



## LICENSING SUB-COMMITTEE

**MEETING** : Monday, 21st November 2022

**PRESENT** : Cllrs. Ackroyd, Finnegan (Chair) and O`Donnell

### **Officers**

Licensing Team Leader  
Licensing Officer  
Senior Lawyer, One Legal  
Democratic and Electoral Services Officer

### **Also in Attendance**

Licensing Consultant (representing the applicant)  
Manager, Gloucester Rugby Ltd

Councillor Angela Conder  
Local Resident (x7)

**APOLOGIES** : Cllrs. None

#### **4. ELECTION OF CHAIR**

Councillor Finnegan was elected Chair.

#### **5. INTRODUCTIONS AND PROCEDURES**

Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

#### **6. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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**7. APPLICATION FOR DETERMINATION**

**Licensing Officer's Report**

The Licensing Officer presented the report detailing an application by Gloucester Rugby Ltd for a new Premises Licence at St Catherine's Street, Gloucester.

*No members sought any clarification on the officer report.*

A resident of Gloucester asked for clarification in relation to a petition she had provided to the Council, opposing the application. She said that the application was handed in on the deadline, not afterwards as stated by the officer. Counsel representing Gloucester Rugby Ltd stated that they were content to accept the petition.

**Statement of the Applicant – Gloucester Rugby Ltd**

Counsel representing Gloucester Rugby Ltd (hereafter minuted as the applicant) stated that the application was to licence an area of the Gloucester Rugby Training Centre as a multi-purpose function suite, which would have a maximum of 720 persons. He said that they were not looking to operate as a bar or open as a nightclub. He said that they were more interested in events, such as corporate events and a place for fans to meet on matchdays.

Counsel representing the applicant stated that the application was not to licence the entire building, but a section of it. He said that the application hours had created concern but they would not use those hours all the time. He said that their event partners who would run the events, had an excellent reputation for running events and were respected by local authorities and the police. He stated that, after consultation with the Police they had reduced the hours of the application. He said that appropriate noise mitigation measures had been put in place including the agreement that music noise level from any event at the venue would not exceed 85dB(A) 1 metre from the facade of any noise sensitive premises. He added that there would be no external speakers. He further stated that a Noise Assessment Survey had been carried out by noise experts which was used to work out the acceptable limits of noise from the site.

Councillor O'Donnell stated that he sympathised with the concerns of local residents. He asked how the applicant planned to deal with possible anti-social behaviour.

In response, Counsel representing the applicant noted that Licensing Law and policy could not control behaviour of individuals away from the site. He said that the applicant would be responsible for the building and its immediate vicinity, any anti-social behaviour away from the site did not fall under the application.

Councillor O'Donnell asked how much security presence would there be at the site.

In response, Counsel representing the applicant stated that this would be assessed on an event by event basis but that there would be adequate security at each one.

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The Chair stated that she had concerns about being open until 2am for 12 times a year, she asked why they were proposing to open that late.

In response, Counsel representing the applicant said that they may not use the premises until 2am for the twelve events but that the proposed hours would allow them flexibility. He further added, if they wanted to open until 2am for events without the granting of the application, they could have applied for a temporary events notice but this would have meant that they would not be under the obligations of the licence.

The Chair questioned whether the timing could be reduced from 2am to 1am.

Councillor Ackroyd asked for clarification that the premises would not be used to its full hours, 7 days a week.

The Club Manager of Gloucester Rugby Ltd responded that this was correct, and that it would not be used as a pub or club and that the proposed hours were simply to provide flexibility for events, such as matchdays.

A local resident asked why the nearby Heritage Bar was mentioned in the application by the applicant.

Counsel representing the applicant replied that they only mentioned the nearby Heritage Bar as it had similar hours and was already licenced to serve alcohol until 12 midnight, for seven days a week.

A local resident asked what time Kingsholm was licenced for when there were concerts.

In response, Counsel representing the applicant stated that they were licenced to sell alcohol at 11pm on weekends and 10pm on weekdays.

A local resident stated that there was already an issue with disruption when concerts finished at 11pm, the resident asked whether the granting of the application could set a precedent and see Kingsholm extend their hours.

Counsel representing the applicant replied that this was not the case, and that they would have to apply for a licence and the Rugby Club was satisfied with the current arrangements in place relating to concerts.

A local resident asked where would users of the site park.

The Rugby Club Manager responded that there was parking at the Stadium and by the warehouse next to the site. He added that the stadium could be accessed via the footbridge to reduce disruption and that there were various locations around the site where users could park.

A local resident asked why the Heritage Bar could have different hours to serve alcohol, as it had been turned down for an extension to their premises licence.

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The Senior Lawyer noted that she was unaware that the Heritage Bar had applied to serve alcohol at a later time and was refused, and, in any case, each application had to be judged on its own merits, so the refusal of one licence on another site could not impact the decision of the Licensing Sub-Committee.

A local resident noted that the applicant had stated that the site would not be used 7 days a week, the resident asked whether they had an idea of many days a week it would open for and until what time.

Counsel representing the applicant replied that the site only applied for seven days a week for flexibility. He said that there would be times, where it may just be booked in the day, and other days where it was booked in the evening. He said that it depended on which organisations booked it and it was difficult to say at this point exactly how many days a week, they would serve alcohol until.

The Rugby Club Manager added that the idea of the application was for it to partly be an extension of the fanzone on matchdays, so that it gave fans an opportunity to drink inside, particularly in the winter months where it was colder. He said that an important purpose of the application was to generate the Rugby Club a bit of additional money when matches were not on. He said that, for example, it may be booked more frequently over the Christmas period for staff events but that it would not be used as a pub and that they would not get the business to do so, even if that was the intention.

**Statement of Interested Parties – Local Resident**

The local resident stated that he lived close by in Deans Walk, so he had suffered from noise pollution from the site. He said that in the summer, gardens in the area became uninhabitable, owing to the noise emanating from the training centre. He said that there was a constant booming noise from the site. He said that this had quietened down in the past couple of months. He said that noise pollution also came from the local gym (Titan Performance) and that the noise from the area was causing residents to lose sleep. He stated that there were numerous properties within 100 yards of the site, and that it did not need 85db of noise to have an adverse effect on the residents. He said that numerous residents were unaware of the application and were not properly notified about it. He pointed to the planning application for the site and stated that this application was not in keeping with the original planning application.

The Senior Lawyer noted that any planning application was not relevant to the Licensing application before the Sub-Committee.

The local resident questioned whether it was acceptable to have up to 85db of noise, 1 metre from properties and argued that this was too loud.

The resident further stated that the application proposed to have bottle emptying up to 11pm. He argued that this was too late. He stated that the music emanating from the training centre was also too loud already.

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The Senior Lawyer noted that the music from the training centre did not relate to this licensing application and could not be considered. There were other avenues available to the resident in relation to the noise issues he was experiencing and he should contact the Environmental Protection team.

The local resident stated that, regarding disruption, residents experienced a lot of noise pollution and disturbance in Deans Walk on matchdays, which quietened down during the match and then picked up again afterwards followed by another wave of noise around 11pm. He said that the granting of this application would lead to disruption at 2am, 12 times a year.

The local resident questioned whether there would be a similar police presence to that on Eastgate Street if there were 720 persons in the licensed part of the facility, should it receive consent. He said that many people would add to traffic pressures on St Catherine's Street.

He stated that if they showed live televised events, then the establishment could be open until 4am for Lions Games.

He concluded by stating that local residents suffered from noise pollution all year round and the granting of the application would not help this.

*Members did not have any questions to the interested party.*

**Statement of Interested Parties – Councillor Conder**

Councillor Conder stated that she was at the meeting to represent the concerns of the residents who lived nearby.

She said that she had concerns about the volume of noise. She says that it was not possible to ascertain how much noise there would be until it was open. She said that she had consulted the National Institute on Deafness and their advice stated that anything above 70db was concerned disturbing and that 60db was considered normal. The sound of a motorcycle was 95db, anything above 65db meant that it was difficult to sleep. She said that 85db was far above the 70db limit for it to be considered disturbing. She said that some residents had moved due to disturbance from the site, that the importance of sleep was now more fully understood and that noise could not be put in a box.

She said that she had concern about the proposed frequency of events, the time in which they could go on until, the impact the crowd spilling out on the street would have and that she feared that this application was the thin end of a wedge that would lead to other premises opening up later on into the night.

*Members did not have any questions to the interested party.*

**Statement of Interested Party – Gloucester Resident**

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The local resident stated that she agreed with the concept of having more events to generate revenue for the Rugby Club but disagreed with the proposed timings. She said that there should be no events after 11pm and that these hours would disturb the neighbours. She said that one neighbour had lived in the area for 57 years and did not want noise late into the night. She said that she would concur with the previous objector with the comment that the proposal was not well advertised. She said that the notice was put on a wall above head height. She said that most people in the area were against the application, including students.

Councillor O'Donnell asked how many persons signed the petition objecting to the application.

*The petition was circulated to members of the Sub-Committee.*

**Statement of Interested Party – Gloucester Resident**

The local resident stated that her garden backed onto the facility and that her daughter slept in the rear of the property and that this was the only room suitable for her room. She said that the granting of this application would further disrupt her sleep, that she did not believe this was fair and that they would have to consider moving, should the application receive consent.

*Members did not have any questions to the interested party.*

**Applicant Response to the Statement of Interested Parties**

Counsel representing the applicant stated that there was not a lack of consultation as argued by two objectors. He stated that the applicant publicised the event as prescribed by law and took an extra step to contact the head of the neighbourhood partnership. He said that the majority of the representations were against the idea of it becoming a bar/nightclub, which was not what the application proposed. He said that, should the applicant wish, they could have received a temporary events notice for late night events and that these would not be bound by the terms of the licence but that the applicant wished to have conditions on events to show that they were a responsible events provider. He said that whilst they had accepted the petition to be considered, minimal weight could be given to it, there was no way of knowing what was said when the petition was signed, nor whether they were legitimate signatures. He said in response to references raised to drugs, littering and anti-social behaviour, that the applicant could not take responsibility for this and this was recognised in the Councils Statement of Licensing Policy. He said that the Statement of Licensing Policy also stipulated that the authority wanted well run premises.

He said that the applicant had demonstrated that they were responsible operators, that they had reduced their hours after consulting with Gloucestershire Constabulary and with the other conditions imposed, the application would not adversely impact local residents. He said that there had been no representations against the application from responsible authorities. He said that in relation to comments made about emptying bottle bins, the applicant would be happy to

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reduce this to 10pm. He said that policing was not an issue, otherwise Gloucestershire Constabulary would have raised objections. He said that the noise limit of 85db was a standard one across premises, that the applicant was happy with the noise assessment and noted that the Environmental Health Officer had not raised concerns. He said that whilst he understood the reservations about the fear that the granting of the application would be the 'thin end' of a wedge. This was not relevant in licensing terms and that members of the Sub-Committee could only judge the application that was before them.

**Officer Sum up**

The Licensing Officer outlined the options to the Sub-Committee outlined in paragraph 2.1 of the officer report.

A local resident asked that, in the event that the granting of the application did lead to a marked increase of anti-social behaviour and other issues, whether there was a review process. The Senior Lawyer responded that there was a review process.

**Sum up by the Applicant**

Counsel representing the applicant stated that the Rugby Club was an asset to the City of Gloucester. That the Club needed to increase revenue which the application would do. He said that licensing a part of the training centre would help the club financially as well as benefitting the City as a whole. He said that it would drive revenue for other businesses, provide employment opportunities, that the Club enjoyed a good reputation with other responsible authorities, and that he urged the Sub-Committee to grant the licence as amended with the conditions outlined in the report.

**The Decision**

**Decision Notice for Gloucester Rugby Limited**

At the hearing the Sub-Committee heard from the objectors, the applicant who was represented by a licensing consultant and the Licensing Officer. 7 representations were received against the application being granted and all objectors were present to give oral evidence at the hearing.

No representations were received from the Responsible Authorities. All conditions were previously agreed by the police and environmental health.

All relevant written submissions had been considered.

**Legal Matters**

The Sub-Committee had due regard to:-

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application.
2. The obligation to promote the four licensing objectives.

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3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Sub-Committee cannot take into account representations which do not relate to one or more of those licensing objectives, and acknowledges that any representations which are received must be relevant and evidenced-based.

**Other Persons' Objections**

In making oral representations to the Sub-Committee, the Other Persons highlighted a number of concerns, including:-

1. The fears of a detrimental impact on the neighbours if the application was to be granted.
2. The potential impact of noise and disorder in connection with business.
3. The potential adverse impacts on local residents from late night opening of the premises.
4. The potential anti-social behaviour of attendees near the homes of the residents because of the close proximity of the training ground.

This list is not exhaustive, but highlights some of the concerns expressed in the written and verbal submissions.

**Applicant's Submissions**

The Applicant's representative assured the Sub-Committee that the venue was not going to become a pub, nightclub or late-night venue and that the hours applied were merely for flexibility.

He expressed that the 02:00 finishing time was for a maximum of 12 events a year and that it was better to be under the conditions imposed on the premises licence rather than under a temporary events notice which they had the option of using.

The Applicant's representative stated that following the oral submissions of the residents his client was prepared to modify the timings from 23:00 to 22:00 in relation to the bottle emptying timings.

It was pointed out that the relevant parties had been consulted. Furthermore, the Sub-Committee were reminded that certain issues raised in the representations such as planning, anti-social behaviour and parking did not fall under the remit of the Licensing Authority and therefore had to be disregarded.

The Sub-Committee were urged to grant the application with the additional offered condition.

**Consideration**

The Sub-Committee considered all relevant verbal and written submissions from Other Persons and the applicant before making its decision on the application. They also had due regard to the council's Statement of Licensing Policy and Statutory Guidance.



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In deciding the application, they considered the fact that the Responsible Authorities consulted no longer have any concerns following consultation with the applicant. They also considered the steps put forward by the applicant to promote the licensing objectives, both in the application and in the compromise with the Police about the hours.

The Sub-Committee recognised the concerns expressed by objectors and offer its sympathies to them but a large number of issues raised did not fall within the remit of the licensing authority and therefore not open to the Sub-Committee for consideration.

Furthermore, the Applicant offered up the amendment to the condition in relation to emptying bottles to try and mitigate the concern raised by the objector and promote the licensing objectives.

To that end the Sub-Committee are minded to grant the application subject to the amendment to the condition in relation to bottle emptying along with the mandatory conditions.

**Conditions**

The following condition to be amended to read:-

1. Bottle emptying will not take place between the hours of 22:00 and 07:00;

The Applicant is to provide a telephone number to the licensing department that residents can call on the night of an event if there is an issue. The licensing department to pass the number on to the residents.

**Appeal**

All parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

**Review**

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted.

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**Time of commencement: 6.00 pm hours  
Time of conclusion: 7.28 pm hours**

**Chair**