

Licensing Sub-Committee

Thursday, 9th January, 2014

10.00 - 11.00 am

Attendees	
Councillors:	Diggory Seacome (Chair), Andrew Chard and Jon Walklett
Officers:	Phil Cooper, Peter Lewis and Councillor Barbara Driver
Also in attendance:	Councillor Barbara Driver

Minutes

1. ELECTION OF CHAIRMAN

Upon a vote Councillor Diggory Seacome was duly elected as chair.

2. APOLOGIES

None.

3. DECLARATIONS OF INTEREST

None declared.

4. DETERMINATION OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE-ST JAMES HOTEL, AMBROSE STREET, CHELTENHAM

Phil Cooper, Licensing Officer, introduced the report as circulated with the agenda. An application for a variation of a premises licence at St James Hotel had been received on the 13th of November 2013 from the licence holders, Arkell's Brewery. A copy of the application had been included as Appendix A to the report. A copy of the existing premises licence was attached at Appendix B.

The licensing officer referred Members to para 1.3 of the report which detailed a breakdown of the variation. These included the sale/supply of alcohol for an additional hour after 11 p.m. Monday to Saturday and the performance of live and recorded music and dance during opening hours. There was also a request for two conditions to be removed from the licence. The licensing officer referred members to the additional steps that the applicant had volunteered to take which were set out in paragraph 2.3 of the report and these would become conditions on the licence if the variation was granted.

He advised members that no objections had been received from the responsible authorities. Representations had been received from a local resident and from Rev Robin Littlewood of Catholic Parish of St Gregory. Their objections were summarised at paragraph 4 of this report and were reproduced in full at Appendix C. He referred members to the additional guidance set out in the report which they should take into consideration before making any decision.

There were no questions for the officers.

Mr George Arkell, a director of Arkell's brewery and owner of the premises attended the Committee and spoke in support of the application. He did not have a lot to add to what had been written in the application but he wished to emphasise to members that the work at St James involved a complete revamp of the business. Other investment at the premises included additional soundproofing, improved door closures and installation of additional CCTV. Kevin Grieve was the new tenant licensee and was self employed and would be running his own business. His sustainable business plan involved the style of the business changing completely to much more of a hotel offering food and rooms and they were bringing the premises up to a higher standard. He acknowledged there had been problems at the premises in the past. They were now working hard with the council to address any potential problems and he referred to the extra conditions that they had volunteered to take on.

Mr Grieve also spoke in support of the application. He advised members that he was already operating a business at a premises in a mid terrace venue so he was well aware of the need to balance the concerns of residents with the needs of the business. The extra hour that was being requested would provide a level playing field for the business with other nearby premises. He had tried hard to talk to local residents and businesses in the area and they had all seemed fairly comfortable with proposals. He acknowledged that he had only spoken to Reverend Littlewood on the previous day.

The chair invited members to ask questions of the applicants who gave the following responses:

- Mr Arkell confirmed that the business was not currently operating from the premises. It was closed in September and a reopening was planned for the end of January. There were no structural changes but environmental health had carried out a kitchen inspection and as a result the layout of the kitchen had been changed.
- Mr Grieve was asked about his previous experience running the Adam and Eve public house in Cheltenham. Local residents had also been concerned about rowdy and noisy behaviour outside the St James hotel premises. In response he acknowledged the previous problems but emphasised that with this new business they would be looking for a very different clientele.
- Mr Grieve was asked whether he planned to continue to run both businesses. He confirmed that was his intention but emphasised that the staff at St James would all be encouraged to be personal licence holders so that whoever was left in charge could conduct the business to his standards.
- Asked whether the extension until midnight was really necessary on Mondays to Wednesdays, Mr Grieve advised that the additional hour was really needed for Thursdays and Fridays but it was handy to have that extra hour available for special weeks such as Race week. The alternative would be to have to come back to the council each time and serve a temporary event notice.
- Mr Grieve confirmed that there would be an outside area for smokers but it would be situated at the far end of the courtyard and as far away from the main road as possible. Mr Arkell added that the old wooden gates had been replaced with new ones which would effectively close off the yard as a separate eating and smoking area. Mr Grieve had felt that

preventing unsupervised entry to the premises via these side gates had been a priority.

- Asked about the potential use of the function room, Mr Grieve advised that it would mainly be hired out for functions on Friday and Saturday evenings. At other times it may be used as an overflow eating area.
- When asked about the food offering, Mr Grieve confirmed this was very much part of the business plan with a full lunch and evening menu and offering tea and coffee and WiFi facilities. It was difficult to give a specific number of tables but he estimated there would be up to 30 tables in the bar and function room.

The chair invited Rev Robin Littlewood of Catholic Parish of St Gregory to speak as an objector to the application.

Rev Littlewood referred members to the summary of his representation in paragraph 4.1 of the report and mentioned the additional point about the hall in the immediate vicinity of St James Hotel being used by vulnerable people and their families. He highlighted that this hall was directly opposite the premises and therefore closer than the church which had a red dot on the map provided. There were a wide variety of users of the hall during the week and at weekends during the daytime and evening. He stated that the hall users would often continue to congregate outside the hall after evening meetings so he could not confirm that they would have left the vicinity by 11 p.m.

The licensing officer confirmed that the full representation had been attached as an appendix to the committee report which members would have read before the meeting.

The Rev Littlewood advised that the social club was unlicensed and had been operating for 12 to 15 years. The former bar and skittle alley had long gone. In response to a question from a member he confirmed that alcohol may be served at some functions but no licence was required because it would not be sold. He was disappointed that he had received no responses to his letter and emails in December. However he was pleased that Arkells had come back to him yesterday to discuss his concerns and he had found Mr Grieve very helpful and hoped that this would be a sign of goodwill in the future. He was still concerned about the extension of the licensing hours as the intention must be to attract more customers. He was concerned about potential public nuisance and noise and the extension to the licence to permit music and dance. There have been instances in the past where the sound system had interfered with the sound system used by the church in their services and night services at Easter and Christmas had been frequently disturbed. Past experience suggested that CCTV coverage may not be sufficient or correctly positioned. He was also concerned that the designated premises supervisor would not always be at the premises and asked if Mr Grieve was absent would his colleagues be able to take on that role.

In response Mr Arkell advised that legislation only permitted one designated premises supervisor for each premises. However the intention was to have the majority of staff apply for personal licences and to undergo the equivalent level of training required for a designated premises supervisor.

A member suggested that a contact number could be made available to the public and this was something that Mr Arkell agreed to follow up.

Mr Grieve responded to the concern about the sound system, saying that the system would be similar to that used at the Adam and Eve premises which was situated mid terrace. As the manager of the premises he was acutely aware of noise and disturbance to residents and he had had no complaints in the past year. He would be happy to liaise with the church to ensure that they did not create any disturbance during funerals and important services. He explained that the paperwork for this meeting had been delivered to the premises at St James's but it had not been immediately passed on to him which was why he had only made contact with Rev Littlewood yesterday.

A member asked the Rev Littlewood whether his original fears had been allayed by what he had heard today. He responded that they had not been allayed but he had been encouraged by the responses he had received.

The meeting was adjourned for members to consider their response.

The chairman read out their conclusions. He added that members had been encouraged by the good dialogue that had taken place between both parties and he hoped that this would continue and achieve a happy outcome for both sides of the road.

RESOLVED THAT

In respect of the application by Arkells Brewery 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 to vary the licensable hours on all days be granted with the conditions as set out in paragraph 2.3 of the report namely:

- (a) The Designated Premises Supervisor (DPS) shall maintain an active membership of the Nightsafe / Cheltenham Innkeepers' Association (or successor 'pubwatch' body).**
- (b) Six colour CCTV cameras will be installed covering the internal and external areas of the premises.**
- (c) The CCTV system shall be maintained in good working order, shall record at all times that the premises are open, and recordings shall be kept for 14 days and be provided to authorised officers of the council and police on request.**
- (d) A 30 minute 'drinking up' time shall be provided to allow appropriate dispersal, use of lavatories etc.**
- (e) Suitable notices shall be posted inside and outside the premises to request patrons to leave the premises quietly and behave in ways that respect the interests of neighbours.**
- (f) Use of the outdoor area will cease at 23:00 everyday.**

(g) The designated premises supervisor (DPS) shall ensure effective overall management of live and recorded entertainment, such as monitoring noise levels outside the premises, to ensure that noise from such activities does not cause a noise nuisance at the nearest noise sensitive premises.

(h) Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.

(i) The 'Challenge 21' (or equivalent scheme) shall be adopted, so that any customer attempting to purchase alcoholic liquor who appears to be under the age of 21 shall be asked for an accredited photographic proof of their age (e.g. passport, photo driving licence or a PASS approved card) and that a sale shall not be made unless this evidence is produced. This will only be treated as a breach where the customer subsequently turns out to be under 18 years of age.

And with the additional condition that

(j) There shall be available to the local community contact names and telephone numbers which they can ring in respect of any concerns regarding the licensable activities

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

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 the subject of a review.

**Diggory Seacome
Chairman**