

Licensing Sub Committee-Alcohol and Gambling

Tuesday, 11th August, 2020
10.00 - 11.50 am

Attendees	
Councillors:	(Chair), Angie Boyes, David Willingham (Reserve) and Simon Wheeler (Reserve)
Also in attendance:	

Minutes

1. ELECTION OF CHAIR

The Legal Officer introduced the item and explained that prior to the meeting Councillor Dr David Willingham had been nominated as Chair.

Due to the size of the committee there was no requirement for a Vice Chair.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE FOR 'NO. 3.' AT 12 ROYAL CRESCENT, CHELTENHAM. GL50 3DA

The applicant and the objectors for the item were moved into the meeting.

The Chair explained the procedure to the applicant and the objectors.

The Senior Licensing Officer introduced the report as per the published agenda.

Members were asked if they had any questions, they were as follows:

- In terms of noise were there any representations from Environmental Health – there were no objections received from Environmental Health.
- Did the previous occupier receive any complaints – Senior Licensing Officer confirmed that he could find no record of any complaints.

Applicant was then asked if he had any questions, he confirmed that he didn't.

Objectors were then asked if they had any questions based on Officer report:

- Regarding the previous occupier to the property they closed at 3 and didn't open on a Sunday.
- Environmental health said there were no complaints – Is it in scope to look at other properties similar to this one – Senior Licensing Officer said cant supply that information on the day. Chair explained that we cant look at other properties in the area.

Objectors were then asked to speak, points were raised as follows:

- Query raised that the music live and piped licence is until 11.30. The point was raised that there are children living in the area and the music would disturb them.
- External areas are limited outside the property and in an unsuitable area.
- What sort of speciality evening will there be.
- Concern over cars coming and going from the property.

Member then asked the objector what special events would give her cause for concern

- Parties, races, will it be predominantly rugby players, also what sort of entertainment is planned.

Member tried to ascertain what entertainment the objector was concerned about, he explained that sexual entertainment has to be a separate application.

How many houses away is the objector from the premises due to where you are located do you already have noise issues?

- Objector confirmed that when you live in a town centre there is a level of noise but nothing significant.

The next objector then spoke, their points were as follows:

- Lives 6 doors down and just recently had someone urinate in front of their house. Their concern is outside space and the noise that it will create as they can not have double glazing in their properties.
- As a café it worked well but this is not for a café, most of the other businesses close at 5 so doesn't effect residents.
- Acoustics in the Crescent are not good due to the shape.

Member asked the following question:

- Is it a private road, who controls the parking – an agent provides signs within the crescent and people are fined. Every house has 5 parking spaces and they are used accordingly – spaces are used in the day but in the evening are not.
- Are there restriction on people walking through the Crescent? No there are not.

The final objector then spoke:

- All in favour of a Michelin star classy restaurant.
- Lives in a property that was formally a night club and bar and the Council gave full permission to convert.
- There has been more residential coming into the area, they have had to complain about other bars in the area, there are already 5 in the block.
- They have to deal with damage to vehicles and anti social behaviour.
- Main concern is safety and anti social behaviour within the Crescent.

The Chair then asked the applicant to speak and address the issues that the objectors have raised:

- Very proud to call Gloucestershire his home and wants to reassure the objectors that he has no intention to cause havoc in the area.
- He was approached to take the property. Daytime offering will be a café and in the evening will be a restaurant (Fridays and Saturdays)

- This is a food led business not a drink led business. Chefs were previously at the Daffodil so used to having a premises in a built up area.
- Doesn't want to be associated with a premises that will have a bad reputation.
- Applicant stated that wont all be rugby players at the events – small events that will creat a story around food to make people feel special.
- Want the restaurant to be about great food using great produce.
- Wants to do something different and make it special.

Member questions as follows:

- Understand what is underlying issue with the objectors is the definition of a pub – is it full of drunks or the hub of the community where you go for a nice meal and a chat. What do you see the venue as? The applicant confirmed that doesn't want to be associated with a nightclub – he wants Number3 to be somewhere that will attract all ages and a multi purpose site. Food brings people together. No intention to be anything else other than a restaurant. He does not want to be associated with any negativity.
- Where will people be going to smoke, is it the rear or the front? Ideally doesn't want anyone to smoke on the property – there is space at the back of the restaurant to be a smoking area.
- With regards to the music – is it music as an ancillary background? Would use local act if there is someone who approaches – there will be someone in the background when people are eating.
- Question over recycling of glass bottles and storage of waste – waste is collected at the back of the building and is collected from the road on Tuesday mornings.

The matter then went to debate:

- There is sympathy with the objectors – however there are objections that are understandable and the ones that we fear might happen. Committee needs to decide what we can accept. Was very comfortable with what the applicant said – appears to be a restaurant that serves alcohol. Is very happy with the fact that this will work quite nicely. Maybe need to look at the time of disposal of bottles in particular as is a noisy practice.
- Applicants descrtiption of the property – very happy that it is going to be a food led business, assumptions should not be made based on applicants previous occupation. We should not assume that people will be anti social when leaving the property.
- With regard to concerns about noise – minded that add a condition that rubbish disposal and glass disposal should not be between 10pm – 7am. Police have withdrawn objection. Strictly within the terms that the committee is allowed to follow there is no statutory laws that can be used to object to this. Again sympathy with the objectors – if the venue does cause a problem they can call a review of the licence as long as they present evidence. Are we able to condition that a premises is food led. Senior Licensing Officer confirmed that this can be a recommendation and not a condition.

The Chair then went to the Applicant for his final right to reply:

- The applicant confirmed that he is happy with the recommendation and condition. Re iterated wanted to create a space we can all be proud of. He encouraged the objectors to go and see him and have a conversation.

The matter then went to the vote:

The condition being that the disposal of glass not between 10pm – 7am.

For: 3

Against:

Abstain:

Unanimous subject to condition.

Licensing officers will be in touch – residents please take up his offer to talk to him at anytime.

4. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE FOR FESTIVAL HOUSE, JESSOP AVENUE, CHELTENHAM. GL50 3SH

The Chair explained the process to the Applicant and the Objector.

The Senior Licensing Officer then presented the report as published.

The matter then went to Member questions:

- Has there been any representation from responsible authorities – there has been no representation.

The Applicant and objector both confirmed that they had no questions for the Senior Licensing Officer.

The Applicant was then asked to explain their application:

- Explained that in the building businesses can hire a floor, a desk or a meeting room.
- Referred to the plan and the licensed area. There is a kitchen and a small servery – the amount of alcohol that is served is minimal usually for a celebration of function. They have asked for off sales but restricted to in the building. Nothing to be taken outside.
- Will always be an office space and never a bar.
- You can only come into the building if you have a pass or tenancy – you can not walk into the property and buy a drink at the bar.
- There will be full CCTV installed and onsite management.
- The concern appears to be in regards to smoking near the property. Most tenants or members will be walking or cycling.
- There will be a smoking area – they will do their best to ensure that this is used.
- Sale of alcohol is ancillary to the fact that it is an office building.
- Hopes that this will be good for the area and provide employment.

The matter then went to Member questions:

- Asked for clarification for the description of Club Members and pass holders – applicant confirmed that Club Members (for a fee) are allowed in the communal lounge area, wifi and networking.

- Is there a limit on the number of guests that a member can bring in? Guests have to be pre booked in advance – if there is a private conference then they will have to be booked in advance.

The objector then spoke:

- Made the point that the area is busy in the day and very quiet at night.
- There is a problem with smokers in the area, concerned that people will bring their drinks outside.
- Concerned that there will be more people wanting to put businesses in such as this.

The matter then went to the debate

- Police, environmental health have not objected to the matter, there is already a Challenge 21 policy.
- Understand the objectors concern, however this is quite common and will be very unlikely to cause problems.
- Applicant will do all that they can to ensure there is no trouble with smokers and bottles leaving the building.
- Appreciates the objectors concerns however if people chose to behave in an anti social way it is outside the remit of the management of the building and the committee.
- If someone is causing a problem inside the premises then they are likely to have their membership revoked.

Applicants final right to reply:

- Nothing further to add.

Vote to grant:

For: 3

Against

Abstain

Granted with mandatory conditions offered in the application.

Licensing Officer will contact applicant to confirm.

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

No further items.

Meeting finished at 11.50.

Chairman