

Licensing Sub-Committee

Friday, 3rd January, 2014
10.00 - 11.27 am

Attendees	
Councillors:	Andrew Chard, Anne Regan and Roger Whyborn
Officers:	Vikki Fennell, Solicitor and Phil Cooper, Licensing Officer

Minutes

1. ELECTION OF CHAIRMAN

Councillor Chard was duly elected as Chairman.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE

Phil Cooper, Licensing Officer introduced the report as circulated with the agenda. An application for a new premises licence had been received from Cheltenham Cricket Club, Princes Street, Cheltenham.

Phil Cooper advised the Sub Committee that the Cricket Club currently holds a Club Premises Certificate which was granted in 2005. Currently only members of the Cricket Club and their guests can benefit from qualifying club activities at the premises. If this application were granted today the premises would be authorised to provide licensable activities to any member of the public, not just members of the club and the guests of members.

Phil Cooper referred Members to page 57 of the report and detailed the current activities and times for the existing Club Premises Certificate and the proposed new times under the Premise Licence.

Paragraph 2.4 of the report detailed the applicant's steps to promote the four licensing objectives that would become conditions if the licence was granted today.

No objections were submitted from the responsible authorities but the report contains an additional condition at paragraph 3.2 which was requested by the Police and agreed by the applicant, and a comment from Environmental Health at 3.4 of the report.

Phil Cooper confirmed that six relevant representations had been received from local residents as listed in page 3 of the report. Full copies of the representations made were shown from page 39 of the report.

Mrs Marilyn Brien and Mr Rod Brien attended the Sub Committee and had both submitted representations. Mrs Brien stated she had only received notification of this Sub Committee taking place on Christmas Eve. Some residents who had made representations were still away on holiday and were unable to attend today's meeting. Mrs Brien asked for the Sub Committee to be postponed to enable other residents who had made representations to attend.

Phil Cooper confirmed there are strict legal requirements which are followed in relation to organising a hearing from the date the application is submitted. Phil Cooper stated that he was aware Mr & Mrs Brien had not received an email from him on 13 December 2013 which confirmed the date and details of today's Sub Committee.

Vikki Fennell, Solicitor read the Regulations about adjournment of a Sub Committee if residents who have made a representation are unable to attend. Vikki Fennell advised Members that they have representations in front of them today raising similar concerns in the report papers and Members should decide if this Sub Committee should be adjourned or heard today.

Members asked the following Officer questions:

- A Member asked when residents were advised of the date of the Sub Committee.
- Phil Cooper confirmed that an email was sent on 13 December 2013 to all six residents who had submitted a representation against the application and to the applicants.
- Phil Cooper confirmed that once an application is submitted residents have 28 days to make a representation. After those 28 days, if representations have been made, a Licensing Sub Committee must be arranged within 20 working days.
- When asked, Phil Cooper stated he was unsure why Mr & Mrs Brien did not receive his email as others did.
- Phil Cooper confirmed that, notwithstanding the email of 13th December 2013, the agenda papers were still sent out and received by residents within statutory deadlines.

Councillor Chard advised the Sub Committee that the objection would be noted but the Sub Committee would proceed today.

Mr Russell Manning, agent for the applicant and Mr Peter Jubb, Treasurer of the Cricket Club, attended the Sub Committee and spoke in support of their application.

Mr Manning stated that the application had been submitted to make the premises easier to function but did not intend to change anything operationally. Mr Manning apologised that the residents' association had not been advised about the application earlier.

Mr Manning confirmed that the Club would not be promoted and this is a community club and would be used for community use such as family days, the beer festival and for fireworks night. With a premises licence in place the process of applying for a Temporary Event Notices (TEN) would cease and this would make the club easier to facilitate. The hours requested in the application were there for flexibility and it was not their intention to open 7 days a week.

Mr Manning stated that he was the designated premises supervisor (DPS) for the Hewlett pub and he will be the DPS initially at the Cricket Club if the licence is granted. The Cricket Club would not be open as a pub or a music venue but would be there for residents and the community.

Members asked the following questions:

- A Member sought clarification about where this application was going as the agenda papers implied the Club would have an expanded use.
- Mr Manning advised the Sub Committee that the Cricket Club works closely with the Fairview Community Association who have a clear need for a venue like this and also for community usage. The firework event and the beer festival have previously been applied for using a TEN. The Club can apply for only 12 TEN's per annum and the club needs more than these events to move forward as a venture. The Club is old fashioned and needs modernising, events such as Christmas Fairs will take place at the Club rather than promoting the venue as a night club or a pub.
- A Member asked how the applicant intended to control these extra events.
- Mr Manning stated that with more flexibility for the Club and more events running he would be involved in staff training. All staff would be trained to the same level as those at his own premises the Hewlett Arms.
- When asked, Mr Manning confirmed the maximum capacity of the premises is 100 people in the club house and a maximum of 500 in the grounds. The car park has 30 spaces. Mr Manning said that parking is a problem and there is an overflow car park for 50 cars.
- Mr Manning stated the club is currently hired out for associations who wish to use the bar area and the Fairview Community Association hold regular meetings. When the Fiery Angel closed there was a need for the club to hold more meetings. Mr Manning noted that the Fiery Angel has recently reopened. The club has also been used for small birthday parties by "gate holders" and in the past 4 years that Mr Manning has been running the venue there have not been any problems.
- A Member raised concern with opening the venue up to wider use and that this would cause car parking problems for residents. The Member asked if the premises had air conditioning and if the windows would be closed when events were taking place over the summer months.
- Mr Manning said there was ventilation at the club and the noise issue would only be a problem if there was live music. Doors and windows are shut when these events take place. A Member raised concern towards the larger audiences being inside the venue with the windows closed during the summer time.
- Mr Manning said there was adequate ventilation.
- When asked, Mr Manning said he agreed with the Police comments at 3.2 of the report and door staff would be in place for the firework and beer festival events. All other functions would not need door staff; these were not the type of events the club wanted. Mr Manning confirmed he was happy for this to be a condition of the licence if granted.
- When asked, Mr Manning said he was happy to join the Cheltenham Nightsafe Scheme and already used the Challenge 21 Scheme at the club. The club does have a very strict child policy and has a large

school involvement with groups of children playing cricket. Mr Manning said he was happy for this to be a condition of the licence.

- Phil Cooper confirmed that this is not a mandatory condition and if Members wanted this condition included it would need to be added as a condition to the licence.
- Mr Manning said he was happy for this to be added as an additional condition to the licence.
- A Member asked how Mr Manning would arrange training to take place for an additional personal licence holder to be at the club when Mr Manning was not there.
- Mr Manning stated he would be the Designated Premises Supervisor to begin with and he has a member of staff who is the bar manager and is working with him to become a personal licence holder. Mr Manning said that given the number of events he is always available to be at the club and oversee what is happening. He has suitably trained management at his pub. He would oversee events with his staff at the club who will be trained.

Mr and Mrs Brien asked the following questions:

- Mr Manning, when asked confirmed the club does not have air conditioning.
- Mrs Brien advised the Sub Committee that all residents in Princes Road had been declined gate access.
- Mr Jubb, Treasurer said that gate holders' premises back on to the cricket grounds and those residents who are not gate holders can pay £35.00 per annum to have access through the gates, these residents receive notification of events. The club has a close relationship with the Fairview Community Association and wanted to continue this. Mr Jubb said he was sorry that the residents of Princes Street had missed out and were not notified about this application and this would be rectified. Mr Jubb stated that the club respects their neighbours very seriously and mentioned about additional housing being built in Brighton Road. Cheltenham Borough Homes had offered the club a substantial amount of money to have access though the club and Princes Street but the club had turned this down as they felt this would be unfair on the residents of Princes Street.
- Mrs Brien said that when asked for gate access or to pay the fee of £35.00 they were always told no. The old Fiery Angel pub had reopened as a new venue and this was the right venue for a pub.
- Mr Jubb confirmed the club was not trying to compete with the Fiery Angel and the club offered family and community events. The club did not want to offer a pub venue at all.
- Mr Jubb stated that as treasurer for 21 years he was open to listening to the requests from residents of Princes Street in relation to the walking of their dogs on the grounds.
- A Member said that these residents' concerns had not been heard before.
- Mrs Brien said that the residents of Princes Street had been dealt with in a unfriendly manor
- Mr Jubb said he had not been approached before and was taking these requests seriously.

- Mrs Brien felt that in a small residential area it was wrong for the club to be open until 11.00pm on a Sunday. There were lots of young families living in Princes Street and children taking GCSE's. Mrs Brien said residents needed to get their rest and sleep.
- A Member stated that under the current Club Premises licence the club is currently open until 11.00pm.
- Mrs Brien said the increase of people and cars getting to the venue will cause problems. The additional car parking spaces have been rented from the Industrial Estate. Mrs Brien said when an event is taking place she can not park anywhere near her home.
- Mr Manning said he understood residents' concerns but has 21 years of experience in this trade and it is not the intention for the Cricket Club to become a pub. It will be used for small scale events in the community. A licensed venue does not mean drunkenness this club will be a venue for functions, meetings and family days. Mr Manning said alcohol is ancillary to the licence and would not be promoted.
- Mrs Brien said residents were prepared to park away from their homes when current events are in place but anything additional would be unfair. There were 2 new families who had recently moved into the area.
- Mr Manning said he knew some of the residents of Princes Street very well, going forward residents would not notice the change and felt that Mrs Brien was focusing on large scale events.
- Mrs Brien said she was prepared to accept the situation as it is at the moment but felt this application would increase problems.
- Mr Manning said he was not sat here today stating that the Club would be open 7 days a week but wanted the opportunity to reduce the application process of applying for TENs. This application would give the club flexibility and the current club premise licence is currently too restrictive and they want to modernise the club.
- The Chairman stated it was time to move on and these points had been fully discussed.

Mr Jubb advised the Sub Committee about the Club's safe hands policy for youth teams. Cricket is played by 11 – 17 years olds and as part of the English Cricket Board the Club take the welfare and responsibility of youngsters very seriously. No events take place when Schools are using the field. The Club promotes bringing children to the Cricket Club and getting them off the streets.

Mr Jubb stated that a blind eye has been turned to residents using the club's parking facilities.

When asked, Phil Cooper advised Members that unlike planning applications, residents of the area are not notified individually of an application for a premises licence. The Act requires the applicant to advertise the application in the local

newspaper within 10 working days of the application being submitted to the Licensing Authority. A blue notice must be displayed for 28 days and Licensing publish the application on Cheltenham Borough Council's website. Phil Cooper confirmed that all of these processes were completed correctly.

Phil Cooper advised Members that a list of all premises licence applications is automatically emailed to all ward members for information and a full copy of each application is sent to each of 8 responsible authorities.

Mr Jubb said he did attend the Fairview Community Association meeting and made them aware of the application at their last meeting.

Mr Brien referred to Mr Beddoes' letter of representation from page 41 of the report. Mr Brien said he and residents felt this letter covered all of their objections and full reasoning as to why this application is not appropriate in this area.

Mr Brien said he lived right next to the Cricket Club and during New Year's Eve customers were using his car port to stand in to drink and smoke. This caused him to be woken up. Mr Brien said this application will increase disruption in Princes Street and other streets around.

A Member suggested that the Cricket Club reserve 2 or 3 car parking spaces in the Cricket Club parking area for residents with young babies when events are taking place.

Mr Jubb said this was a sensible request and would take this on board but the space was limited.

Members left the Chamber to make their decision at 10.52 am.
Member returned to the Chamber at 11.25 am with their decision.

RESOLVED that;

In respect of the application from Mr Russell Manning, agent for Cheltenham Cricket Club, Princes Street, Cheltenham, 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 Statement of Policy. The decision of the Sub Committee is as follows:-

The application for determination of a premises licence is granted.

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

All of the steps outlined in 2.4 on page 2 of the report will be incorporated in to conditions of the licence this includes Challenge 21, notices posted requesting members, guests and customers to leave the premises quietly etc. including the condition recommended by the Police in relation to door supervisors.

The Premises will become a member of the Night Safe Scheme

In respect of New Years Eve, the licensable activities must cease at 1:00 a.m.

There should always be someone on the premises that is either a DPS or a personal licence holder or has done the training recently to become one.

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

In all other respects the Sub Committee has found that the licensing objectives are satisfied and the conditions imposed on the licence will ensure the licence meets these objectives.

The Sub Committee would like to recommend that any large events or those advertised to the public have door supervisors

Further the Sub Committee would encourage the club to grant gate holder status to the residents of Princes Street adjacent to the Cricket Club up to the Leighton Road junction and consider allocating a few car parking spaces to these residents during times of big events

The Interested Parties are 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 the licence can be subject to a review.

Chairman