

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 18 October 2023

Meeting time: 6.00 pm - 7.00 pm

In attendance:

Councillors:

Tim Harman, Julie Sankey and Diggory Seacome (Reserve)

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

Councillor Seacome was elected as chair for the committee.

2 Declarations of interest

There were none, however Councillors Harman and Seacome had been on a site visit.

3 Determination of an Application for a Variation of a Premises Licence

The Licensing Team Leader introduced the report as published.

There were no Member question for the Officer and none from the applicant.

The legal representative for the applicant then addressed the committee and made the following points:

- The Nook is a high end up market restaurant operating on the 5th floor of the Quadrangle.

- It has been operating for 12 months already and has been successful in the region and is a popular place to go.
- It is not a cheap place to go in that - it is priced keenly and this will continue going forward.
- They feel that in line with the needs of the local area they need to alter their current licence
- The premises is known locally for its high end offering.
- They are not surprised that there have been complaints from the local residents as the media publicised the extended hours as the Nook turning itself into a night club which is not the case, they will continue to offer the same as they do now just for an extra 2 hours.
- They are a fine dining and drinking establishment with occasional entertainment.
- There is a large electric piano which is a hint of the style of operation that they run.
- The aim is definitely not to turn the property into a night club.
- The residents were right to express their concerns, noise, nuisance and public disorder go hand and hand with the night time economy, but these worries are not attributable to this premises.
- They have engaged with environmental health and the police and those conversations helped frame the application and the licensing objectives were at the forefront of its mind.
- To date there have been no complaints to either the police or environmental health and they wish that to continue.
- They wish to continue to run the business as they always have and they want to be good neighbours to their neighbours. It is a nice part of the town and they wish to protect the tranquillity.
- They have used TEN's already for private weddings, parties and hosted the jazz festival until 2am without incident.
- They have tested music at a loud volume and been outside on the ground of the premises and there was no sound at street level.
- Not everyone leaves the premises at the same time and they believe that the extended hours will dilute people leaving further. The lift only holds 6 people at a time so at its busiest 6-7 people leave every few minutes.
- There is a robust dispersal policy in place and noise nuisance is at the forefront of the operation.
- There are notices displayed and security staff.

The matter then went to Member questions, the responses were as follows:

- Although they are asking for extended hours every day the reality is that will probably not happen.
- Operationally there will be circumstances where it will be impractical to open those hours and there will be no market for it. However there will be circumstances within the year when it will be helpful – especially Cheltenham Festivals.
- There is no vertical drinking on the property and there has been no serious complaints that would affect the licensing objectives.
- When the papers were submitted they did consider entering an incident log – however there is nothing on it.

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

- The property bears no resemblance to any nightclub.
- People are often influenced by experiences of other establishments which are not run as well as they might be.
- The outside area has no impact on the neighbouring area, there has been no complaints. There are no speakers outside the property and there are no plans to install them.
- There is no vertical drinking outside where the tables are so there is no extra noise.
- The piano inside is nice and will not impact the outside areas.
- They have agreed at the residents meeting that there will be a phone number available to residents if there are any complaints. This was already discussed at a meeting with the residents.
- There has never been anyone escorted from the premises, and admittance has only been refused once.

The matter then went to the vote to grant with the police condition that had been previously agreed being added to the licence.

The vote was unanimous to grant.

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

There were none.