

Cheltenham Borough Council

Licensing Sub Committee-Alcohol and Gambling

Minutes

Meeting date: 16 December 2022

Meeting time: 11.30 am - 1.25 pm

In attendance:

Councillors:

Richard Pineger, Diggory Seacome and David Willingham

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

The Chair was elected as Cllr Dr David Willingham.

2 Declarations of interest

There were none.

3 Application for a Premises Licence - Roxy Lanes, 105 - 107 High Street, Cheltenham, GL50 1DW

The Licensing Team leader introduced the report as published.

There were two speakers in objection to the application, once the procedure was explained to them they made the following points:

- The main concerns related to points 19, 20 and 21. The core hours are a problem as the proposed Roxy Lanes hours do not fit with the definition. The letter that residents received stated that the establishment was not a night club but a bowling alley and should be the same as a theatre, other comparable sites hold licenses no later than midnight. The brewery would be a better location for this sort of establishment.
- The potential impact on the residents is significant, granting a licence could lead to large groups congregating outside on the street will cause disturbance to residents.

- The entire building except the front doors is on the south based on Grosvenor Place South, the majority of the homes are listed buildings.
- There are no through roads for taxi pick ups therefore this will cause a disturbance to residents.
- There has already been incidents of vandalism to vehicles in the vicinity and there are concerns that if the venue was approved that this would increase.
- The volume of the music was also cited as a concern as this would be able to be heard in the residents homes.
- It was acknowledged that the applicant has a good business however not suitable for a residential area much more suited to a town center location.
- Late night licensing is already an issue in the area and there are huge concerns that this application will impact the area further.

The applicant then addressed the committee and made the following points:

- The business has been in operation since 2013 and has thirteen sites in operation across the UK.
- There is no dance floor in the premises and no live music after 23.00. the business is made up of gaming 50%, 12-15% food and approx. 30% alcohol, lots of customers book in advance and there is a large amount of corporate bookings.
- They are a premium operator and have won awards in other cities, there has been no complaints from the police with regard to the application.
- The premises will be a competitive socializing bar, with Monday to Wednesday hours of 11.00 – midnight and then Thursday – Saturday open until 2 am.
- There has not been any representations from the responsible authorities that were contacted.
- Anti-social behavior has never been associated with Roxy Lanes. The police have been liased with and any issues with the alley ways will decrease as they will be lit and there will be CCTV at the entrance and exit on the High Street.
- The hours that are being requested are standard Roxy Lane hours and the hours are less than standard town centre hours. The busiest times are normally between 16.00 -21.00 so there will not be a situation of a mass exodus if these hours are granted.

The matter then went to Member questions and the responses were as follows:

- Competitive socializing is something that you would do against a friend ie pool and is generally family led until at least 18.00.
- The premises is not a mass exodus night club as the business winds down at around 22.00.
- A lot of the customers book in advance, customers are not paying for entry they are paying for the activity that they are going to do. A customer can pay in person at the games desk. There is waitress service for food and drink and a bar that can be used like a pub.
- The music that is played in the premises is not at an unreasonable level and can be totally subjective. They would be happy for a condition with regard to the music level so not to disturb residents. The applicant would be happy to insulate the building if it is thought necessary as they do not want to attract enforcement action or have the license revoked.
- To mitigate traffic at the rear of they are happy to use signage and door staff to encourage customers to use the High Street entrance and to not leave via the alley, there is no intention to cause any nuisance at the rear.
- The back area of the premises will be covered by CCTV, which might be beneficial to the residents.
- The applicant confirmed that all windows and doors will be closed from 22.00 and all sound proofing will be done in advance of opening.

- There are no issues with queueing as most people book in advance and if people turn up without booking and cannot get in they do not hang around.
- With regard to a drugs policy, there are regular checks in the toilets and spot checks at busier times. As it is a competitive socializing bar and not a night club there are not that many drug issues.

The committee were asked to bear in mind that the applicant had requested nonstandard timings when it came to New Year's Eve and statutory bank holiday weekends.

The matter then went to Member debate where the following points were made:

- Sympathetic to the residents but there is a difficulty in that this will be a new premises and there is no direct evidence that there will be disruption.
- The drug policy is as expected.
- The applicant is amenable to keeping people away from the back of the premises.
- A noise condition seems sensible and no open windows, there is unlikely to be queueing.
- A lot of the business is pre booked so there will be more accountability if there are issues.
- There are no objections from the police which would suggest that the police do not have the same thoughts as the objectors.
- It is difficult to work out a reason that would be able to withstand an appeal in the magistrates court.
- Environmental health will be notified if there are any issues.
- If the application is granted it will contain the conditions laid out in the application, if the business is sold then a person can apply to transfer and this would not necessarily go to committee.

The committee then agreed the conditions to be added to the application as follows:

- Whenever any regulated entertainment occurs – windows to be shut.
- Change condition 14 re public nuisance.
- Wording in relation to signage re taxis at the front – pointing customers to the corner of Bath Road or to go to the taxi rank via the High Street.
- The applicant withdrew the application to amend standard hours for New Year's Eve and bank holidays.

The objector and the applicant were given the final right to reply:

- The objector stated that he still thought that it was an unacceptable premises opposite two residential streets. There is no other premises like it in Cheltenham and should not have a licence different to other similar businesses.

The applicant made the following points:

- Roxy Lanes is a premium operator, they reached out to the objectors and have provided direct contact details,
- There is no evidence to link to any issues, this style of operation will not cause issues.
- They have 13 premises.
- They will be updating sound proofing. The operator has never had enforcement action, never had a review.

The matter then went to the vote to permit:

For : 2

Against : 1

Permitted

4 Any other items the Chairman determines to be urgent and which requires a decision

There were none.