

Licensing Sub-Committee - Miscellaneous

Wednesday, 5th August, 2020

3.00 - 5.05 pm

Attendees	
Councillors:	David Willingham (Chair), Simon Wheeler, Tim Harman (Reserve), Jo Stafford (Reserve) and Roger Whyborn (Reserve)
Also in attendance:	Louis Krog (Licensing Team Leader) Vikki Fennell (Legal Officer)

Minutes

1. APOLOGIES

Apologies were received from Cllrs. Seacome and Collins. Cllrs. Harman, Stafford and Whyborn were present as reserve members.

Cllr. Stafford left the meeting at 5pm, after all the regulatory decisions had been made.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING

The Chair stated the intention to defer signing these minutes until the next meeting of the full licensing committee in September.

4. RENEWAL OF HACKNEY CARRIAGE LICENCE - ROBERT HAWKES

The Chair explained the process to the applicant.

The Licensing Team Leader then presented the report as published in the agenda, explained the options that were laid out in the report and drew member attention to the extract from the policy regarding notifying the Council of any points that are awarded.

The Chair then asked if Members had any questions for the Licensing team leader, they were as follows:

- How long has the applicant had a licence and has there been any record of any other incidents logged against Mr Hawkes.
- Were the points declared on the renewal form.

The responses were as follows:

- The applicant has been a driver since June 2017 and has no other incidents logged.
- The points were declared on the renewal form.

Mr Hawkes was then asked if he had any questions for the licensing team leader, he didn't but wanted to say that he forgot to notify the Council about the points when they were awarded.

Mr Hawkes then spoke and put his case. He explained that he completely forgot that he had to declare points.

Members asked the following questions:

- By how much were you exceeding the speed limit?
- Do you receive communications and reminders from the licensing department regarding notifying the authority if you receive points on your licence.
- It is concerning that you weren't aware of the speed limit and the frequency that these events happened. What steps are you going to take to avoid future breaches? Would you consider a speed awareness course?
- Have you had the opportunity to do a speed awareness course previously?
- Is there cruise control or a speed limiter in your vehicle?

Mr Hawkes' responses were as follows:

- The speed limit was exceeded by just over a few miles over the hour on each occasion.
- As far as he remembers no reminders are received, he stated that he tries to be honest.
- Would be more than happy to go on a speed awareness course will do anything that means he wouldn't have to go to committee again. He has realised how important his licence is to him.
- He confirmed that he did take a police speed awareness course approximately 10 years ago.
- He confirmed that he does have cruise control on his vehicle.

The matter then went to Member debate:

- The committee is not there to punish it is there to decide that the applicant is a fit and proper person. One more speeding fine and the matter will be taken out of the committees hands and he will lose his licence anyway.
- The applicant seems contrite for his 3 regrettable mistakes no reason not to renew.
- As the applicant was using a dual use vehicle with no passengers happy to confirm fit and proper with a possible written warning.
- A point for licensing could we maybe communicate with drivers maybe once a year to remind them that they have to declare any points that they are awarded. The Chair confirmed that the matter is published in the Trade Times, but is minded that this could be a suggestion at the next licensing committee.
- Revocation seems disproportionate, could committee condition that the applicant goes on a speed awareness course. Licensing team leader confirmed that the committee can act as it sees fit, can grant subject to an assessment within a certain time frame, if the applicant doesn't complete the course can bring him back to the committee. Licensing team leader also confirmed that there are places in the South West where you can book onto a driver assessment.

- The Chair asked which Members would prefer a written warning or a written warning and a speed awareness course. The driving assessment was proposed and seconded.

The Legal Officer then went to the vote:

1.4.1 – grant the application with no further action

For: 1
Against: 4

REJECTED

1.4.2a – grant the application with the understanding that Mr Hawkes undertakes a driving assessment at his own expense.

For: 5

GRANTED – see below

“Grant Mr Hawkes hackney carriage drivers licence for a further 3 year period, if the committee is satisfied that he is a fit and proper person but that he successfully, and at his own expense undertakes a speed awareness course within 3 months of the committee resolution date”

The Chair then thanked Mr Hawkes for attending the meeting and confirmed that the licensing department would be in touch in within a few days. Mr Hawkes then left the meeting.

5. APPLICATION FOR PERMISSION TO PLACE TABLE AND CHAIRS ON THE HIGHWAY

The Chair confirmed that both the applicant (Mr Stephens) and the objector (Mr Harding) were present. He then explained the procedure to both parties.

The Licensing Team Leader introduced the report.

The Chair then asked the Members if they had any questions for the Licensing Team Leader, as follows:

- Clarification of whether the new tables and chairs will block the entrance for the Regent Arcade.
- The sketch shows that the tables and chairs are in the top left hand corner but the other plan shows them on the entire length of the entrance.
- Point to start, they don't cross Ormond Place therefore does the arcade have the right to refuse.
- Are the table and chairs in the top left blocking anything? Is the main entrance required - access to and from the cinema.

The responses from the Licensing Team Leader and Legal Officer - were as follows:

- The entrance to the cinema and the fire exit will be opposite, objector will need to inform the committee how the tables and chairs will partly obstruct the door to the left but the other doors will not be obstructed.
- The application can not affect the tables and chairs that are already there, the ones on the plan towards Regent Street and by the arcade are additional.
- As the tables and chairs don't cross the centre of the highway the Regent Arcade are able to object to the application but are not able to refuse consent as it doesn't cross the highway that's why the matter is at committee.
- The corner where the tables and chairs are proposed has nothing in it, the benches and the cycle racks have both gone, there is no obstruction.

The Chair then gave the applicant the opportunity to question the Licensing Team Leader – the applicant confirmed that he had no questions.

The objector asked the following question:

- When does the current licence expire.

The Licensing Team Leader confirmed that it expires on 27/11/20.

The applicant then was asked to present his application and made the following points:

- During these difficult times they have had to remodel their business to be more food orientated to survive.
- They have taken the window shop over on the corner (formally Chanticleer) to become another bar and restaurant.
- There used to be a firebox in the corner where the proposed tables and chairs will be, this has now been removed since the redevelopment at the arcade.
- Now that the benches have been removed there is the opportunity to make the area a bit more alfresco and cosmopolitan. Which should add value rather than detract.
- Access to the arcade is now bigger and the Aquavitae banner will be in line with that.
- Due to the current situation the outside tables and chairs must comply with social distancing.
- The corner tables and chairs will ensure clear footfall.
- Wall to wall the gap is 10.5 metres, at the peak the tables and chairs take up 2.7 metres which gives more than enough space for emergency vehicle access, however if an emergency does occur then all the fixtures are moveable so can be moved at very short notice.
- The bar applies for a temporary entertainment licence for Gold Cup week every year, which includes permission to set up early, there were not any complaints or feedback.
- The current licence commences at 9.30 however the bar does not open until 5.30.
- There has been a concern raised regarding the chairs and tables causing a problem for visitors and locals, however the applicant wishes to attract the same clientele as the arcade.
- There is concern over health and safety issues, they brush the outside area and also pay for Ubico to jet wash the area.

The Chair then asked the Members if they had any questions for the applicant, there were none so the objector was then asked to speak.

The objector then made the following points:

- Their main reason for objecting was on health and safety grounds.
- Canada Life has invested a substantial amount of money upgrading the pavements on Ormond Place despite the applicant stating that the area is professionally cleaned however after lockdown there were shovels full of glass that had to be cleaned up.
- A question was raised as to why the drinks outside are served in glass and not plastic.
- As part of the redevelopment of the Arcade the cinema will hopefully be open in the late Autumn there is concern that the plans for the new tables and chairs will block the entrance and that cinema goers wont want to weave through the drinkers as they enter or exit the cinema.
- There was a concern that the car park income from the Arcade car park would be affected.
- There was clarification issued that the street furniture that has been removed will be returned to the area.
- The objector wants to work in harmony with the applicant but believes that the implications out weigh the benefits

Members then put their questions to the objector as follows:

- When the street furniture is re instated and with the new tables and chairs will emergency access be a problem?
- Is there a conflict of clientele with the cinema and Aquavitea?
- Will the tables and chairs effect the thoroughfare?

Answers were as follows:

- Gloucestershire County Council will do an assessment when they return the street furniture to make sure that the emergency access will be unaffected.
- There is a conflict of clientele as there is a cinema in Bath similar to the one that will be open in Cheltenham and families tend to be there between 8 and 9pm.
- In the past there has been obstruction of the thoroughfare but this has not affected the Arcade as it has been shut at the time.

The matter then went to Member debate and the following points were raised:

- The objector seems most concerned about the busy periods during Race Week when the whole town is busy and people cant get in and out of shops and bars easily. The scenario with the new cinema will be very similar to the set up at the Brewery with Cineworld and the restaurants there and that seems to work well for both parties.
- During these difficult times the applicant has had to change his business, at the moment you can not go into a bar or pub without booking, felt that we need to support as this plan will allow people to be safe.
- There needs to be a change in businesses as places need to expand their seating and be Covid secure.

- Some concern over the access and the cinema, there is a need to manage the cinema goers and drinkers.
- As there is no need for cinema goers who have used the Arcade car park to leave the Arcade to go back to their cars this is a positive thing.
- Historically on the site in the 1800's there was a riding school and stables, in the 1900's there was a road and 2 cottages therefore the Arcade is not a frontager.
- The tables and chairs as laid out in the plan do not obstruct the walk way, however the licensing committee can not control the public realm.
- The issue of smashed glass found after lockdown can not be blamed on the bar as it could have come from anywhere as it is a public space.
- We may need to look at the matter again once the street furniture is re instated to see how the tables and chairs fit.
- There was disappointment that the two parties could not come to agreement together.
- There was a question as to whether there could be a condition added to the application due to the distance and what the committee can do regarding the street furniture. The Licensing Team Leader explained that this comes under the highways act and is not the concern of the committee.
- There was a point raised as to how long the grant of the application will last for, the Licensing Team Leader explained that it is for a year but can be bought back to the committee sooner.

The Applicant was then given the right of reply:

- As a given there is in house security and door staff, currently there is a minimum of 2 on a Friday and Saturday night, however when things return to normal there will be a minimum of 5.
- If anyone goes beyond the barriers staff will do their best to move them to the area within the barriers.
- The fixed seating wasn't supposed to be reinstated however the applicant will do his best to comply, the doorman will protect the wellbeing and safety of clients.
- Would like the area to be like the Brewery for mutual benefit to both the Arcade and Aquavitae.

The Legal Officer then went to the vote:

1.4.1 – to grant

For: 4

Abstain: 1

GRANTED

The Chair closed the matter by stating that the committee was only there as an arbitrator of last resort. Everyone wants the town to thrive and people need to work together.

The licensing team will contact the applicant in due course.

Councillor Stafford left the meeting.

6. BRIEFING NOTES

The Licensing Team Leader introduced and explained both briefing notes.

7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION

The Chair confirmed that as discussed at Council following the robust debate regarding sexual entertainment venues he has written to MP's and ministers, the letters are published in the Agenda.

Meeting ended at 17.05.

David Willingham
Chairman