

# **Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes**

**Meeting date:** 22 May 2023

**Meeting time:** 14:00 – 16:00

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**In attendance:**

**Councillors:**

Diggory Seacome, Simon Wheeler and David Willingham

**Also in attendance:**

Sarah Farooqi, Jason Kirkwood (Licensing Team Leader) and Phil Bowen (Senior Licensing Officer)

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## **1 Election of Chair**

Cllr Dr David Willingham was elected as Chair of the committee.

## **2 Apologies**

There were none.

## **3 Declarations of interest**

Cllrs Willingham and Seacome declared that they had made a site visit.

## **4 Determination of Application for a Premises Licence**

The Licensing Officer introduced the report as published.

There were no questions from the objectors, applicant or Members.

The objectors were then asked to address the committee and they made the following points:

- Very aware of the area as has lived in Cheltenham for a long time.
- Upper Norwood Street does not need a nightclub, a nightclub will bring issues to the area, people do not want extra noise.
- The residents were happy with what was there before but believe that this is not the right area for a night club.
- There were more people that he has spoken to who were too frightened to put in an objection.
- Cheltenham is not bereft of drinking establishments but there does seem to be a shortage of services like doctors and dentists.

One Member questioned the objector as to whether there were residences above the site and the objector confirmed that there were and also opposite.

It was also queried by a Member why the objector was referring to the site as a night club when it only was applying for a licence until 11pm. The objector said that 11pm was too late for the property to be open and that it will turn into being a nightclub with an extended hour here and there.

The second objector was then asked to address the committee, she made the following points:

- As she lives on Great Norwood Street she has concerns mainly to do with the live music. If there is loud music that will be heard through the wall and effect the way that she lives her life.
- There are plenty of empty properties on Bath Road that could be used for this purpose.
- There was also concern about the amount of drunk people that will be in the street which will not make her feel safe and there will possibly be public urination.
- There are a mix of residential properties and shops and cafes in the area but none of them are open at night.
- There is already a large amount of noise from the renovation, whereas this is not the applicants fault it could be an indication of what is to come with a noisy bar.

A Member then asked if there had been any problems from the Suffolk Arms or the Retreat to which she confirmed that there had been, however not right below her children's bedroom window, she believed that there should not be alcohol near where there are children.

The previous objector then spoke and said that the Suffolk Arms has always been there but this application is introducing a menace to the existing neighbourhood. There are people that walk passed but that is not too much of a problem, he stated that the Bath Road is a much more suitable venue.

The Chair explained that the committee is only there to determine the application before them not discuss the empty properties that are in different areas.

One Member asked the objector if she purchased her property whilst the Indian restaurant was in the property, she said that the property was vacant then and she wouldn't have bought the property if a bar had been there.

The applicants solicitor was then given the opportunity to address the committee and she made the following points:

- The application is for on and off sales of alcohol , the nature of the premises will not to be as a nightclub.

- The idea of the business is to attract a co-operative wholefoods style shop with occasional live acoustic music.
- The DPS is an experience licensee having previously been at the Beaufort Arms.
- The premises has been lovingly restored with exterior paint matching the original colours and there will be soundproofing.
- The two tenants that live upstairs did not put in any representation regarding the application.
- The premises will serve cocktails and non-alcoholic cocktails, there will be no vertical drinking at the premises.
- There is a kitchen and seating area downstairs along with the toilets.
- There is a patio which is a sun trap – there will be no music played outside.
- Recycling will be done daily but not late at night or early in the morning.
- Environmental health have not made any representations and the conditions with the police have been agreed.
- Had the applicant been contacted by the objectors she would have been happy to discuss their concerns.
- The applicant would be happy to offer two further conditions 1) that during the performance of live music at the premises the DPS or person nominated by them will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises. 2) the during the performance of live music that doors and windows shall be kept closed except of access and egress. The DPS or a person nominated by them, shall ensure that the door and windows are maintained closed as far as possible when live music is taking place.

The responses to Member questions were as follows:

- Where as there can only be one DPS holder there will be a deputy and either the holder or the deputy will be on site at all times.
- The premises is looking to have live unamplified music once or twice a month.
- The application is for the premises to be open until 11pm but the live music will go on no later than 9pm.
- The supply of alcohol would be from 10am – 11pm although service of drinks will finish at 10pm and there will be drinking up time.
- All customer would be removed from the premises by 11 although the applicant then explained that most days they will be intending to closed by 8.30pm unless there is a festival or something similar going on in the gardens.
- They see the business as mainly a sale of provisions business rather than a sale of alcohol business.
- It was explained to the committee that sales will be upstairs and the lower ground will be seating.
- The conditions that were made by the police were described as follows: CCTV at the entrance and exit and to be maintained, the date and time must be on the recording, any person on the premises must be trained in the operation of CCTV and able to produce information as and when required, an incident to be kept and no standing at the bar with no vertical drinking on the premises and seated drinking at all times.

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

- A lot of the application is down to perception, the applicant appears to have applied for the maximum that they might need which will not be the normal opening hours. The applicant seems to want a quiet and respectful business which appears to be very different to the business that the objectors are talking about, there is middle ground to be found and would not hesitate in approving the licence.

- The objector has called this an application for a nightclub which having listened to the applicant it clearly is not. It is not a material concern that the premises may affect property value. There were no objections from the highway authority. The objections with regard to noise are covered under the Licensing Act.

The matter then went to the vote to grant

**FOR: 3**

**GRANTED**

**5 Any other items the Chairman determines to be urgent and which requires a decision**

There were none.