



LICENSING SUB-COMMITTEE

MEETING : Thursday, 21st January 2016

PRESENT : Cllrs. C. Witts, Randle and Hansdot

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.

9. ELECTION OF CHAIR

Councillor Witts was appointed Chair of the meeting.

10. DECLARATIONS OF INTEREST

During the course of the meeting Councillor Randle declared a non-prejudicial personal interest as the proposed manager of the premises, Daniel Lewis, was known to her.

11. INTRODUCTIONS AND PROCEDURES

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

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

Licensing and Enforcement Officer's Report

The Licensing and Enforcement Officer presented his report which invited the Sub-Committee to reconsider an application by Supreme Services (Glos) Ltd for a new Premises Licence in respect of 5-7 Brunswick Road.

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He advised that the application had been remitted to the Sub-Committee by Order of the Court following an appeal to Cheltenham Magistrates Court in respect of the decision of the Sub-Committee on 3 August 2015. (A copy of the Court Order is appended to these minutes.)

He drew Members' attention to the hours applied for which were detailed at paragraph 3.5 of the report, the conditions listed by the applicant at section M of the Premises Licence application form, which would be made into workable, enforceable conditions if the licence was to be granted.

He outlined the 14 valid representations detailed in section 4 of the report and the conditions recommended by the Environmental Protection Officer detailed at paragraph 4.5 and Appendix 6.

He drew Members' attention to paragraphs 3.7 and 3.8 which detailed the City Council's Special Licensing Policy in respect of Eastgate Street and illustrated on the map reproduced on Page 103 of the agenda pack.

The applicant had no questions of the Officer.

Mr Mark Wallace of Kiln Close asked that the proceedings be adjourned until proper notice had been served as most of those making representations previously had not been notified of the meeting.

The Solicitor explained that the meeting had been convened by order of the court for the Licensing Sub-Committee to reconsider the application.

Mr Wallace was advised that the previous representations were contained within the meeting papers and would be taken into account.

Councillor Randle was advised that the representation referred to a paragraph 4.3 had been withdrawn prior to the previous Licensing Sub-Committee hearing.

Mr Paul Williams, Applicant

Mr Williams stated that the premises had been purchased over 18 months previously and the site would offer a late night venue for a mix of entertainment provision.

He had met with local residents and offered a number of concessions including:-

- Outside garden and smoking area to close at 22.00hrs
- Pub/restaurant to close at 22.00hrs
- Use Jennings Walk as a smoking area after 22.00hrs.
- Acoustic fence to stop noise and noise travel.
- Half of the door supervisors will ensure people disperse when leaving and encourage them to turn right when leaving the premises.
- Smoking area in Jennings Walk to be closed after permitted hours for cleaning.
- Bottle chute in Venue bar to minimise noise from empty bottles.

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- CCTV all around the premises and lighting in Jennings Walk.
- The premises will be well policed and managed.

He advised that there had been no noise break-out from previous premises with which he had been involved and music had been played in the entrance lobby to create atmosphere.

All entries to the premises would be provided with lobbies and there would be block walls within the existing façade. The premises would be made soundproof as it was proposed to apply for planning permission to build 25 student accommodation units above the premises.

He advised that there would be a substantial investment of over £1 million which would make the building look tidy again.

It was intended to offer something not presently available in Gloucester and he believed that the City's evening economy was losing out to Cheltenham. A mix of entertainment was proposed to include comedy nights and dinner dances to attract an older clientele and to attract the business market.

He believed that the level of investment proposed could only be good for the City and he confirmed that he was happy to work with residents.

He noted the difficulties experienced by Kiln Close residents regarding unauthorised parking but advised that there was adequate free parking to the rear of the premises and he believed that 80 per cent of the people in the City late at night did not drive there.

In conclusion he stated that he had a duty of care to customers, staff and residents.

The Chair was advised that the licensing team were aware of the concessions proposed by the applicant.

Mr Williams then introduced Dan Lewis, the proposed premises manager and Designated Premises Supervisor and requested that he address the Sub-Committee.

Councillor Randle then declared a non-prejudicial personal interest as Mr Lewis was known to her.

Mr Lewis advised that thirty minutes before the end of permitted hours a closing down process would start, music volumes would be turned down and lighting levels increased and the smoking area on Jennings Walk would be closed. Customers would be encouraged to disperse towards Clarence Street to avoid the residential areas.

Staff would be handpicked, a Designated Premises Supervisor would be present at all times the premises were open and door supervisors would wear high visibility clothing. When the smoking area was closed half the staff would remain in the club and the others would be outdoors managing dispersal.

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His current club in Eastgate Street managed full dispersal within five minutes.

Customers leaving would be persuaded to avoid the residential areas, and he noted that the intended target age group for customers tended not to wait around.

When the premises closed the staff would ensure that the smoking area in Jennings Walk and the area around the premises were cleaned.

Mr David Withers

Mr Withers, of 9, Kiln Close, advised that the windows in his flat opened in direct line with the proposed beer garden and on occasions noise from Eastgate Street could be heard.

He advised that he worked at the hospital and his hours included Saturdays and Sundays where he will start at 06.30hrs.

His primary concern was noise nuisance and although he appreciated the efforts proposed he noted that there was a degree of unpredictability and dispersal would create noise with taxi engines running and the shutting of doors.

Mr Clive Dawson

Mr Dawson, of Kiln Close, advised that there were seven children in the block of flats where he lived. His daughter had been woken at 03.00hrs by noise from people leaving clubs in Eastgate Street that included Fever and she had not slept since Saturday.

He believed that the proposal was totally unacceptable in an area like Greyfriars which had been significantly regenerated. He asked the Sub-Committee to help make Gloucester a proud City.

Mr Alex Hall

Mr Hall, of 12, Kiln Close, addressed the Sub-Committee on behalf of his wife. They had objected to the original application on the grounds of public nuisance, crime and disorder and other points raised in the Gloucester City Council's Cumulative Impact Policy.

He was unsure of the effectiveness of the proposed acoustic barriers as such barriers needed a line of sight to work.

Noise was their major concern and they appreciated the proposed soundproofing measures, but believed these measures should be tested before it was opened. They also supported the call for an independent acoustic survey based on the nearest noise sensitive flats.

He believed that the issues in the Cumulative impact Policy had not been addressed adequately. The premises were within touching distance of residential property. He questioned the need for opening until 03.00hrs.

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He noted that the Cumulative Impact Policy should protect the amenity of residents with up to 800 people leaving the premises between 02.00 and 03.00 hours. He stated that the door staff would have no authority on the street.

Councillor Randle asked if the applicant would consider using polycarbonate bottles and glasses and Mr Williams advised that would not be an issue and no drink would be allowed off the premises after 22.00hrs. He also undertook to ensure waste bins would be collected at appropriate times.

The applicant was asked why a closing time of 01.00hrs was sought for on Wednesdays which was student night. He advised that he had had an enquiry from a Jive Club that currently met at The Farmers' Club but he would be happy to accept midnight closing on Wednesdays.

Mark Wallace

Mr Wallace, a resident of Kiln Close, stated that he understood the previous representations would be taken into account.

He read an extract from the minutes of the previous hearing for the benefit of those that had not been present at that meeting.

He circulated a paper with residents' concerns, comments and proposals in respect of:-

Smoking

Acoustic Screen

Noise and Soundproofing

CCTV

Dispersal

Opening Hours

The Chair adjourned the meeting for Members to read the paper.

The Chair asked for clarification regarding the acoustic screen and Mr Wallace stated that such barriers required line of sight to be effective so a fourth floor flat would not be protected from noise emanating from the garden.

Mr Wallace called for an independent acoustic survey to ensure that no noise nuisance would be caused and also requested that such testing be undertaken late at night.

The applicant advised that soundproofing would be required to comply with Building regulations for the proposed student accommodation.

Councillor Hansdot asked about CCTV coverage and was advised that there would be a real time system within the venue and the Council's City safe Scheme.

Mr Wallace advised that the Police had installed a temporary CCTV system following residents' concerns regarding anti-social behaviour in the vicinity.

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The Chair asked about the vacant plot on the corner of Kiln Close and Mr Wallace advised that he believed that the developer was waiting to hear the outcome of this application.

The Licensing and enforcement Officer confirmed that the police had raised no objection to the application.

Summing Up

Licensing and Enforcement Officer

The Licensing and Enforcement Officer reminded the sub-Committee of the options available to them detailed at paragraph 2.1(b) of the report.

Other Persons' Summing Up

Alex Hall

Mr Hall stated that the nature of the area had changed since the previous use of the site as licensed premises. He did not believe that people could be controlled after leaving the premises.

He stated that only a small fraction of the number of people using the club could add significantly to problems of noise, litter and criminal damage.

People did not want to buy property in the locality until the application had been resolved and property values were falling.

He believed that the Special Policy Area was intended to protect residents' amenity.

Mark Wallace

Mr Wallace stated that there was only one CCTV camera at the junction of Eastgate Street and Brunswick Road with the next nearest in St Michael's Square. He would concede to 01.00 Closing on Saturday and Sunday mornings if the majority of the conditions suggested by residents were imposed.

Applicant's Summing Up

Mr Williams stated that the building had been an eyesore for a long time and he was endeavouring to provide something not already on offer in the City. It was a very difficult site to develop and had a number of uses in the past including a club and a supermarket.

He believed the proposal would enhance surrounding properties and noted that there were public houses and clubs with twenty four hour licences in the City.

He believed that Linden Homes had made a bad decision to allow the cut through as the lighting was poor and it should have been gated.

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He believed the proposals would improve building and people who were buying properties should have instructed solicitors to undertake searches. He believed that the residential developers had fallen short in addressing the issues in Kiln Close.

Decision

Members of the Sub-Committee and the 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 Other Persons; 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 grant the application as applied for with the following amendments:-

- 1) All licensable activities to terminate at the following times:-

Mondays to Thursday	24.00hrs
Fridays and Saturdays	02.30hrs
Sundays	01.00hrs
Except New Years Eve	02.30hrs

- 2) All glasses and bottles on the premises to be polycarbonate.
- 3) Use of the outside smoking area to cease at 22.00hrs and thereafter to use Jennings Walk which is to be monitored by an SIA operative. The smoking area to be cordoned off with consideration given to some form of fencing to be implemented to reduce noise in the outside smoking area as necessary (in line with paragraph 4 below)
- 4) An independent acoustic survey to be undertaken for the soundproofing of the premises and for the abatement of noise emanating from the premises and outside smoking area.
- 5) The collection of trade waste to be arranged only between the hours of 09.00 and 18.00.

In addition, the Sub-Committee recommended that regular liaison, and where appropriate, meetings are held with local residents.

The Solicitor advised that there was a right of appeal to the Magistrates Court.

Time of commencement: 6.15 pm hours

Time of conclusion: 9.15 pm hours

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Chair