condition would be applied as to that at Whaddon Road regarding the 1995 code of practice;
5. The security company doing the hourly checks would also carry a mobile device to monitor the decibel levels at each checkpoint;
6. The performance of live and recorded music would finish an hour earlier than originally applied for, at 9pm.

The Licensing Officer explained to the objectors that they had the option to call a review of the premises licence if there were any issues, or they could report any problems to the licensing team or to environmental health. Similarly, if the applicant breached the conditions they could come back before the licensing sub-committee for review.

The Members proceeded to vote on section 7.7 of the report to: *Grant the application subject to such conditions as the sub-committee considers appropriate for the promotion of the licensing objectives.*

The sub-committee voted unanimously for.

RESOLVED THAT

The application be granted as applied for subject to the 6 additional conditions as outlined above.

The Licensing Officer advised that should the premises be sold the new owner would need to apply to transfer the licence or make an application for a new licence. The Legal officer also explained that all parties had the right to appeal to the magistrates court within 21 days of the decision.

Mike Collins
Chairman