

## **Licensing Sub-Committee**

**Wednesday, 29th March, 2017**  
**2.30 - 3.20 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Diggory Seacome (Chair), Adam Lillywhite and Wendy Flynn
<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 AN APPLICATION TO VARY A PREMISES LICENCE**

Also in Attendance:

Mr Chris Manners, Finance Director of Dodo Pubs and Designated Premises Supervisor for The Bottle of Sauce; Clive and Debra Hixson and Sue Dodson, local residents.

Licensing Officer, Phil Cooper, introduced the report regarding an application received on 1 February 2017 by Arkell's Brewery Ltd to vary the premises licence of the Bottle of Sauce, Ambrose Street, Cheltenham. The application was to approve the following variations:-

- To extend the hours for licensable activities as listed in the table in 1.2 of the report on Fridays and Saturdays until 01.00 and on Sundays until midnight.
- To add the exhibition of films as a permitted activity.
- To add non-standard timings to the licence with the effect of extending the terminal hour for licensable activities to 01.00 on bank holidays and bank holiday weekends and race days during the March and November meetings.

The applicant had suggested putting in place a number of additional conditions to promote the licensing objectives, including a challenge 25 policy and closing the external courtyard to customers at midnight. These steps were listed in paragraph 2.3 of the report and conditions consistent with those steps would be applied if the licence was granted.

No objections had been received from any of the responsible authorities listed in the Act. However three representations were received from residents on the grounds of preventing public nuisance and these were included from page 41 onwards of the report pack. The objectors had asked for a reduction in the hours being applied for and a limit to the number of live music events permitted.

The Officer advised members that in considering the application, they must ensure the promotion of the licensing objectives the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm and, taking into account the representations, must decide to grant the variation as applied for, make amendments or add conditions to the variation, or refuse all or part of the application.

There being no questions to the Officer, the chair invited Mr Chris Manners, Finance Director of Dodo Pubs, Designated Premises Supervisor for The Bottle of Sauce and representative of the applicant Arkells Brewery Ltd, to speak in support of the application. Mr Manners informed members that the Bottle of Sauce had been operating for five months, had created 20 new jobs and was a financial asset and benefit to the local economy. At the outset, Gareth Jones Environmental Health Officer, had advised Mr Manners to apply for TENs (Temporary Event Notices) when he wished to trade for longer periods, so that he could prove a track record before asking the committee to extend the licensable hours. This he said they had done since November and although this had been expensive, it was a necessary step for peace of mind and had gone well. Mr Manners stated he was conscious of the conditions applied to the licence and was fully aware of containing noise, keeping doors and windows shut, closing the garden area at 23.00 hours etc, to limit public nuisance. He felt he was reactive to any issues raised and had employed door bouncers to ensure glasses were not taken off the premises and that clients left the pub quietly and respectfully, following a complaint from Granley Blinds. Mr Manners further informed members that in the next few months hotel rooms above the premises would be opened, so noise would be contained so residents of the hotel would not be disturbed. He felt that the Bottle of Sauce was a cultural asset to that part of the town which he wanted to build on by hosting events for the jazz festival and similar. He reiterated that he was approachable and contactable should there be problems with the extended hours.

In reply to questions from members, Mr Manners confirmed that doors would be open to let people in and out but that the garden fire door would be kept closed. A member questioned whether external speakers were necessary, to which Mr Manners stated that these were in the middle in the courtyard and would be turned off at midnight. He felt they were not a loud source of noise, but concurred that they could be turned off earlier and turned to a lower level. Mr Manners confirmed that there were two door staff at the premises from early evening till close on Friday and Saturday evenings and that the capacity of the premises was 280 people. He explained the layout of the premises to members and confirmed that there was air conditioning in the canteen but not in the rest of the pub. He added that there were extractor fans and that the installation of air conditioning was being considered. When asked about smokers, Mr Manners stated that he wanted them to go outside to the front of the premises, where they acted more responsibly as policed by bouncers. If they stayed in the courtyard they became more raucous.

A member referred to the premises formally known as The Quaich and questioned when it was taken over. Mr Manners replied that after the Quaich shut, it was taken over in April and the premise was closed for six months. Refurbishment took place in October and November and it opened as The Bottle of Sauce in November 2016. The member asked the local residents present if they had experienced any noise from the premises as The Quaich. Two of the residents had only moved into the area since The Quaich closed and the other resident stated that The Quaich had not been very popular so there had not been much noise. She continued however to point out that a ceiling had been pulled out during the refurbishment and that the furnishings were hard and minimalistic, which all contributed to the noise levels.

The Chair asked the three residents if they wished to express further their objections. They felt that in the summer months with warmer weather the noise levels would be worse, as they felt the pub would not keep all its windows shut and likewise their own windows might be open, so the constant boom of the music would be more audible. A member felt there were sufficient buildings between them to block the noise, but the residents stated they were on the front elevation and on the 2<sup>nd</sup> and 3<sup>rd</sup> floors which were above the height of the neighbouring chapel.

There being no further questions the applicant was asked to sum up. He stated he wanted the pub to be a cultural asset to the community and didn't want to create issues. He felt that in relation to the location of the objectors' houses that the main noise came from the main bar area and not the courtyard on the other side. However he stressed he would try and contain the noise as much as possible and urged local residents to contact him directly with any issues they might have so that solutions could be discussed. Mr Manners was happy to give out his phone number and email address. He wanted to create a venue with a cultural edge that stimulated and attracted people of a more mature demographic age.

The sub-committee adjourned from the Committee Room at 14.55 to consider the matter and reconvened at 15.15, when the Chair read out the following statement.

In respect of the application by Arkells Brewery in relation to The Bottle of Sauce, 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, the prevention of public nuisance and the protection of children from harm.

The decision of the sub-committee was as follows:-

- To grant the licence as applied for relating to the extension of hours
- To grant the licence as applied for relating to the exhibition of films
- To approve the non-standard timings

Subject to the following conditions:-

- Windows to remain closed all the time
- Doors not to be propped open
- Speakers outside to be turned off at 23.00 hours not midnight
- Indoor music until midnight every day.

All other conditions as suggested were accepted and were to be delegated to Officers to word in terms that were enforceable.

The sub-committee had placed these conditions on the licence for the purpose of promoting the licensing objectives.

In all respects the sub-committee found that the licensing objectives were satisfied and that the conditions imposed on the licence would ensure the licence met these objectives.

The interested parties were reminded that should the applicant fail to meet the licensing objectives that they could report matters to the licensing authority and that the licence could be the subject of a review.

The Chair added that the proposal to turn the venue into a hotel might self-regulate the issue of noise and advised the applicant to investigate installing air conditioning in the premises for the summer months.

Diggory Seacome  
**Chairman**