

## Licensing Sub-Committee

Friday, 23rd October, 2015  
10.30 - 11.27 am

| Attendees                  |                                                       |
|----------------------------|-------------------------------------------------------|
| <b>Councillors:</b>        | Diggory Seacome (Chairman), Andrew Chard and Rob Reid |
| <b>Officers:</b>           | Phil Cooper and Vikki Fennell                         |
| <b>Also in attendance:</b> |                                                       |

### Minutes

**1. ELECTION OF CHAIRMAN**

Councillor Diggory Seacome was elected as Chairman.

**2. APOLOGIES**

None

**3. DECLARATIONS OF INTEREST**

None

**4. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE**

Phil Cooper, Licensing Officer, introduced the report as circulated with the agenda. An application had been received for a new premises licence at The Old Fire Station, St James Square, Cheltenham. A copy of the application was attached as Appendix A. The location of the premises and its internal layout were attached at Appendices B and C, and representations were shown at Appendix D.

The application sought authorisation for the following licensable activities:

- The sale and supply of alcohol from 10am to 11pm Sunday to Thursday and 10am to midnight on Fridays and Saturdays
- And the provision of late night refreshment from 11pm to 11.30pm Sunday to Thursday and 11pm to 12.30am on Fridays and Saturdays.

The Officer referred members to 2.3 of the report which listed the applicants' steps to promote the licensing objectives and which would form conditions of the licence if granted.

In addition to these, the applicants had agreed several other conditions following discussion with the council's senior environmental health officer, relating to the provision of public nuisance and these were listed in 3.2 of the report. As a result of these conditions the senior environmental health officer had withdrawn his initial representation.

The Officer confirmed that representations had been received from seven residents and these were summarised in 4.2 of the report.

The Officer advised the members that regard should be given to all of the representations made and evidence heard and to decide whether to grant the application as requested, to grant the application subject to conditions, or to reject all or part of the application, taking such steps as it considered necessary for the promotion of the licensing objectives.

In attendance were Mr Peter McDonald representing the applicant, The Pioneer (City) Pub Company Ltd and Mr Niall McCann Solicitor for the applicant.

As there were no questions to the Officer, the Chair invited the representative of the applicant or the Solicitor to speak in support of the application. Mr Niall McCann addressed the committee. He referred to a copy of the statement of case which had previously been circulated to members. He also showed pictures on a mood board to give the committee and residents an idea of the design and style of the proposed interior.

Mr McCann stated that they were pleased that there had not been representations from the statutory authorities and that the concerns raised by the senior environmental health officer had been addressed and that the statement of case would show that many of the concerns had now been alleviated. He stated that they wanted to convert this eyesore into a bistro and bar and felt it would be a great addition to the area. He hoped the customer base would be local residents, so they would listen to their views. He was aware that this was a mixed use area and knew there could be problems with outside drinking and smoking but stressed these were not appropriate to this application. Mr McCann was aware of the binding conditions on the licence and that if breached there would be legal implications, so assured residents they would abide.

In response to questions from members, the applicant gave the following responses:

- The establishment was essentially for eating and although the sale of alcohol could be separate, it was primarily a food led and not a drink led establishment.
- A planning application had been submitted for consideration and the premises would not be opened until all had been agreed. A meeting had already taken place with a Planning Officer who had advised on an issue with the glassed area that linked the two buildings together and they were seeking advice on this.
- Smokers would go down by the side of the building, which in discussion with the senior environmental health officer had seemed the best place. He pointed out that smoking was usually a problem when drinks were also allowed outside but it had been agreed with the senior environmental health Officer that no drinks would be allowed outside, so there should not be a problem.
- No one would be allowed to use the balcony.
- The party wall was a solid brick wall with a high level of insulation. Speakers would not be put on this wall and the applicant confirmed that only background music would be played, so it would not be loud music.

One member asked that as the kitchen was situated on the left hand side as you faced the building and in consideration to the neighbours, whether the extraction unit could be vented over to the right hand side to eliminate smells. The applicant replied that although the façade of the building was unfinished the extraction system inside had been completed and was the most up-to-date system with carbon filters so smells should be practically zero. He added that at present the system was hidden and that if it were to vent to the right it would have to go through the glassed area and thus would be visible and it would be unlikely that the planning department would be in agreement with this.

Several members were concerned about the location of refuse bins and them being left out overnight for collection. The applicant informed members that after consultation with the senior environmental health officer, there would be a rubbish store inside the building where refuse bins would be kept and thus noise alleviated when disposing of glass bottles etc at the end of trading. He also offered to have an amendment to the condition of no deliveries between 11pm and 7.30am, stating that refuse should not be put out until 30 minutes before collection. Members were happy to agree this.

In consideration to the neighbours, a member questioned the 8am opening on a Sunday and suggested this be later. The applicant was happy to agree to a 9.30am opening on Sundays.

The chair invited Rev Robin Littlewood of 3 St James Square and representing himself and Dr Liam Stanbury and Dr Rebecca Nicholson, who had made representations against the application, to address the committee.

Mr Littlewood raised concerns on the issues of the glass in the centre unit, the sound proofing, smoking outside, the thickness of the party wall, the storage of dustbins, the use of the roof terrace, the fire door and the air conditioning unit. Mr Littlewood requested confirmation that the conditions of the licence as set out in 2.3 of the report would be definite and the Officer confirmed in the affirmative that these would form part of the licence conditions.

The applicant responded to Mr Littlewood's concerns as follows:

- The glass in the centre unit would be technically very good strong glass and sound proofed.
- Smoking outside could not be banned, but he hoped it would be at a minimum as drinks were not allowed outside.
- The onus was on the applicant to ensure that the thickness of the party wall was sufficient so as not to breach a condition of the licence.
- As previously discussed there would be an internal refuse area and there would be a minor variation to the plan to include this. The applicant reiterated that he would be happy with the additional condition of not putting out bins until 30 minutes before collection.
- That the roof terrace was not in fact a terrace but just a roof and would remain as such. Mr Littlewood stated his concern was the height which was on a level with bedroom windows, but again the applicant stated that they didn't want anyone on the roof.

- On the plan it stated that the fire door should be kept open, but it was suggested that this should read 'unlocked' rather than 'open' and this would be amended.
- A large air conditioning unit was not planned, rather small comfort cooling, but if there was a unit it would go on the roof and be top of the range.

The Chair commented that as there were other similar establishments in the town where there had not been any problems, he could see no reason why there should be trouble there. The Chair asked if the Applicant wished to comment further, which he declined, however Mr Littlewood still had some points he wished to raise which were as follows:-

- Although he was pleased with the agreement not to open until 9.30am on a Sunday, he had concerns about extensions during Gold Cup Race week and other similar events.
- He had concerns about the enforcement of some of the conditions, especially condition no. 9 in 2.3 of the report about dispersal and he still had concerns about smokers.
- Refuse collection and deliveries was a major concern, as he pointed out that the pavements were not tarmacked and that Synagogue Lane was very narrow.
- He considered parking could also be a problem, as it was mainly double yellow lines and patrons may not wish to park in the nearby car park and pay parking charges.
- He felt that even though the applicant would endeavour not to cause any disturbance or unnecessary noise, that noise would be generated nonetheless from the general buzz of the premises.
- He said that although he welcomed the improvement to the area, he was concerned that if the licence was granted and if it was not a success, a precedent may have been set for a pub or club, and suggested a different use of the premises would be more acceptable.

On responding to these points the applicant reassured Mr Littlewood that they had their core hours and there would not be an extension for Gold Cup week and he agreed to draw up a dispersal policy prior to opening.

The Chair picked up the point about the narrow entrance to Synagogue Lane and suggested they didn't leave their wheelie bins there causing a problem to cars using the car park. The applicant agreed to consider where the bins could be left.

In summing up the applicant said he was grateful for the letters of support, said he could understand the concerns of neighbours, but would ensure all conditions of the licence agreement were adhered to.

The committee adjourned from the Chamber at 11.10am and reconvened at 11.21am when the chair read out the following statement.

“In respect of the application by Pioneer (City) Pub Company Limited in respect of the Old Fire Station & Engine House, St James Square, Cheltenham, the Sub-Committee has had regard to the statutory guidance issued by the Secretary of State, the Council’s adopted policy statement, the representations made and the evidence it has heard. In particular the Sub-Committee has sought to promote the four licensing objectives when determining the application, those being the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

The decision of the Sub-Committee is as follows:

To grant the licence as applied for subject to the following conditions being added to the licence:

- (1) No waste to be left on the pavement or in Synagogue Lane overnight;
- (2) The premises will not open before 09:30 on a Sunday

The Sub-Committee has placed these conditions on the licence for the purpose of promoting the licensing objectives.

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, they can report matters to the Licensing Authority, and that the licence can be subject to a review.”

The Chair thanked those present and expressed his appreciation to the applicant for the efforts made to reach agreement on various issues relating to the application.

Diggory Seacome  
**Chairman**