

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 20 February 2024

Meeting time: 6.00 pm - 6.55 pm

In attendance:

Councillors:

Tim Harman, Izaak Tailford and Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

It was agreed prior to the meeting that Councillor Wheeler would Chair the committee.

2 Apologies

There were none.

3 Declarations of interest

Councillors Tailford and Harman visited the site.

4 Determination of Application for a Premises Licence- 284 High Street

The Licensing Team Leader introduced the report as published.

There were no Member questions for the Officer and none from the agent on behalf of the applicant.

In response to a question from the objector the Officer explained that they could present their objection as it only amplifies and clarifies the representation that they made.

The objector then addressed the committee and made the following points:

- The police report does not reflect what it is like living in the area with broken bottles, homeless people on the doorstep, needles, and windows that have been smashed.
- At the weekend groups of teenagers hang around outside the shop next door to the entrance of our home. This feels unsafe as there are kids dumping bikes and behaving badly. Have had to navigate around drunks and have had to call the police on a number of occasions.
- Drunk race goers have found their way into the alleyway and urinate and defecate there.
- A Sri Lankan super-market to one that sells alcohol changes the type of clientele and problems it will bring. These venues that sell alcohol do not deal with the aftermath of drunk people.
- There are several children that live above the shop and suffer disturbed sleep as a result, nothing is more important than children's welfare. The longer opening hours would have further impact on this.
- Current freeholder added residences above the business. The business should reflect tenants' rights. By offering these long opening hours they do not believe the landlord will be fulfilling their own covenants.
- Selling alcohol will bring trouble to the entrance of the property and the other family were unaware of the licence application along with other next-door neighbour.
- Granting a licence will cause public nuisance in the area, there are already two other stores which sell alcohol and they have people who can disperse trouble and there are no residential buildings above Tesco. The Family Shopper is far removed and they have concrete dividers which gives better soundproofing than we have.
- The lack of soundproofing in our property would be in contravention of building control regulations.

A Member asked the objector about the gate at the property and provided the following response:

- Through the gate there is no passageway there is the stairs up to our flat and the other flat. The council installed gates in the community behind us which, has lowered the crime rate of people passing through but people now hang out rather than being an escape route.

The agent on behalf of the applicant addressed the committee and made the following points:

- Convenience store with off licence provision is a pleasantly designed store, will be a benefit for residents.
- The applicant has invested a lot into the layout and design of the shop, additional lighting, further employment. Applicant has similar stores in Tewkesbury, 10 years' experience and none of his businesses have attracted the attention of any responsible authorities.

- Each application should be decided on its merits, it is a quality application correctly conditioned and minimises the potential of any licensing objectives being undermined.
- Operating schedule shows it will promote the licensing objectives, can only refuse if the evidence shows business cannot meet licensing objectives.
- No evidence to criticise the operating schedule applicant and no history of disorder involving this shop.
- The police, trading standards, children services, and environmental health have all not objected.
- Neighbours objections are based on grounds of anti-social behaviour and lack of need for another shop selling alcohol. Availability of alcohol changes nothing and will not cause more issues. What happens away from the shop is not the applicants responsibility. Applicant has not sold alcohol to anyone under-age, implementation of challenge 25 and staff are regularly trained. No evidence to show that the applicant has sold to wrong people.
- Business cannot be blamed for existing problems in the area with anti-social behaviour. There will be notices asking customers to leave quietly.
- Applicant has served information on evidence of sound insulation being fitted to the roof of the premises. As there is no entertainment included in the application the sound insulation is not relevant to the licensing objectives.
- The need for another premise selling alcohol is not a licensing matter.
- May have been historic issues with alley but is nothing to do with the applicant and the applicant will offer to put a keypad on the gate for residents use only.

A Member welcomed the two areas of comfort regarding the sound insulation and the keypad for the gate.

A Member asked the applicant about the offer of putting a keypad on the gate and the applicant provided the following response:

- The applicant is not sure who owns the alleyway, many people use it and it is left open. If it gives the committee reassurance he has offered to put key fob on so - that everyone can use it and it will deny unauthorised access to the alley.

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

- Walked past the shop and is aware of the anti-social behaviour in the area.
- Welcomes the keypad on the gate, if that is possible.
- Good news on the gate and hopes it can come to fruition as unable to condition it.
- Having CCTV and the premises being open will add presence which may deter anti-social behaviour.
- Does the shop need to be open before 9am, would this alleviate neighbours' concerns.

The applicant has asked for hours from 7am due to people working shifts. We would like 7am-11pm, alcohol sales between 7&9am is not the substance of the objection before you.

A Member said we cannot blame a future business for problems that currently exist. However, if it is proven in the future that the business is causing harm, the committee has the authority to review its licence.

The applicant was given final right of reply and made the following points:

- Building regulation inspectors have already been into the premises and the sound insulation is sufficient to mitigate any noise.
- Not insensitive to neighbours' concerns as applicant has made the offer for the keypad on the gate.
- Request that you grant licence with the conditions and any others the committee sees fit to impose.

The matter then went to the vote grant the premise licence:

The vote was unanimous to grant.

The legal officer said for clarity that the committee cannot condition the keypad on the gate. However, it is minuted that the applicant has offered this and will liaise with the neighbours.

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

There were none.