

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 12 November 2019 commencing at 10:30 am

Present:

Chair

Councillor E J MacTiernan

and Councillors:

P W Ockelton and M J Williams

LSB/A.5 ELECTION OF CHAIR

5.1 It was proposed, seconded and

RESOLVED That Councillor E J MacTiernan be appointed as Chair for the meeting.

LSB/A.6 ANNOUNCEMENTS

6.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/A.7 DECLARATIONS OF INTEREST

7.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

7.2 There were no declarations made on this occasion.

LSB/A.8 APPLICATION FOR A PREMISES LICENCE - 9 CHURCH ROAD, BISHOP'S CLEEVE

8.1 The report of the Senior Licensing Officer, circulated at Pages No. 1-71, outlined an application for the variation of a premises licence in respect of 9 Church Road, Bishop's Cleeve, Cheltenham, Gloucestershire, GL52 8LR. The Licensing Sub-Committee was asked to determine the application by either granting the application; modifying the conditions on the licence; or refusing the application.

8.2 The Chair asked all parties present to identify themselves and explained the procedure that would be followed by the Sub-Committee. The Senior Licensing Officer advised that an application had been received under the Licensing Act 2003 relating to a new premises licence at 9 Church Road, Bishop's Cleeve. The application sought authorisation for the sale of alcohol between the hours of 1000 and 2300 every day. As part of the application process, the applicant had provided an operating schedule which set out the steps he intended to take to promote the four licencing objectives as set out at Page No. 3, Paragraph 2.3 of the report. The licensing objectives were: the prevention of crime and disorder; the prevention of public nuisance; the protection of children from harm; and, public safety. Whilst no

representations had been made by any responsible authorities during the consultation period, five representations were received from other people in relation to the application and they were set out at Appendix C to the report. The applicant had provided a response to some of the comments made which was circulated around the table. As a consequence of the representations the application had been referred to the Licensing Sub-Committee for determination. The Sub-Committee was asked to determine the application either by granting the application as requested; modifying the conditions of the licence; or rejecting all, or part, of the application.

- 8.3 As there were no questions for the Senior Licensing Officer, the applicant was invited to present their case. The applicant explained that the premises was previously a café which had closed approximately a year before he had taken over due to the owner retiring as a result of ill health. He felt it was time to bring something to the village to benefit the community and breathe some life back to the High Street. It was a small establishment with a capacity of 50-60 and was intended to be a wine bar/café with background music at a level that would ensure people could still have a conversation. He stressed that he was not looking to compete with the two public houses in the area, one of which was sports focused and the other music oriented, his ethos was very much around supporting local businesses and he intended to stock drinks made by local distilleries, for instance, Cotswold Gin and Brennan and Brown which did not have outlets currently. He confirmed that he did not have the ability to mass stock so he would have small quantities and if someone liked something, he could order it in. The applicant's business partner reiterated that the premises would be a coffee shop during the day and the licence would come into effect in the evening when it would become a place for people to sit and talk over a glass of wine which was an alternative to sitting in an area dominated by sports fans.
- 8.4 A Member queried whether the applicant was applying for the correct licence for the music they wanted to play and was informed that music would be pre-recorded as opposed to live so this did not require a licence. In terms of clientele, whilst it was anticipated that the venue would appeal to those aged 25 and over, Challenge 25 would be operated so that any person who appeared to be under 25 would be required to provide relevant photo identification and that would be prompted by the software system for the tills etc. In addition, the applicant hoped to introduce a Pub Watch type scheme, which was not currently in operation in the area. A Member questioned how many staff would be employed and was advised that there would be five to six in total with one full-time bar manager. He hoped to attract people with a genuine interest in the business who would be able to have a conversation with customers and he confirmed that training would be provided. The applicant indicated that he was working with Bishop's Cleeve Parish Council about the possibility of introducing Cleeve in Bloom to make the area more appealing by bringing in flower beds etc. In response to a query, confirmation was provided that it was intended to use raised flower beds and other businesses would be asked if they would be interested; it was noted that the Indian restaurant next door had been very supportive about sharing a flower bed.
- 8.5 A Member questioned whether there would be a smoking area and was advised there was an area at the side, between the café and the hairdresser next door, that would be used as the main smoking area, or people could sit outside to smoke or vape. Another Member questioned whether ashtrays would be provided and was informed that during the summer something would be available on the tables but in the quieter season there would be something in a fixed position for people to stub out their cigarettes.

- 8.6 In response to a query, the applicant advised that he intended to link up with the café, located a couple of doors away, by providing extra seating at times when it was at full capacity and working in a mutually beneficial way. In terms of the food that would be served, Members were advised that pastries, croissants and doughnuts would be served daily and later in the evening there would be a small tapas-style menu and 'posh' bar snacks rather than heavy meals. The applicant's business partner confirmed that the existing local businesses were all very supportive of the proposal which would offer something different and not impact on anyone else. A Member questioned whether food would be prepared on site and was advised that this had not been finalised with the chef but it was likely it would be prepared off-site and reheated on-site.
- 8.7 A Member noted that an objection had been made to the proposal on the grounds of noise travelling upstairs and they queried whether the applicant was planning any acoustic measures. In response, the applicant's business partner confirmed that this had already been addressed to the appropriate standard when it had been changed to commercial from domestic units, for example, additional insulation had been installed and the ceilings had been lowered. Signs would be displayed outside asking customers to respect the neighbours but he stressed that the emphasis was on creating a relaxed atmosphere and the sound level would be similar to when it was operating purely as a café. A Member pointed out that acrylic glasses, which were proposed to be used at outdoor tables, were quite lightweight and he questioned whether this could cause any issues in terms of them being knocked over by the wind. The applicant provided assurance that he would find the most appropriate glass alternative and staff would be required to visit the outdoor area frequently to ensure it was not too noisy and to collect glasses etc. The Senior Licensing Officer noted that the application stated that acrylic glasses would be used at outdoor tables so this would become a condition of the licence, if granted by the Sub-Committee; however, the applicant had suggested that the precise material was yet to be decided. The applicant confirmed they did not necessarily have to be acrylic, provided that he was compliant in health and safety terms, so he was happy for the wording of the condition to be amended if that was considered to be more appropriate. The Senior Licensing Officer suggested that, if it was intended to manage the situation based on the weather/seasons then it may be more appropriate to have a condition which did not restrict the type of glassware to one particular type so that was something which would be considered by the Sub-Committee in its determination.
- 8.8 The Chair invited the applicant to make any final comments. In summing up, the applicant and his business partner indicated that they both lived in the village and had children who attended the local schools so they wanted to see the area thrive. This was a project they were both very excited and passionate about and it was hoped that the Sub-Committee would feel able to support the application and grant the licence.
- 8.9 The Chair indicated that the Sub-Committee would retire to make its decision.

8.10 When the meeting reconvened, the Chair advised that, having considered the application, all of the evidence presented, the representations made by all parties, the licensing objectives, the national guidance and the Council's own licensing policy, it was

RESOLVED That the premises licence be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 11:08 am

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Tuesday, 12 November 2019

Premises: 9 Church Road, Bishop's Cleeve, Cheltenham, Gloucestershire, GL52 8LR.

Applicant: Peter Trowse

Application for a premises licence under the Licensing Act 2003.

Present: Councillors E J MacTiernan (Chair), P W Ockelton and M J Williams.

Representatives of applicant: Dan Pope – Applicant's business partner.

Other parties addressing the Sub-Committee: None.

SUMMARY OF REPRESENTATIONS

1. No responsible authorities made representations in relation to the application.
2. Five representations were made by other persons, all of whom wished to object to the application.

THE APPLICATION

Relevant licensable activities and hours applied for:

The sale by retail of alcohol Every day 10:00-23:00

The opening hours of the premises Every day 10:00-23:00

Non-standard timings:

On the days of the spring and autumn meetings at Cheltenham racecourse - known as The Showcase (October), the Festival (March) and the November Meeting – the opening hours of the premises will be extended to 08:00 - 23:00. This extension applies only to the opening hours, not the sale of alcohol.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the national guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following conditions being added to the licence:

1. All mandatory conditions.
2. Conditions consistent with the operating schedule proposed by the applicant as follows:
 - A staff training scheme will be implemented and records will be updated on a regular basis.
 - CCTV will be maintained in good working order and recordings will be kept for 28 days.
 - The alarm system will be maintained in good working order.
 - Staff will ensure litter generated by the outside seating area is cleared away on a regular basis.
 - Challenge 25 will be operated so that any person who appears to be under 25 will be required to provide a relevant photo ID [to prove that they are over 18].
3. Condition proposed by the applicant and amended by the Sub-Committee as follows:

The management will monitor the situation where the outside tables and chairs are located to decide, on a day-by-day basis, the appropriate glassware/acrylic glassware to be used in that position.

REASON

The Sub-Committee was satisfied that all of the conditions attached to the licence would promote the licensing objectives.

The Sub-Committee had regard to the Human Rights Act 1990 and the European Convention on Human Rights as well as its duty to the Crime and Disorder Act 1998; however, it found that it had heard no evidence that any person's human rights would be infringed by granting the application, nor was it sufficient to convince the Panel that any significant crime and disorder or public nuisance would be caused by granting the application.

All interested parties had a right of appeal to the local Magistrates Court within 21 days of the decision.