

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 4 June 2025

Meeting time: 1.30 pm – 14:50

In attendance:

Councillors:

Dr Steve Steinhardt, Simon Wheeler and Dr David Willingham

Also in attendance:

Jacob Doleman (Licensing Officer) Vikki Fennel (Senior Lawyer – One Legal)

1 Election of Chair

Councillor Wheeler was elected as the Chair prior to the meeting.

2 Apologies

There were none.

3 Declarations of interest

All Members present had attended a site visit to the premises.

4 Determination of a New Application for a Premises Licence

The Licensing Officer introduced the report as published.

The responses to Member questions were as follows:

- 10 am will be the start of the hours that the applicant can sell alcohol.
- The premises is classed as being located in the town centre area.

- The applicant queried the times listed for the sale of alcohol in the report with the Licensing Officer, as these were not the times detailed in the application. The Licensing Officer confirmed the sale of alcohol would be permitted from 09.00-23.30 Monday – Thursday, if the application was granted.

There were no questions from the applicant or the objectors in relation to the report.

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

- The main concern was that the premises will create a noise problem for the residential properties.
- The requested hours seem too long, they were hoping that there would be a better balance between the premises and the residential properties.
- There were concerns that if outdoor seating is allowed at the premises this would have an effect on the residential properties in the area.

The Licensing Officer explained to the objector that if the premises did want tables and chairs there would have to be a separate application and that would be looked at as a separate issue. Any conditions imposed on the premises regarding the external areas, however, would take effect regardless.

The responses to the Members questions to the objectors were as follows:

- There were complaints made to environmental health in relation to the previous tenants. There were also complaints with regard to the noise level from the outside seating.
- The conditions suggested by environmental health were not as concrete as the objectors would have liked. There remains to be concerns about the amount of noise that will be created by customers leaving the premises.
- The objectors were advised to contact the licensing department or environmental health with any complaints about noise should the application be granted.

The applicant then stated that there would be a decibel meter installed at the property. He also clarified that they may look at an outdoor seating area. They want to have a good relationship with the residents and the businesses in the area. The restaurant will be on the first floor.

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

- The premises will be a small tapas restaurant. The music will be background ambient music, the imagined scenario is this will be a venue where people can still talk across the table at a normal level.
- Whilst at the Q&A with residents they have offered the mobile number of the DPS to enable them to have immediate contact with someone if there is a problem with noise at the premises.
- They want the restaurant to add value to the community, Montpellier is a really nice area and they support keeping it that way.
- The last place that operated from the premises was not good for the community and they want to be the opposite.

- The applicant really believes in dealing with situations head on which is why they held the Q & A session, this session seemed to quell some of the residents fears.

The responses to Member questions were as follows:

- With regard to the Q & A session this was held at All Bar One at midday the previous week. It was advertised in the windows of the premises and there was a leaflet drop to nearby residential premises. The issues of noise and rubbish were both addressed. There was the understanding that the premises will be a restaurant and not a bar. The session seemed to quell the concerns of the objectors.
- The sound of the music will be set at 50 decibels which will be adequate for the purposes that they want. There will be decibel meters installed.
- They will put in all the mechanisms that are required with regard to sound.
- Sound from customers leaving the premises will be monitored, also the noise level from smokers standing outside.

The responses to the objectors questions were as follows:

- The sale of alcohol will cease prior to closing and then there will be a 30 minute drinking up period.
- The business is a different type of business to the other types businesses in the area, they are aware that there have been complaints about noise in respect of the other properties in the area and they do not want this.
- The 1am closing time is based on travel through Europe and the closing time is based on how successful these types of restaurants are there. The Applicant stated that he is hoping to bring city living to Cheltenham.
- The premises will be a late night bar where customers can have wine and tapas. It will be a premises where you can be sociable with friends rather than a bar to get drunk in.
- When the business opens hopefully the residents will see that there will be no issues.

The applicant was given the right to reply, they had nothing else to add.

The Members and Senior Lawyer retired to make the decision notice as follows:

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing and the written representations of the Other Persons received who were not present at the hearing; the provisions of the Licensing Act 2003, the obligation to promote the four licencing objectives; the relevant sections of the Council's Statement of Licensing Policy and the Statutory Guidance it was resolved that the premises licence be GRANTED in accordance with the application set out, subject to additional conditions agreed with Gloucestershire Constabulary and the Environmental Health Authority being added to the licence.

The reasons behind this decision were as follows: -

- The opening hours mirror other establishments in the area

- The Applicant has been willing to engage with local community and has already done so
- The Applicant has agreed conditions in advance of the committee with the two responsible authorities
- The Committee considered the PSED as disability had been raised in one of the objections. The objector had not attended and if the committee deemed that if they were to be in the premises opposite this establishment is not a nightclub, the objector has chosen to live a town centre location, there will be no low frequency vibration going through the walls and the noise level was likely not to be an issue
- The premises is in the designated town centre area so it would not be reasonable to refuse on that ground
- The Applicant had taken less hours than entitled to and there was nothing to say they need to use those hours all the time
- The Applicant has moved position to try and respond to those that have engaged with them
- Some of the objectors seem to have misunderstood the aim of this being a food linked business, it is town centre and the business can only be responsible for those on their premises not those passing by on the street
- The Applicant has been responsible applicants from what the committee have seen
- Environmental Health can monitor if there were to be issues and it is open to review if there are issues
- The Applicant is actively looking to monitor it themselves which suggests they are a responsible licensee
- The Applicant has held a consultation which is a very positive action by the Applicant – they have tried to have community engagement with the residents to dispel any misunderstandings, it seems that the Applicant has been tarnished with the brush of previous licensee who had different business model.

5 BRIEFING NOTES

There were none.

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

There were none.