



LICENSING SUB-COMMITTEE

MEETING : Monday, 3rd August 2015

PRESENT : Cllrs. Lugg, Llewellyn and Brown

Officers

Fiona Samuda, Solicitor, One Legal
Darren Mountford, Senior Licensing and Markets Officer
Richard Barnett, Licensing and Enforcement Officer
Tony Wisdom, Democratic Services Officer

APOLOGIES : None

1. ELECTION OF CHAIR

Councillor Brown was appointed Chair for the meeting.

2. INTRODUCTIONS AND PROCEDURES

The Chair, Members and Officers in attendance introduced themselves. The Chair outlined the procedure that would be followed.

3. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

4. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 BY SUPREME SERVICES (GLOS) LIMITED FOR A NEW PREMISES LICENCE IN RESPECT OF 5-7 BRUNSWICK ROAD, GLOUCESTER, GL1 1HG

Licensing and Enforcement Officer's Report

The Licensing and Enforcement Officer presented his report which detailed an application under Section 17 of the Licensing Act 2003 by Supreme Services (Glos) Ltd for a new premises licence for 3-5 Brunswick Road, Gloucester.

He reported that the Licensing Team had received the application on 16 June 2015 and confirmed that the application had been advertised by a site notice and a public

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notice placed in the local newspaper. He confirmed that the application had been served on all Responsible Authorities.

During the consultation period fourteen representations had been received centred around noise emanating from the premises, anti-social behaviour, disturbance from vehicles using the car park at a nearby housing area and litter.

One representation was subsequently withdrawn and a further representation had been received by the Licensing Team on 15 July although it had been received in the City Council reception on 13 July.

He drew Members' attention to the comments of Environmental Protection detailed at paragraph 4.5 of the report and confirmed that the Police had confirmed that they would not be objecting to the application.

There were no questions of the Officer.

Applicant's Statement

The Applicant advised that he had spent two years preparing for this application. He had been Chairman of the Gloucester Licensed Victuallers Association for twelve years. He had been part of Night Safe, Pub Watch and other initiatives in the City.

He stressed that the premises would not be used as a nightclub but as a restaurant and bar. It was intended to be a premium operation aimed at a more mature trade than other late night venues in the City.

He referred to the conditions which he had offered to accept and those that he had also agreed to accept. The venue would attract the right customer base and he was mindful of the National Alcoholic Strategy and the Special Policy in respect of the Eastgate Street Area.

He had taken on board the objectors' concerns regarding the control of nuisance and the conditions which he had offered included oversight of the departure and dispersal of patrons.

A wide range of entertainment was envisaged including cabaret, comedy, stage plays and as a venue for local dance clubs. There were no windows on the premises and the former noisy air conditioning plant had been removed from the roof.

He had held long discussions with the Police who had raised no objection and the Council's Environmental Health Officer had recommended conditions.

He was applying for planning permission for 30 flats above the premises and intended to provide a substantial concrete floor and a concrete acoustic quilt.

He had presented the scheme to Linden Homes who had raised no objection.

He hoped that the Sub-Committee would grant the application.

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Other Persons' Questions of the Applicant

- Tony Veal: What is meant by a premium brand?
- Applicant: Quality of facility offered and pricing structure.
- Tony Veal: How does that impact on people's behaviour?
- Applicant: Premium premises had operated in London for 25 years without noise or safety problems.
- Tony Veal: Regarding dispersal control – there was a fight outside the library last night believed to have been patrons of another (named) venue.
- Applicant: Our responsibility is our venue which would be a completely different offer to the other premises. Most people leaving the premises would turn right to go to eateries or find taxis.
- Tony Veal: It is not an arts or cultural venue so what is innovative?
- Applicant: The venue would be available for hire and it was intended to provide quality entertainment on Friday and Saturday nights including cabaret shows and comedy show. It was also intended to provide a dance venue.
- Paul Davidson: Where will the outside area be located?
- Applicant: Demonstrated the location on a larger scale copy of the plan.
- Paul Davidson: As it backed onto the flats would there be music?
- Applicant: Will be installing an acoustic barrier.
- Mark Wallace: The garden area is six feet away from the flats, will you be allowed to put up an acoustic barrier in a Conservation Area.
- Applicant: We are looking at the detail.
- Mark Wallace: Is the offer of things not currently available in the City an attempt to satisfy the requirements of the Special Policy?
- Applicant: The intention was to offer something different.
- Alex Hall: What is the capacity of the venue?
- Applicant: The Fire Officer has permitted 800 for the whole building. It was previously around 1,000.
- Fay Plummer: What if patrons park in the residents' private parking area?

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Applicant: This is not within the power of the licence. It is a matter for the residents Management and the City Council although we would wish to be involved and intend to hold quarterly meetings with residents.

Fay Plummer: What if there is vandalism or violence on the residents' doorsteps?

Applicant: We would not want that but it is often difficult to identify the source. We are not responsible for litter, violence and parking. Our objective is to comply with the conditions of our licence. If residents had issues in this regard they would need to seek redress from the appropriate department concerned.

Fay Plummer: When were Linden Homes first informed and when was planning permission sought?

Applicant: Planning permission was not required and we met with Linden Homes a few months ago.

Members' Questions of the Applicant

Cllr Lugg: What is the capacity of the area to be used for plays?

Applicant: Cannot provide an exact answer as it will be a number within the total capacity but constrained by the number of fixed and moveable seats providing a view of the stage.

Cllr Llewellyn: Asked for clarification regarding the garden area and noise.

Applicant: Smoking ban has driven smokers outside and we are required to provide a smoking area.

Other Persons' Statements

Mark Wallace

Mr Wallace requested that the hearing be adjourned as the Police had made no objection to the application and had provided no explanation of that decision. He believed that the Police should attend and provide details of their policing plan, the relevant crime and disorder statistics and the estimated cost of any additional policing attributable to the venue.

The Solicitor advised that there was no reason for the Sub-Committee not to proceed with the hearing as the Police had not made any representations.

Mr Wallace referred to his written representation and noted that Kiln Close was a private road with many families and young children. It was currently a tranquil road within a Conservation Area and the considerable restrictions placed on residents contributed to the quality of life there. It was currently a pleasant place to live which

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would change if the licence was granted. He noted that there was a pedestrian thoroughfare through Kiln Close to Cromwell Street.

He referred to the Home Office Guidance and the impacts of smoking and noise as the outside area was six feet away from the flats and he expressed concerns about the use of this area late at night.

He believed that the conditions suggested by the Environmental Health Officer would have little effect on the levels of noise and vibration. He referred to the cumulative impact on what was a residential area and referred to paragraph 3.10 of the Licensing Policy Objectives (Page 79 of the report).

He cited criminal damage, parking problems, urination and the impeding of access for emergency vehicles to Kiln Close which he had experienced personally while waiting for an ambulance to respond to an emergency call.

He suggested that the Sub-Committee visit Kiln Close and see the proximity of the premises. He believed that an independent noise assessment should be undertaken and should the licence be granted, smokers should be allowed to use Jenners Walk.

Alex Hall

Mr Hall noted that premises in the Quays were limited to midnight with one exception where no representations had been made. He noted that residents in this area were much closer to the premises than in the Quays.

He believed that it would be perverse to attract more problems into an area that had been identified in the policy as a Special Area. This application would be the first for extended hours in Brunswick Road and to say that it was not a night club was purely semantics.

Up to 800 people would be dispersing from the premises and the applicant had already admitted that he had no control over incidents in Kiln Close. He believed that 800 people on the doorstep of residents would have a massive impact despite the pricing strategies and aiming for over-21's on Saturday nights.

He noted that Jumping Jacks had been next to the College which was not occupied at night.

He was part of a nascent community where residents were subject to restraints such as not being permitted to install a satellite dish or change the colour of their front doors yet a night club could be opened on their doorstep.

Residents had invested their lives in the area and he asked the Sub-Committee to refuse the licence to limit public nuisance and petty crime.

Fay Plummer

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Ms Plummer stated that there were more issues than noise, she noted that if a fight started and the emergency services attended, their flashing blue lights would be a problem.

Granting the licence would devalue the homes and she questioned the impact on young children. She noted that the Applicant had already stated that litter, violence and parking were not his problems.

Paul Davidson

Mr Davidson referred to his written representation on pages 55-56 of the report. He explained that he and his wife had sought the views of younger people, his daughter and her friends in the 25 -29 age group, who had said that he would not have hundreds of people emerging from the premises in the early hours. He referred to the five different categories of public nuisance he had listed in his letter. He had been to the Quays at 8.00 pm and seen that people there were visibly enjoying themselves and would potentially cause disruption from about 9.00pm.

Kiln Close would be used as a car park and the beer garden was very close to the bedroom windows of the flats.

He noted the reported crime figures of 1837 incidents, 40 per cent had occurred in Eastgate Street and no incidents had been reported for Brunswick Road. He believed that granting the licence would merely move incidents closer to his home.

Tony Veal

Mr Veal stated that he had lived around Gloucester for many years and he believed that the City had changed over the last five or ten years. He had lived in the suburbs and seen the changes to the Docks and Greyfriars which was to have a further 200/250 homes to be built.

These quality homes were revitalising the City. If the Council could not protect the amenity of what had been provided it would kill what the Council was trying to achieve for the City.

He believed that people's lives were improving all the time and he asked the Sub-Committee not to destroy this.

Mark Wallace

Mr Wallace added a final point. He requested that should the sub-Committee be minded to grant the application, the opening hours should be restricted to midnight.

Neither Members nor the Applicant had questions of the Other Persons.

Licensing and Enforcement Officer's Summing Up

The Licensing and Enforcement Officer reminded the Sub-Committee of the options available to them which were detailed at Paragraph 2.1 of the report.

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Other Persons' Summing Up

The Other Persons had nothing to add to their representations.

Applicant's Summing Up

The Applicant referred to the regeneration of the City and noted that a mixed use scheme for King's Square had been put forward ten years ago.

He understood the concerns of residents but noted that the Environmental Health Officer was satisfied and he believed that the measures proposed would control any potential nuisance. There was a large car park to the rear of the premises which was free to use at night. the smoking area was required by law and the garden area was ideal as it was hoped to attract families.

He noted that the Special Policy Area was not part of the Licensing Act and should not be used as a blanket ban as new operators could prove to be beneficial. He believed that his application would make a contribution to achieving the four licensing objectives.

Decision

Members of the Sub-Committee and Solicitor withdrew to consider the application. Upon their return, the Chair read the following statement:-

The Sub-Committee has considered the application made under Section 17 of the Licensing Act 2003 for a new premises licence relating to Supreme Services (Glos) Limited in respect of 5-7 Brunswick Road, Gloucester, GL1 1HG. Having had regard to the presentation of the Licensing and Enforcement Officer; representations made by the interested parties; evidence from the applicant; the Home Secretary's guidance; the Council's own statement of licensing policy; and the legal implications as set out in the report; the Sub-Committee has determined:-

To accept the application and modify the conditions of the licence by altering licensable activities to end at 24.00hrs except New Years Eve/Day when it will be 01.00hrs.

Reasons for decision

To comply with the aim of the Special Policy in relation to Eastgate Street and the surrounding Area and to protect the amenity of residents. The circumstances of the application was considered carefully and it was considered that the operation of the premises was likely to significantly add to the cumulative impact of the area and that the Applicant has failed to fully address why the premises would not add to this experience. Further, there was evidence, including the representations made at the Sub Committee hearing, that this particular area of the City is already suffering adverse effects from the concentration of late night premises impacting on the licensing objectives and the City Centre. In the circumstances, it was considered

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that the new Premises Licence should be granted but modified in relation to the permitted hours to which licensable activities can be carried out.

The Solicitor advised the Applicant that he had the period of twenty-one days from receipt of the written decision of the sub-Committee to lodge any appeal with the Magistrates' Court.

Time of commencement: 6.15 pm hours

Time of conclusion: 8.10 pm hours

Chair