

## Licensing Sub Committee-Alcohol and Gambling

Thursday, 7th November, 2019

2.00 - 3.00 pm

Attendees	
<b>Councillors:</b>	Diggory Seacome, Mike Collins (Chair) and Paul McCloskey
<b>Also in attendance:</b>	Sophie McGough, Louis Krog and Sarah Farooqi

### Minutes

**1. ELECTION OF CHAIR**

Councillor Collins was elected as Chair of the meeting.

**2. DECLARATIONS OF INTEREST**

Members highlighted that they knew Jon Walklett, who was speaking on behalf of the objector, as he was an ex Councillor.

2 Members also confirmed that they had visited the site.

**3. THE ALCHEMIST, UNIT 8, THE BREWERY QUARTER, HENRIETTA STREET, CHELTENHAM**

The Licensing Team Leader introduced the report, he explained that an application had been received for a premises licence from The Alchemist Bar & Restaurant Limited in respect of Unit 8, The Brewery Quarter. A copy of the application was included at **Appendix A**.

The applicant had applied for a premises licence for licensable activities on the days and times outlined at section 1.2 of the report. He highlighted that the proposed operating schedule and company policies had also been sent to Members.

He confirmed that no representations had been received from responsible authorities. However, one representation had been received from an interested party and this was included at **Appendix B** of the report.

The Licensing Team Leader reminded Members that any decision made in relation to the application would not set a precedent, as suggested by the objector, as the authority is obligated to determine each application on its merits. Similarly, as per the authority's policy on "Core Hours for Licensable Activities" as outlined at paragraph 5.5 of this report, the application complies with a terminal hour of no later than 03:00 for bars in the town centre.

He reminded Members that they must have regard to all of the representations made and the evidence heard in order to promote the licensing objectives. In determining the application they had the option to:

- Grant the application as requested;

- Modify the conditions attached to the licence; or
- Reject all or part of the application.

The Licensing Team Leader offered the following responses to Members questions:

- The additional information regarding the company policies and proposed operating schedule had been received on 5<sup>th</sup> November and the general rule was that documents are accepted if provided within 48 hours of the meeting.
- He confirmed that the current premises within the Brewery were licenced to trade until the following times:
  - Holywood Bowl – 03:30;
  - Mr Mulligans Golf – 02:30;
  - The Botanist – 02:30;
  - Cosy Club - 01:30; and
  - The food establishments closed around 12:00 – 01:00.

Mr Walklett speaking on behalf of the objector made the following points:

- He thanked the committee for giving him the opportunity to raise the concerns of the original objector.
- He confirmed that he was the Chair of St Pauls Residents Association and also lived in close proximity to the Brewery.
- He explained that 5/6 years ago the Association had sought to address concerns about the increasing student population living and attending university around the campus in St Pauls. Concerns had been raised about the safety of students coming back in the early hours of the morning, particularly during the first term and the disturbance to nearby residents. There had been reports of low level anti-social behaviour, concerning litter and noise disturbances. He explained that St Pauls Residents Association had met with the university liaison committee and made a suggestion to collectively drive groups of students through the Brewery Quarter, both to mitigate safety concerns and reduce disturbance to neighbours. The representation was therefore on behalf of the residents to the West of the Brewery Quarter.
- He stressed that they did not wish to inhibit the growth of the Brewery Quarter but felt that the proposed closing times were too late and that in the interests of promoting the licensing objectives regarding public protection and public safety the hours should be reduced.
- He noted that the majority of businesses located on the High Street end of Brewery Quarter shut on weekdays at 12:00/12:30 - 01:00. They were therefore looking for a compromise between these hours.
- He acknowledged that security at the Brewery Quarter was extremely adequate.

He offered the following responses to Members questions:

- Having lived in close proximity to the Brewery for 6 years he had never witnessed any issues.
- The issues with the first term is that students are very young and aren't familiar with Cheltenham. They are also encouraged to go out in large groups and so often walk down residential streets in groups of 20 or more.

- The university had employed third year students to work with the street watch team to look out for student's safety. No complaints had been received from residents regarding student behaviour and they were therefore happy with the status quo.

Regarding the security arrangements at the Brewery Quarter, the Licensing Team Leader confirmed that the Brewery provides security for public areas and also has CCTV. Individual premises also have door staff.

Rebecca Ingram, Solicitor for the Alchemist and Simon Potts Managing Director of the Alchemist made the following points:

- The Alchemist had been trading since 2011, the flagship store was in Manchester and was the focus of a significant regeneration project in that area. Since its opening the brand had grown and they now occupied a number of sites.
- A number of the Alchemist sites were in close proximity to residential areas and they did not give rise to anti-social behaviour or nuisance. The Alchemist had obtained feedback in terms of the way in which it traded. Similar concerns had been raised with regards to one of its venues but the representative had been appreciative of the Alchemist's considerate approach to addressing these concerns.
- The style of operation was detailed in the pack and highlighted that staff underwent robust training in order to understand the way in which the business operates.
- The Alchemist intended to deliver a unique experience with both a food and drink offer and create an all day haven.
- The sample food and drink menu highlighted the quality of the offering and the typical clientele they attracted. The fit of the premises further demonstrated the calibre of the offering. She highlighted that the premises were predominantly seated and typically 70% of the premises were taken up with table and chairs. She noted that this normally gave rise to less crime and disorder when compared with vertical drinking establishments. The intention for the Cheltenham branch was no different.
- It tended to be a destination venue rather than part of a circuit and the typical dwelling times were much higher than other comparable businesses. The Alchemist generally attracts more mature clientele as a result of the price point.
- Whilst they did not detract students from visiting the premises they were often put off by the prices. She stressed that when students do attend, their behaviour is largely dictated by the environment and that of other customers.
- The Managing Director had met with the objector last week, and it had been clear from that conversation that they had more of a general concern about the behaviour of students across the area rather than the Alchemist specifically.
- She noted that the licensing hours of the other premises within the vicinity were largely in line with that being proposed for the Alchemist and they were exactly the same to that of the Botanist.
- The later opening hours actually resulted in a more gradual dispersal of customers. The peak hours were 21:00-22:00 and after that time the numbers tended to dwindle.

- She noted that the responsible authorities hadn't cited any problems regarding late night noise and that was a great endorsement of the area and carefully selected calibre of businesses. She felt that the Alchemist would fit nicely with the current offer and not cause any additional nuisance.
- With regards to concerns that it would set a precedent, she reasoned that many businesses had similar opening hours and the committee were not bound by any decisions made. Similarly, the hours were appropriate in terms of the context of the Brewery Quarter and the Licensing Policy.
- They had submitted a comprehensive operating schedule outlining conditions regarding CCTV, door supervisors, training of staff, and the availability of waiting staff. They had also signed up to the Cheltenham night safe scheme and had a clear dispersal and challenge 25 policy. Similarly, they always engaged with acoustic consultants when opening a venue.

Miss Ingram and Mr Potts offered the following responses to Members questions:

- They intended to occupy the single unit to the left of the cinema.
- In terms of capacity, they were looking at 180 as a maximum based on the seating arrangements.
- A larger would typically cost £4.50 and cocktails, which formed the main part of their offer, were around £8. They also had no happy hour or drinks deals.
- They are definitely a drink led business, although, 50% of their activity comes from a table environment.
- The number of door staff would be brought in line with the council policy and risk assessments would be completed.
- They did have a children's menu, but did not have a policy for turning out younger children visiting the premises with their family. From experience, they would typically vacate the venue by 19:00/20:00.
- They had only allowed for 4 tables outside that would seat 16 people and they would still have waiting service outside.
- There would be stools around the bar.
- As shown on the floor plan, the door leading to the steps was for access to the cinema side and would only be used as a passage for deliveries.
- They had applied for the times outlined in the report partly because they were the same as other establishments and partly because they fitted with the Brewery. They had 18 venues with a range of opening times. A couple of establishments in London and Manchester had licences until 04:00 although they didn't always trade to those hours. The later times were also more favourable as they allowed for safer dispersal.
- They would always have a Designated Premises Supervisor on site and would employ at least 4 full time managers who were all required to complete an alcohol awareness e-learning course.
- A fire risk assessment would be completed before the site opened which would specify the maximum capacity.

The Licensing Team Leader confirmed that, on race week they tended to only visit premises as far North as the 2 Pigs as after that the establishments were largely food led and the race goers were more concerned with drinking establishments. He saw no reason that the prevalence of the Alchemist would

change that due to the pricing. With regards to crime and disorder, they never had any trouble with the Brewery during race week.

The applicant confirmed that they had an establishment in Chester near the racecourse and generally people would go for breakfast but rarely in the latter part of the day.

The objector raised the point that on a recent trip he and a group of 12 had been refused entry to the Botanist and the Brew House at 12:00am as they were closing. Therefore, despite the fact that they were licenced to that time, it didn't mean they always remained open until then.

The Licensing team Leader reminded the committee that despite the fact the venue may not open until that time, they had to determine the application before them, on the assumption that it would remain open until the hours applied for.

In the final right of reply, Miss Ingram explained that they had applied for the stated hours so they had the option to remain open.

In the debate that followed, Members made the following comments:

- There was no evidence to suggest that the business would encourage anti-social behaviour in the area. If problems did arise in the Brewery Quarter they could bring the application back before the committee for review.
- Members felt it was a well planned application and the Alchemist had demonstrated their success in other venues.
- They did not feel it would change the character and clientele attracted to the area and reasoned that students were unlikely to go there due to the pricing.

**Vote on whether to grant the application as requested.**

3 in support (unanimous)

0 Against

**RESOLVED THAT**

**The application be granted.**

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

**Chairman**