Licensing Sub-Committee

Meeting: Wednesday, 26th November 2014 at 6.15 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Patel, C. Witts and Gilson
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	**ELECTION OF CHAIR** To appoint a Chair for the meeting.
2.	**INTRODUCTIONS AND PROCEDURES** Chair to welcome those present and explain the procedures to be followed during the meeting.
3.	**DECLARATIONS OF INTEREST** To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	**APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 BY WOTTON HALL CLUB LIMITED TO VARY THE PREMISES LICENCE FOR WOTTON HALL CLUB, 138 BARNWOOD ROAD, GLOUCESTER, GL4 3JS** (Pages 5 - 72) To receive the report of the Head of Public Protection.

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Martin Shields
Corporate Director of Services and Neighbourhoods

Date of Publication: Tuesday, 18 November 2014

NOTES

Disclosable Pecuniary Interests
The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in

which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information
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For further details and enquiries about this meeting please contact Sonia Tucker, 01452 396126, sonia.tucker@gloucester.gov.uk.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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Gloucester City Council

Meeting:	**Licensing Sub-Committee Date: 26 November 2014**
Subject:	**Application under Section 34 of the Licensing Act 2003 by Wotton Hall Club Limited to vary the Premises licence for Wotton Hall Club, 138 Barnwood Road, Gloucester, GL4 3JS**
Report Of:	**Gill Ragon – Head of Public Protection**
Wards Affected:	**Barnwood**
Contact Officer:	**Darren Mountford – Senior Licensing and Markets officer**
	Email: Darren.mountford@Gloucester.gov.uk Tel: 396240
Appendices:	**1. Copy of application form Wotton Hall Club** **2. Plan showing layout of premises** **3. Location plan** **4. Copy of current Premise Licence** **5. Copy of the representation from local residents** **6. Copy of the representation from Responsible Authority (Environmental Protection)** **7. Report from Acoustic Associates Worcestershire** **8.Sections 3, 4, 5, 6 and 7.2 of Gloucester City Council's Statement of Licensing Policy** **9. Procedure for Licensing Sub Committee**

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To consider an application by Wotton Hall Social Club to vary an existing Premises Licence in respect of Wotton Hall Club, 138 Barnwood Road, Gloucester, GL4 3JS. A copy of the application is attached in **Appendix 1.**

2.0 Recommendation

2.1 That members:

(a) Consider the variation application, any relevant representations, the Licensing Objectives, the Council's Statement of Licensing Policy and National Guidance (Section 182).

(b) Determine the following steps it considers necessary for the promotion of the licensing objectives:

- Grant the application as applied for,
- Modify the conditions of the licence, by altering or omitting or adding to them,
- Reject the whole or part of the application.

3.0 Background

3.1 On 10th October 2014, the Licensing Team received an application from Wotton Hall Club Limited, to vary their existing Premises Licence.

3.2 The application contained all the requisite documentation including the fee and a plan of the premises. The plan is attached in **Appendix 2.**

3.3 It can be confirmed that the application has been advertised (A4 notice displayed on site and a Public Notice placed in the local newspaper) and that the application has been served on all Responsible Authorities.

3.4 A location plan is attached in **Appendix 3**

3.4 The applicant is applying to vary the following licensable activities:-

Licensable Activity	Current Licence	Variation Application
Retail Sale of alcohol	**Fridays, Saturdays and Sundays 11:00 to 23:30**	**Fridays and Saturdays 10:00 to 01:00 Sundays 10:00 to 23:30**
Indoor Sporting Event	**Fridays, Saturdays and Sundays 11:00 to 23:30**	**Fridays and Saturdays 10:00 to 01:00 Sundays 10:00 to 23:30**
Live Music	**Fridays, Saturdays and Sundays 11:00 to 23:45**	**Fridays and Saturdays 10:00 to 01:00 Sundays 10:00 to 23:30**
Recorded Music	**Fridays, Saturdays and Sundays 11:00 to 23:45**	**Fridays and Saturdays 10:00 to 01:00 Sundays 10:00 to 23:30**
Performance of dance	**Fridays, Saturdays and Sundays 11:00 to 23:45**	**Fridays and Saturdays 10:00 to 01:00 Sundays 10:00 to 23:30**
Anything of a similar description	**Fridays, Saturdays and Sundays 11:00 to 23:45**	**Fridays and Saturdays 10:00 to 01:00 Sundays 10:00 to 23:30**

- **Adding a new provision of regulated entertainment of boxing and wrestling on:**

Fridays and Saturdays 10:00 to 01:00
Sundays 10:00 to 23:30

- **Also adding the Provision of late night refreshment on :**

  Fridays and Saturdays 23:00 to 01:00
  Sundays 23:00 to 23:30

- **To include the following additional conditions :-**

  - **That power cut-off switches are to be installed on fire exit doors.**
  - **The club have offered a condition that a traffic light system is to be installed which will be located behind the bar and if the noise levels are too high (noise levels will be set by Gloucester City Council's Environmental Protection Team) the power will be switched off.**

3.5 Wotton Hall Club has a Premise Licence. A copy of the current Premise Licence is attached in **Appendix 4.**

4.0 Representations

4.1 During the consultation period, the variation application has resulted in eight representations from local residents (Other Persons) within the meaning of the Act.

4.2 The representations are centred around on noise emanating from the premises, anti-social behaviour, disturbance from vehicles using the car park attached to the club, litter, smells from the Indian restaurant and breaches to licensing conditions. The representations are attached in **Appendix 5.**

4.3 One representation from a Responsible Authority (Environmental Protection) has been received. If the following conditions are attached to the licence then Environmental Protection would recommend approval:

- *The licence Holder will control the sound levels of the music/entertainment. A noise limiting device including cut out must be fitted so that all live amplified music including vocals and recorded music is channelled through the devices(s). The maximum noise levels will be set by agreement with Gloucester City Council and reviewed from time to time as appropriate.*
- *Power cut off switches shall be installed on fire exit doors.*

This is attached in **Appendix 6.**

4.4 The Local Authority has deemed the representations relevant under the Licensing Objective:-

- The Prevention of Public Nuisance

4.5 On receipt of the representations enquiries were made with The Police and Environmental Protection to see if any complaints had been received against Wotton Hall Social Club.

4.6 The Police confirmed that they would not be objecting to the variation application but had received the following complaints:-

- 6th July 2014 noise complaint at 00:23 hours
- 22nd Sept 2014 noise complaint on deliveries during unsociable hours.
- One incident of minor disorder within the last 12 months.

The Police also state that prior to the above complaints the premises has had very few reports in respect of Crime and Disorder.

4.7 Environmental Protection confirmed that only one noise complaint in relation to the club in recent years has been received. The nature of the complaint was the noise emanating from the club. This was on 9th July 2014.

4.8 A telephone call to the Licensing Team was also made by a local resident on 14th July 2014 stating that residents were having problems with music emanating through windows and doors and people urinating up against the fence of their property.

4.9 After receiving this complaint a Licensing and Enforcement Officer visited the premises and reported the following:

- Saturday 19th July 2014 – 22:00 – 22:30 – All quiet no issues, doors and windows closed.
- Friday 22nd August 2014 – 22:00 – 22:30 – All quiet no issues.
- Friday 5th September 2014 – 23:15 – 23:45 – This was the date of a TEN application that had been refused due to the club exceeding their quota of 12 within a calendar a year. All music was off by 23:45. There was one rowdy group that decided to break out into a singing contest at approx 23:30 whilst waiting for a Taxi.

No further visits have taken place since 5th September 2014 as no further complaints have been received to the Licensing Team.

4.10 It has been suggested within some of the representations contained in appendix 5 that the club has breached its licensing conditions on numerous occasions giving dates of when this happened.

4.11 I can confirm that a Temporary Event Notice was in place authorising licensable activities for the following dates:-

- 15th February 2014
- 29th March 2014
- 10th May 2014
- 5th July 2014
- 20th September 2014
- 27th September 2014
- 4th October 2014

A Temporary Event Notice was not in place for the following dates:-

- 25th May 2014
- 26th July 2014
- 29th August 2014

4.12 Wotton Hall Club has provided a report from Acoustic Associates Worcestershire dated 26th August 2014. Members attention is drawn to page six of the report under conclusions. The full report is attached in **Appendix 7.**

4.13 The applicant and those who have made representations have been given Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

5.0 Financial Implications

5.1 There are no direct financial implications associated with this report.

6.0 Legal Implications

6.1 The Licensing and Enforcement Sub-Committee is asked to determine this application with a view to promotion of the Licensing Objectives which are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of Children from Harm

6.2 In making its decision, the Sub-Committee is also obliged to have regard to national guidance (Section 182) and the Council's own Licensing Policy. Members attention is drawn to Sections 3, 4, 5 and 6 of Gloucester City Council's Licensing Policy statement which outline the authority's policy with regard to the licensing objectives and Section 7.2 that refers specifically to the licensing hours. This is attached in **Appendix 8.**

6.3 The Sub-Committee must also have regard to the representations made and the evidence it hears and also be satisfied that:-

- the application is properly made
- the application has given proper notice.
- The applicant has satisfied the advertising requirements.

6.4 The Sub-Committee has powers to decide on either of the options set in paragraph 2.1 (b) of this report

6.5 The Sub-Committee has powers adjourn or carry forward the hearing to additional; specified dates.

6.6 For the purposes of determining an application, a "relevant representation" means a representation which:

(a) Is relevant to one or more of the licensing objectives.
(b) Is made by a responsible authority or other persons within the prescribed period.
(c) Has not been withdrawn

(d) If having been made by a person who is not a responsible authority, that they are not in the opinion of the Licensing Authority frivolous or vexatious.

6.7 In deciding what action, if any, it should take, the Sub-Committee Members must direct their minds to the causes and concerns which the relevant representations identify. Any action should generally be directed to these causes and should always be no more than is a necessary and proportionate response. In particular, any detrimental financial impact of the Sub-Committee decision must be necessary and proportionate.

6.8 The Sub- Committee is required to have regard to the most up to date version of the Home Secretary's Guidance when making its decision. However the Guidance does not cover every possible situation, so long as Guidance has been followed properly and reason carefully understood, the Sub-Committee may depart from it if they have to do so. Full reasons must be given for any departure from the Home Secretary's Guidance.

6.9 Following the case of Daniel Thwaites v Wiral Borough Magistrates Court 2008 The Sub-Committee needs to avoid:

- Speculating of what might happen in the absence of evidence that harm would or could happen.
- Not paying attention to Government Guidance where failing to follow it requires good reasons to be given.
- Modifying Imposing conditions that do not promote the licensing objectives.

6.10 Where the Sub-Committee determines an application it must notify the following of its decision, and the reasons for it :

- The applicant.
- The 'other person' who made the relevant representations.
- The 'responsible authority' who made the relevant representation.

6.11 The Sub-Committee has its own procedure for determining applications which are attached to the report as **Appendix 9.**

6.12 In considering the application, the Sub-Committee is solely performing the role of the Licensing Authority. The Sub-Committee sits in a quasi-judicial capacity and must act impartially. It must offer a fair and unbiased hearing of the application

6.13 There is a right of appeal to the Magistrates Court.

7.0 Risk & Opportunity Management Implications

7.1 There is a right of appeal to the Magistrates Court for both the applicant and 'Other Persons'. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

10.0 People Impact Assessment (PIA):

10.1 The Screening Stage considered risks to licence holders in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 None at this stage

Sustainability

11.2 None at this stage

Staffing & Trade Union

11.3 None at this stage

Background Papers : Gloucester City Council Licensing Hearing Procedure

Published Papers : Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005 Gloucester City Council Licensing Policy Statement Home Secretary (Home Office) Guidance issued under section 182 of the Licensing Act 2003 (June 2014) and Daniel Thwaites v Wirral Borough Magistrates Court (2008)

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Gloucester City Council
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ENVIRONMENTAL
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HEALTH

Herbert Warehouse, The Docks, Gloucester, GL1 2EQ

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Wotton Hall CLUB LIMITED
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	1301517GLPRMG

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description WOTTON HALL CLUB 138 BARNWOOD ROAD			
Post town	GLOUCESTER	Postcode	GL4 3SS

Telephone number at premises (if any)	01452 610025
Non-domestic rateable value of premises	£29,000

Part 2 – Applicant details

Daytime contact telephone number	01452 610025
E-mail address (optional)	Wotton.hall@btconnect.com

PP: 4354

Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☑ Yes ☐ No

If not, from what date do you want the variation to take effect? DD MM YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the hours of the Sale by retail of Alcohol, indoor sporting events, Live Music, Recorded Music, Performance of Dance & anything of a similar description

Adding a new Provision of regulated entertainment of Boxing & Wrestling on:

Fridays & Saturdays 10:00 to 01:00

Sundays 10:00 to 23:30

also adding the Provision of late night Refreshment on:

Fridays & Saturdays 23:00 to 01:00

Sundays 23:00 to 23:30.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment		**Please tick all that apply**
a)	plays (if ticking yes, fill in box A)	☐
b)	films (if ticking yes, fill in box B)	☐
c)	indoor sporting events (if ticking yes, fill in box C)	☑
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	☑
e)	live music (if ticking yes, fill in box E)	☑
f)	recorded music (if ticking yes, fill in box F)	☑
g)	performances of dance (if ticking yes, fill in box G)	☑
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	☑

Provision of late night refreshment (if ticking yes, fill in box I)	☑
Sale by retail of alcohol (if ticking yes, fill in box J)	☑

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		
				Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) COUNTY DARTS. AMPLIFIED MUSIC TO INTRODUCE PLAYERS
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	10-00	01-00	
Sat	10-00	01-00	
Sun	10-00	23-30	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish		Indoors	☑
				Outdoors	☐
				Both	☐
Mon			Please give further details here (please read guidance note 3) AMPLIFIED MUSIC TO INTRODUCE CONTESTANTS.		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri	10-00	01-00	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10-00	01-00			
Sun	10-00	23-30			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		
				Indoors	☑
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	11-00	23-30	Please give further details here (please read guidance note 3)		
Tue	11-00	23-30			
Wed	11-00	23-30	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11-00	23-30			
Fri	10-00	01-00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10-00	01-00			
Sun	10-00	23-30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		
				Indoors	☑
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	11-00	23.30	Please give further details here (please read guidance note 3)		
Tue	11-00	23.30			
Wed	11-00	23.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11-00	23.30			
Fri	10-00	01-00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10-00	01-00			
Sun	10-00	23-30			

G

Performances of dance Standard days and timings (please read guidance note 6)			**Will the performance of dance take place indoors or outdoors or both – please tick** (please read guidance note 2)		
				Indoors	☑
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon	11-00	23-30	**Please give further details here** (please read guidance note 3)		
Tue	11-00	23-30			
Wed	11-00	23-30	**State any seasonal variations for the performance of dance** (please read guidance note 4)		
Thur	11-00	23-30			
Fri	10-00	01-00	**Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	10-00	01-00			
Sun	10-00	23-30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	**Will this entertainment take place indoors or outdoors or both – please tick** (please read guidance note 2)	Indoors	☑
Mon	11-00	23-30		Outdoors	☐
				Both	☐
Tue	11-00	23-30	**Please give further details here** (please read guidance note 3)		
Wed	11-00	23-30			
Thur	11-00	23-30	**State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)** (please read guidance note 4)		
Fri	10-00	01-00			
Sat	10-00	01-00	**Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Sun	10-00	23-30			

I

Late night refreshment Standard days and timings (please read guidance note 6)			**Will the provision of late night refreshment take place indoors or outdoors or both – please tick** (please read guidance note 2)		
				Indoors	☑
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 3)		
Tue					
Wed			**State any seasonal variations for the provision of late night refreshment** (please read guidance note 4)		
Thur					
Fri	23-00	01-00	**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 5)		
Sat	23-00	01-00			
Sun	23-00	23-30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			**Will the supply of alcohol be for consumption – please tick** (please read guidance note 7)		
				On the premises	☐
				Off the premises	☐
Day	Start	Finish		Both	☑
Mon			**State any seasonal variations for the supply of alcohol** (please read guidance note 4)		
Tue					
Wed					
Thur			**Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list** (please read guidance note 5)		
Fri	10-00	01-00			
Sat	10-00	01-00			
Sun	10-00	23-30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)		
Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri	10-00	01-30
Sat	10-00	01-30
Sun	10-00	23-30

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☑
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

POWER CUT OFF SWITCHES HAVE BEEN INSTALLED ON THE FIRE EXIT DOORS IN THE FUNCTION ROOM.

TRAFFIC LIGHT SYSTEM TO MONITOR NOISE LEVELS HAS BEEN INSTALLED WITH AN OVERRIDE SWITCH BEHIND THE BAR TO CUT POWER TO STAGE SOCKETS.
ALEX MASON IS LIAISING WITH US TO SET NOISE LEVELS ON TRAFFIC LIGHT SYSTEM.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☑
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☑
- I understand that I must now advertise my application. ☑
- I have enclosed the premises licence or relevant part of it or explanation. ☑
- I understand that if I do not comply with the above requirements my application will be rejected. ☑

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[redacted]
Date	10 – 10 – 14
Capacity	CHAIRMAN.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		**Post code**	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

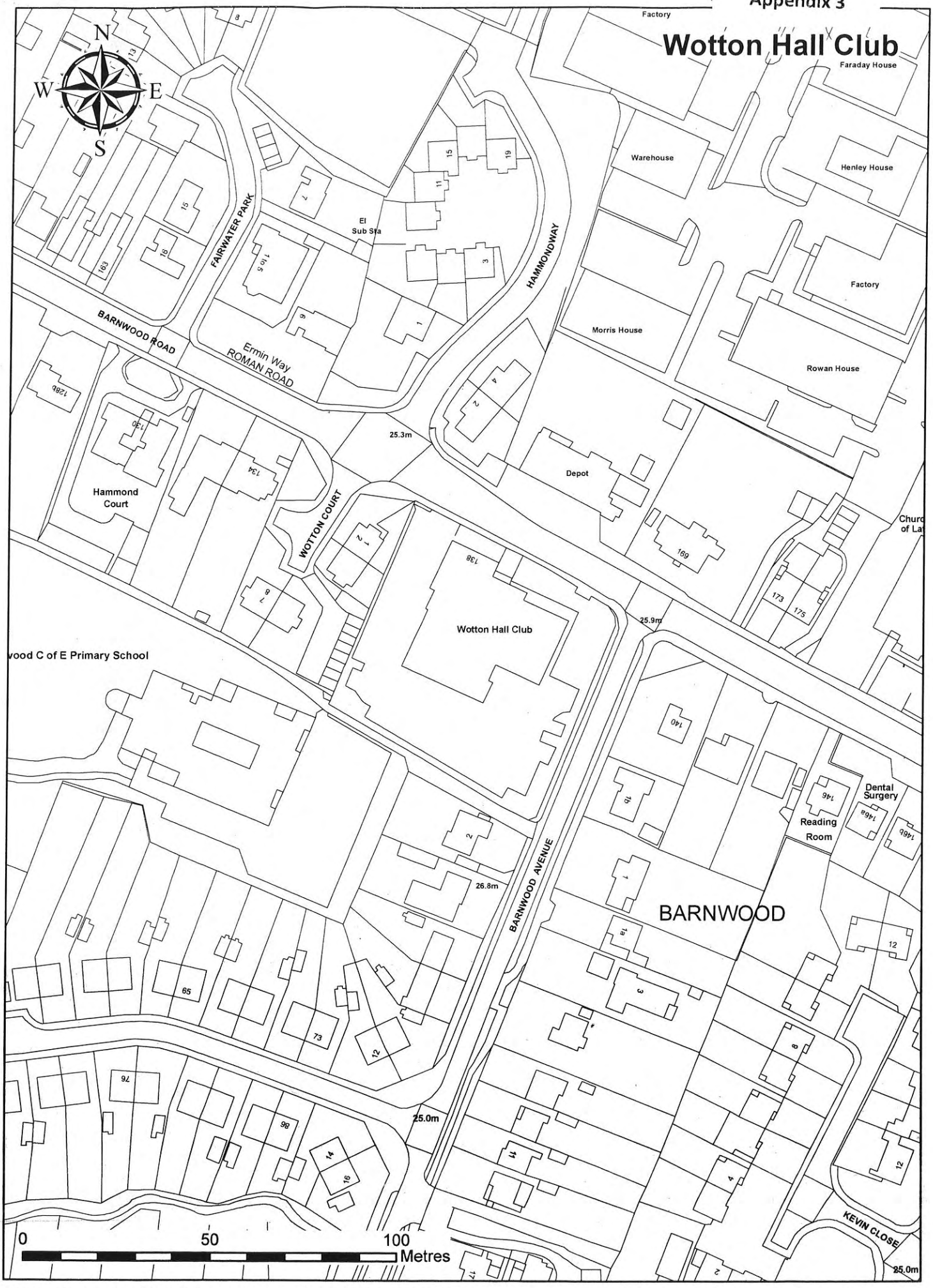
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Premises Plan – Fire Safety Legend
Water Extinguisher
Foam Extinguisher
CO2 Extinguisher
Fire Blanket
Exit sign with Directional Arrow
Break glass fire alarm call point
Alarm sounder
Smoke detector
Heat detector
Fire alarm point
Emergency Lighting
Vapourising liquid Extinguisher
Premises Plan – Information and Legend
Licensable Activity = Sale by retail of alcohol
Location of licensable activity
Location consumption of alcohol
Regulated Activity, Regulated Entertainment
Location of licensable activity
Amusement with Prizes Machine
Location of Premises Exits
Location of fixed structures/objects in a fixed position.
Cigarette Vending Machine
DSW DESIGN CONSULT
PREMISES PLAN
scale 1:100
date JULY 2005
drawn by DSW
FIRST FLOOR PLAN
GROUND FLOOR PLAN

Appendix 3

Wotton Hall Club



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Gloucester City Council

Schedule 12
Part A

Regulation 33,34

Premises Licence

Premises Licence Number	1301517GLPRMG

Part 1 – Premises Details

Postal address:

Wotton Hall Club
138 Barnwood Road
Gloucester
GL4 3JS

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol	Everyday	11:00 - 23:30
Plays	Sunday	12:00 - 22:30
Plays	Friday/Saturday	12:00 - 23:30
Indoor Sporting Events	Everyday	11:00 - 23:30
Live Music	Everyday	11:00 - 23:45
Recorded Music	Everyday	11:00 - 23:45
Performance of Dance	Everyday	11:00 - 23:45
Dancing	Everyday	11:00 - 23:45

Non-standard timings for all licensable activities (opening times at the discretion of the holder)

Public Bank Holiday Weekends

On Saturday, Sunday, Monday	11:00 – 00:00
Christmas Eve and Boxing Day	11:00 – 00:00
Christmas Day	11:00 – 14:00
New Years Eve	11:00 – 01:00

PUBLIC PROTECTION

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396303 **Fax** 01452 396340
Email licence.team@gloucester.gov.uk
Minicom 01452 396161

The opening hours of the premises

Everyday 11:00 - 23:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The Wotton Hall Club Limited
138 Barnwood Road
Gloucester
GL4 3JS

Registered number of holder, for example company number, charity number (where applicable)

Company or Charity Number 11475R

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Linda Gentry

[redacted]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

PA0020 Licensing Authority: East Hampshire District Council

Signature of Issuing Officer: [redacted]

Food Safety and [redacted]ager
Public Protection

Date Licence First Granted 19 November 2011
Date of Issue: 1 November 2013

(See Annexes and Plans attached for conditions relating to this Licence)

Issuing Authority:

The District of Gloucester City Council, The Docks, Gloucester GL1 2EQ

Annex 1 – Mandatory conditions

Where licence authorises supply of alcohol

No supply of alcohol may be made under this licence

a. at a time when there is no designated premises supervisor in respect of this licence, or

b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant Premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal , as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol, identification bearing their photograph, date of birth and holographic mark

The responsible person shall ensure that:-

(a) where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) customers are made aware of the availability of these measures

Where licence authorises the exhibition of films

Admission of children (persons aged under 18) to the exhibition of films must be restricted in accordance with any recommendations made by the British Board of Film Classification.

Annex 2 – Conditions consistent with the Operating Schedule

Music and amplified voices emanating from the premises shall not be audible at the nearest sensitive premises

All windows and fire exit doors shall be kept closed when amplified sound is being produced within the premises other than for the purposes of access and egress

Signs shall be posted inside the building at all exists reminding customers to leave quietly and respect the needs of neighbours

Admission to the Wotton Hall is currently confined to members and bona fide guests and entry is controlled by the doorman.

A second doorman will be employed on non-member function nights

CCTV system to be maintained in good working order and that an agreed image storage protocol will be put in place

No unaccompanied children under the age of 18 allowed in the club.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

As submitted with the application

Part B

Premises Licence Summary

Premises Licence Number	**1301517GLPRMG**

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Wotton Hall Club
138 Barnwood Road
Gloucester
GL4 3JS

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol	Everyday	11:00 - 23:30
Plays	Sunday	12:00 - 22:30
Plays	Friday/Saturday	12:00 - 23:30
Indoor Sporting Events	Everyday	11:00 - 23:30
Live Music	Everyday	11:00 - 23:45
Recorded Music	Everyday	11:00 - 23:45
Performance of Dance	Everyday	11:00 - 23:45
Dancing	Everyday	11:00 - 23:45

Non-standard timings for all licensable activities (opening times at the discretion of the holder)

Public Bank Holiday Weekends	
On Saturday, Sunday, Monday	11:00 – 00:00
Christmas Eve and Boxing Day	11:00 – 00:00
Christmas Day	11:00 – 14:00
New Years Eve	11:00 – 01:00

The opening hours of the premises

Everyday	11:00 - 23:30

PUBLIC PROTECTION

Gloucester City Council
Herbert Warehouse
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Gloucester GL1 2EQ

Tel 01452 396303 **Fax** 01452 396340
Email licence.team@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

The Wotton Hall Club Limited
138 Barnwood Road
Gloucester
GL4 3JS

Registered number of holder, for example company number, charity number (where applicable)

Company or Charity Number 11475R

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Linda Gentry

State whether access to the premises by children is restricted or prohibited

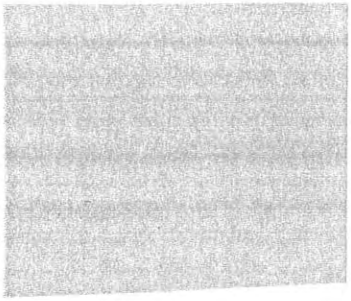
Signature of Issuing Officer: [redacted]

Food Safety and Licensing Service Manager
Public Protection

Date Licence First Granted 19 November 2011
Date of Issue: 1 November 2013

Issuing Authority:

The District of Gloucester City Council, The Docks, Gloucester GL1 2EQ



APPENDIX 5

28/10/2014

Dear Licensing Authority

RE: Wotton Hall Cub, 138 Barnwood Road, GL4 3JS. Application for the variation of the premises license.

We have great concern regarding this application and are writing this representation against the application for the variation of the premise license, as it relates to 2 of the licensing objectives:

1. Crime and Disorder: this relates to any crime, disorder and anti-social behaviour related to the management of the premises.
2. Prevention of public nuisance: this relates to hours of operation, noise and vibration, noxious smells, light pollution, and litter.

The current license already has conditions attached which have been breached on an on-going basis for over 6 years.

- *Music and amplified voices emanating from the premises shall not be audible at the nearest sensitive premises*
- *All windows and fire exit doors shall be kept closed when amplified sound is being produced within the premises other than for the purpose of access and egress*

Whilst we recognise the club has in recent months made some attempts to work with local residents to listen and respond to the complaints of issues such as planning applications and general noise, vibration and disorder and anti-social behaviour. The club has fitted controls on the doors to shut off the amplified sound that are plugged into the stage sockets, but has not been able to be effective in its ability to control the main issues of noise and vibration which is the cause of on-going undue stress and anxiety to residents in neighbouring properties.

The noise limiting system currently used is reliant on personal decision to operate a manual switch to shut off the power to the stage electrical sockets that supply the sounds systems. This is reliant on the person being able to view the traffic light system going to RED which is situated above the bar!, and then make the decision to activate the manual switch, the club has already said that they would only act on the 2nd time it turns RED, giving a warning on the 1st occasion. It has also been noted that a member of the club has stated 'that it wouldn't be fair to the people who had booked the party if the music got switched off or if the music was kept low'.

This clearly demonstrates the inadequate management of the noise limiting equipment.

In the licensing policy statement section 5: Prevention of Nuisance

5.1 – the licensed premises activities affects all in the local vicinity, during the day, evening, late night and early morning.

5.2 – the club is set in a quiet residential area and is close to, opposite and borders 9 residential properties

5.5 – the club have introduced new measures as identified in (i): Shut off when doors opened and sound limitation device. Currently the noise limiting system is monitored inconsistently, complaints are still being made to the club, and this is now being submitted more formally to ensure that a record is maintained. Noise vibration continues to escape and cause considerable disturbance within our property.

(ii) & (vii) We are not aware of any measures (other than a notice on the wall) in place for preventing disturbances by customers and staff arriving/leaving the premises particularly between 23:00 and 07:00 hours. This again causes a considerable impact on people living and sleeping in the vicinity

(x) the club has recently opened a pedestrian access into Barnwood Avenue, this is impacting on all local residents parking in the avenue, increase in loud voices late at night, unruly behaviour , car door slamming and cars speeding off throughout the evening and through to the early hours of the morning.

(xii) We are affected by all elements of noise when out in the garden day and evening, including discos set up and played out the front of the club during the last summer bank holidays.

8.3 The club has breached its existing license conditions on numerous occasions, recent examples reported:

- 15th February from 19:00 until 6.00 am+
- 29th March from 19:00 until 1:30 am
- 10th May from 19:00 until 6:00 am+
- 25th May Midday through to late night including anti social behaviours
- 5th July 19:00 until 1:30 am
- 26th July from 18:10 until early morning (1.30)
- 29th August from 19:30 until early morning (1.30)
- 20th September from 18:10 until early morning (1.30+)
- 27th September from 19:30 until early morning (1.00+)
- 4th October from 19:00 until midnight +

We have made many complaints to the police and the club itself but with no outcomes we eventually made contact with Environmental Health. We made contact with the environmental department for the 2nd time on 9th July to complain and discuss the noise issues that we were continuously experiencing within our property, we have maintained contact to log our ongoing experiences and complaints.

We would recommend that members consider representations made and urge that they review that negative impact already experienced regularly to local residents with the current licensing hours with conditions.

Clearly from the details provided above it is evident that the club has been operating with ***inadequate*** controls for many years, with the change of management approaches and the work completed to date they have now moved up a step to ***requires improvement***.

The club should reach good or outstanding in its control measures and consistently apply them within the management of their existing license and the extra conditions with no further breaches/complaints etc.
We suggest that when the club is able to the ability to ***embed good to outstanding practice*** and establish a consistent approach to their management policies and procedures in compliance with the licensing conditions. This would be a time to review and consider a variation to the license.

Regards

Mr and Mrs B Hibbert

Darren Mountford

From: Licence Team
Sent: 10 November 2014 10:48
To: Darren Mountford
Subject: FW: Representations concerning Licence application Wotton Hall Club Barnwood

-----Original Message-----
From: Elaine Proverbs
Sent: 07 November 2014 17:34
To: Licence Team
Subject: Representations concerning Licence application Wotton Hall Club Barnwood

Dear Sirs

Objections to Licence Application at Wotton Hall Club Barnwood.

Crime and Disorder
This relates to any crime, disorder or anti-social behaviour related to the management of the premises. The licence-holder cannot be responsible for he conduct of individuals once they leave the premises. Prevention of public nuisance - this can relate to hours of operation, nice and vibration, noxious smells, light pollution and litter.

We live at [redacted] and have done so since 1987. The Avenue is a common foot thoroughfare to Coney Hill. We often have disturbances of a minor nature from people with alcohol chatting, shouting and dropping litter passing the houses in our immediate area. It should be noted that Wotton Hall Club is completely surrounded by residential accommodation. This now includes the new complex opposite Wotton Hall Club that contains a number of flats and I am sure their saleable value would be much reduced with the advent of the licensing hours to the Club being considerably extended as is outlined in the application. There are numerous elderly residents who I am sure do not want to be disturbed by noise from the Club late at night and early hours. In addition this would also devalue the properties and in particular our own in the Avenue and the close proximity to the Club. We already have to suffer noise, dangerously parked cars, litter, shouting and other bad behaviour when the Club closes. During the summer months when windows and doors are open this is already a big problem, however if the noise and bad behaviour goes into the early hours this would not be tolerable. As existing residents we should be able to have our views brought to the attention of the Licencing Authority.

We trust that the views and those of other residents in this are will be seriously taken into consideration when the application is heard.

We are members ourselves of the Wotton Hall Club and support the events and feel the Licence Hours already are more that adequate.

John & Elaine Proverbs
e[redacted]o.uk

1401451 Gd env.
10012124967
Eligen
Complete
in doc 4 2
representations.

14 Grant Gurney
10/12/2014 (1)

Darren Mountford

From: Licence Team
Sent: 28 October 2014 13:05
To: Darren Mountford
Subject: FW: Representation against the Application for an extended license at Wotton Hall

-----Original Message-----
From: Matthew Wise
Sent: 28 October 2014 10:38
To: Alex V. Mason; Darren Mountford; Here to Help; Licence Team
Subject: Representation against the Application for an extended license at Wotton Hall

> Dear Licencing team
>
> Please be in receipt of this email as my representation against the request of an extended application for licensing from the Wooton Hall Club.
>
> I have been a resident on [redacted] for almost three years and have more recently become involved and aware of a number of issues between the local residents and the club.
>
> Before I explain my reasons against the application I wanted it to be noted that concerns in regards to the club have been on going for almost 6 years. Some of the concerns have been documented and sent to the Council in the past however it is only more recently that communication between the residents, the club and the council have been opened up. I would suggest the the members be made aware of the existing documentation around the noise and environment concerns that are STILL on going.
>
> I object to the application on several grounds relating to the following.
>
> Crime and disorder: This relates to any crime, disorder or anti-social behavior related to the management of the premises. The licence holder cannot be responsible for the conduct of individuals once they leave the premises
>
> Prevention of public nuisance: This can relate to hours of operation, noise and vibration, noxious smells, light pollution, and litter.
>
> Crime and Disorder:
> As a resident of [redacted] my property looks directly over the car park of the Wooton Hall club - in more detail my daughters bedroom look over the car park. They are aged 5 and 7. Already this year I have raised concerns to the the council and the club as the entire family were witness to people urinating in the car park, using offensive language, drinking outside and being extremely loud. The club has no way to police this and later drinking hours for me would only run the risk of these type of incidents happening again and again. I have already shared the pictures and video's with the council via email.
>
> Prevention of public nuisance:
> Already running behind this application is a large project with the Wooton Hall club to reduce the noise coming from the hall at the weekends. The noise in the past has been unbearable and meant that the family have had issues sleeping and in fact have had issue's living peacefully as the noise often starts at 6/7pm. My understanding is that a noise reduction or traffic light system is in place although we have already seen examples of where this has not worked. To therefore allow further licensing hours when the club is already failing would make no sense at all - the residents are currently looking at if we have a case for Statutory nuisance as our quality of life has deteriorated since the club has decided to change its focus in who it attracts as a customer.

> My further concern is around the "bass" or "low frequency" that the clubs omits - this is often difficult to measure unless measured from the residents premises - this has yet to be done - but currently is at an unacceptable level
> On certain evenings the smell of the new restaurant is very powerful, as Indian cuisine often is - to allow this to continue for an extended period will mean that all windows will have to be closed during the summer months and it will also of course attract more people to the club as very few restaurants will be open at this time - my concern is that this may well become a haven for late night drinking and eating by people not really interested in the benefits that the clubs is trying to provide.
>
> We have to work with the club to initially find resolution in the current set up - ie - reduce the noise, police the behavior of the patrons and make sure the well being of the local residents in not impacted. Once all parties are in agreement to this then I would suggest they look at applying for an extension. However at this stage i would say that we are a long way from this resolution.
>
> Kind Regards
>
> Mr Matt Wise
>
> (
>
>
>
>
>
>
>

Darren Mountford

From:	Licence Team
Sent:	10 November 2014 10:48
To:	Darren Mountford
Subject:	FW: Licence Application

From: John Williams [mailto:
Sent: 07 November 2014 16:56
To: Licence Team
Subject: Licence Application

We wish to make the strongest possible objection to the proposal from The Wotton Hall Club for an extension to the hours for retail of alcohol and other provisions.

This application is totally unsuitable for a residential area and has no consideration to the local residents. It will by its very nature increase the already existing public nuisance caused.

Local residents already have to put up with inconsiderate parking in Barnwood Avenue, slamming of car doors late at night and noisy, overloud conversations from people leaving the club. Local residents are entitled to go to bed secure in the knowledge that their sleep will not be disturbed, but this application will extend the nuisances currently endured even more into the night.

We urge licence committee members to reject this application.

John & Jill Williams

140451 Greenw.
10012124967
Eliptem complete
in doc Lot 2 – representations.

14/0451/Green
10012124619
Green / Complete
Ack 21.2. Representation

Mrs P Hudson

6 November 2014

Dear Sir/Madam,

I write to object to Wotton Hall Club's application to vary their premises licence. I believe my representation is relevant under the main licence objective of the 'prevention of public nuisance'.

Public nuisance

I have lived in [redacted] since 2007. I made my first complaint to the Club about noise (public) nuisance in 2010. My family and I have been disturbed countless times since by live music/disco/party type events.

Disturbances usually occur because the volume of music is too loud and/or due to strong low frequency (bass) vibrations. Until very recently we have also been greatly disturbed by frequent loud 'bursts' of music, which have escaped via opened fire doors and windows. I understand that in causing such disturbances, the Club has failed to meet some of its ***existing*** licence conditions, e.g. that music should not be heard at the nearest sensitive premises (my house is not the nearest); also that doors and windows should be kept closed. Where existing licence conditions have been breached, I cannot believe it makes any sense to vary them in the Club's favour.

I also feel that the Club has specific problems in managing 'late night' events. While events ending at 11:45pm (as per the Club's existing licence) have been a frequent source of noise nuisance, events run under Temporary Event Notices (TENs) have been a ***consistent*** source of noise nuisance. This has certainly been the case during 2014, despite the fact that the Club's management committee has been particularly focused on noise control this year. Unfortunately, to date, they haven't got it consistently right so much as consistently wrong. Again, extending the Club's hours, when it seems to be particularly unable to control events finishing at 1am and beyond, makes no sense.

Since July local residents have appealed to Gloucester CC's Environmental Protection and Licensing teams for help with this matter and some of our complaints about the Club remain unresolved. We have recently learned that in all likelihood, many of the disturbances we've experienced would have been recognised as 'statutory nuisance' if formally witnessed or recorded. We regret that we did not involve the Council in our complaints sooner.

Indeed in trying to work amicably with the Club for too long, we are now faced with the prospect of what was once a relatively quiet social club becoming an effective nightclub in an otherwise peaceful residential area. While I believe the Club to be genuinely trying to improve its management, I think it is only fair that it proves it can operate in line with its existing licence conditions for a reasonable period of time before any variations be bought to the table. In addition to the countless sleepless nights and rude awakenings experienced by my husband and I over the years, my two children, one aged 5 years and the other 10 months, have also both been disturbed numerous times. This is not only distressing but wholly unacceptable.

Yours sincerely,

Paula Hudson

Darren Mountford

From:	Licence Team
Sent:	06 November 2014 09:58
To:	Darren Mountford
Subject:	FW: Extended Licensing hours application from Wotton Hall Club, Barnwood.

From: Dave, Evans [illegible]
Sent: 05 November 2014 17:22
To: Licence Team
Subject: Extended Licensing hours application from Wotton Hall Club, Barnwood.

Hello

I live at [illegible] ue. I strongly oppose the granting of the above application. Due to on some occasions the loud noise, swearing & litter from the users of the club as they leave. The parking on function nights can be dangerous with people parking on the warning areas adjacent to Barnwood Road. This will obviously only get worse if there are more different functions held & for longer hours.

Yours sincerely

David Evans.

.....

[redacted]

This email (which includes any files attached to it) is not contractually binding on its own, is intended solely for the named recipient and may contain CONFIDENTIAL, legally privileged or trade secret information protected by law. If you have received this message in error please delete it and notify us immediately by telephoning +44 2477715000. If you are not the intended recipient you must not use, disclose, distribute, reproduce, retransmit, retain or rely on any information contained in this email. Please note the Companies reserve the right to monitor email communications in accordance with applicable law and regulations.

1401451 GLPGMV
100121249607
Gipsen / Complete
in Doc 1 of 2. Representation
— Representation

03/11/14

Dear Licencing Authority

I would like to object/make my representation against the licencing application that Wotton Hall has once again submitted.

I would like to object due the evidence of the Wotton Hall club on an ongoing basis has not met the required 2 licencing objectives:

(1) The prevention of crime and disorder

(3) The prevention of public nuisance

I understand that the club has existing extra conditions relating to noise/bass and vibration disturbance already on its licence, yet we have been subject to noise nuisance for years on a regular basis during the day and in the evening leading into early hours in the morning and not forgetting the 6.00 am all nighters.
The club has changed more recently adding a restaurant, so we are now also subject to strong cooking odours from the Indian restaurant which is an added factor, with a request for an extension to food service times included there would be an increase to the usage of the car park to well into the early hours of the morning. Thus creating more noise, smells and light pollution for a longer period of time.
Wotton Hall has only chain link fence to Barnwood Avenue side of their property which is no barrier at all, therefore I am subject to a great deal of noise form people and cars. The lighting has been improved for the users but shines into my property, all of this consequently impacts on quality of life.
Some examples of dates when noise/anti social behaviour complaints have been made are:

- 15th February
- 29th March
- 10th May
- 25th May
- 5th July
- 26th July
- 29th August
- 20th September
- 27th September

- 4th October

There have been many more examples of noise/bass/vibration nuisance, anti-social behaviours and also to mention the unlidded, overflowing bins repeatedly causing litter nuisance on the avenue.

The club has improved communications with residents and are working to improve noise controls. But these are very much in the early stages, the system will require time to be operated on a consistent basis.

As you see from all the information I have given it does not seem to be in the best interest of the local people to give a variation to extend licensable activities when they have been unable to get the basic conditions right over the last 7 years. The club should be compliant and meet the required standards of their current extra conditions/objectives laid out by the local authorities and get it right with no complaints. A variation to the licence at this stage makes no sense at all.

Kind Regards

[redacted]

Norman Hillier

140145 [illegible]
10012124 9687

Mr. D Mountford
Glos: City Council
921.

4 Nov 2014

Good Morning Darren. Please find updated objection letter enclosed.

Thanks,

[redacted]

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Sir/madam. I object most strenuously to the application for extended hours =
by Wotton Hall Club. This club has been a continuing source of trouble sinc=
e last year, regarding planning issues, and continues to be so now in other=
ways. I quote an example-- stated quite clearly on the club notice board a=
re opening/closing times, weekends being 11-30 pm.=A0=A0=A0=A0 On Saturday =
August 9th this year, the car park [under my windows] was occupied by appro=
ximately 30 teenagers, some being not old enough to consume alcohol. Indeed=
, 2 young girls were stretched out in the car park obviously suffering badl=
y from the excess of alcohol, one girl was supported from horizontal by a m=
ale who said-- { quote } " if we dont keep her up she"ll drown in her own f=
xccxing sick "=A0=A0 } .=A0 These people left the club bars etc at a quarter=
to one am, and vacated the car park eventually at 2 am. During this time, =
I have NEVER heard a car entertainment system played at such a high volume
The swearing and general foul language came forth at a level unknown to me=
, by both males and females. Much slamming of car doors/boot lids etc ensue=
d when they were loading black bags-trays of food etc. etc. Shouting, mouth=
ing, dancing and drinking went on until just before 2 am. The club doors we=
re open throughout this time, and those that could walk were continually in=
and out. This is not an isolated event and happens often. I saw a club com=
mittee person and another inebriated person" walk" upto the doors on the we=
stern elevation of the club, only to leave the scene immediately. Nothing b=
eing said to the revellers ! The local residents of which I am not the only=
objector do not need this, and indeed can only forsee more of a similar na=
ture should these extra hours be permitted. I implore you please-- do not g=
rant these extra times.=A0=A0=A0=A0 Furthermore, the club has asked for ref=
reshment permission; as a "hot dog van " has already been refused,
please be aware that this may be an attempt to re-instate it. This applica=
tion is not necessary for a rural area, and indeed it"s times of supplying =
alcohol and refreshments are totally unreasonable and should not be granted=
. In addition 24 hour openings which do happen often at this club,produce a=
similar set of happenings as the one I have previously quoted. If this con=
tinues, I shall make objections to it, as I have done before, but nothing h=
as ever happened about it .=A0 Mr. G. Meek, [redacted]

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Dated Nov 4th 2014.

Gloucester City Council

Appendix 6

LICENSING ACT 2003

REPRESENTATION FORM – Responsible Authorities

Responsible Authorities are requested, where possible, to forward to the Licensing Authority all relevant evidence in support of their representation at the time of submitting this form.

Your Details

Your Name:	Alex Mason
Name of the organisation you represent:	Gloucester City Council
Position held:	Environmental Protection Officer
Postal Address of the organisation or body you represent:	Herbert Warehouse The Docks Gloucester
Post Code:	GL1 2EQ
Daytime contact telephone number:	01452 396316
Email address: (optional)	*If you would prefer to correspond via email, please enter your email address.* alex.mason@gloucester.gov.uk
Full correspondence address if different to above:	

Premises Details

Name of premises you are making representation about:	Wotton Hall Club		
Full Postal Address of premises you are making representation about:	Wotton Hall Club 138 Barnwood Road Gloucester		
Post Code:	GL4 3JS	**Application Ref. Number. (If known)**	

Repr

Representation details

(Note: Your representation **must** relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to).

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		**Public safety**	
The prevention of public nuisance	✓	**The protection of children from harm**	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Wotton Hall Club is situated on Barnwood Road and is bounded by residential properties at Wotton Court and Barnwood Avenue. This License Variation proposes to increase the opening hours of the club as well as the various regulated activities that it already has permission for.

Looking at our records Environmental Protection have only received one noise complaint in relation to the club in recent years and that was received on the 09/07/2014. Following the complaint Environmental Protection contacted the Club and found that a traffic light system had been installed to monitor noise and cut off switches had been installed on emergency exit doors. The current traffic light system has been altered as I felt it was set at too high a decibel level however enforcement of the traffic light system is down to a member of the Club which is always going to cause issues in my opinion. My recommendation to the club is that a new noise limiter be installed which includes an automatic cut off if the music goes above a set decibel level.

At this moment in time with the cooperation the club have shown I would recommend approval to this proposed Licensing variation subject to the conditions below being attached to the license:

Please suggest suitable conditions that the committee could add to the licence (if granted) to remedy your concerns or if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or enter details of any other matters, not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary).

- The License Holder will control the sound levels of the music/ entertainment. A noise limiting device including cut out must be fitted so that all live amplified music including vocals and recorded music is channelled through the devices(s). The maximum noise levels will be set by agreement with the Environmental Health Service and reviewed from time to time as appropriate.

- Power cut off switches shall be installed on fire exit doors.

Signed:	Alex Mason	**Dated:**	05/11/2014
Position:	Environmental Health Officer		

Report No: **AAW/MAT15033**

The Wotton Hall Club, Barnwood Road, Gloucester.

Acoustic Associates
WORCESTERSHIRE

Client: Wotton Hall Club Ltd.

M.A.Thorne BSc Hons, CIPS, MIDiageE, MIOA

Date: **26th August 2014**

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1.Objective

Visit site and provide advice to the management of the club regarding noise break out issues associated with the club's activities and assist in providing steps that could be taken to minimise these.

2.Introduction

Background:

The Wotton Hall Club is situated at 158 Barnwood Road, Gloucester, to the north west of Barnwood Avenue. It provides a diverse range of facilities to local clubs, societies and residents requiring a venue as well as hosting weddings and live entertainment. The facility consists of function rooms (Upstairs lounge, Ballroom, Skittle alley), bars, snooker room, pool, and other facilities. Visit http://www.wottonhallclub.co.uk for more details. Regular events include tea dances, short mat bowls, local choirs as well as hiring the various function rooms and appears a well used facility for the community.

Acoustic Associates (Worcestershire) were requested to visit site and liaise with management of the club to discuss measures that may be taken to reduce noise from the club affecting residents in the area, specifically from the ballroom.

It should be noted that the club has existed for some 80yrs. It is now being encroached upon by housing to the south east of Barnwood Avenue and soon to be completed flats on the north side of Barnwood Road. It is understood that most of the complaints have been from new residents in the Barnwood Avenue development who it would be thought should have taken into account the relatively close proximity of the (pre-existing) club before deciding to move in to the area. Presumably the price of the properties would have reflected their position.

There have been sporadic complaints of noise late at night/early hours, particularly when those hiring the ballroom have opened the fire doors (also to a lesser extent but similarly in the skittle alley). The purpose of the visit was to discuss the issues and tour the site to understand the nature of the facility and advise what could be done.

There was some discussion of the issues by phone in advance of the visit. By the time of the visit, club management had already taken steps that would assist in reducing the likelihood of doors being opened and to regulate noise from entertainment in the ballroom. This work included servicing the air conditioning system. This had not been

working to its full performance and was a factor in hirers opening the doors. In addition a noise limiter has been fitted to the mains sockets to provide a visual traffic light system warning to both club staff and entertainers when pre-defined limits have been reached. This is in the process of being commissioned so that levels at the boundary of the site are acceptable with the doors closed. The doors are now wired to the noise limiting system so that if they are opened the power is cut. These significant measures should reduce noise break out from the ballroom especially late at night. The speed of installation following the phone discussion illustrates the management's willingness to address neighbours concerns.

Observations as a result of the site visit:

The advice and recommendations were on the basis of a tour of the site and focus particularly on the ballroom which is the subject of most of the noise complaints.

The ballroom is located on the south east side with the rear of the stage facing Barnwood Avenue. To the side of the ballroom to the north and over the stage the club is on two floors with a flat and committee rooms on the first floor. The walls appear to be brick with double glazed windows. The main wall of the ballroom on the ground floor with the two double fire doors in it are on the southern façade and face the car park, see Appendix 1. The only window on the façade is double glazed and insulated from the stage area by a small room/corridor which effectively forms a secondary wall between stage and window and so breakout from this should be well controlled with the internal doors closed. From information given by those on site it is predominantly noise breakout from the fire doors, particularly when they are opened that causes the issue. There is relatively little noise breakout from the rear stage wall.

The ballroom wall appeared to be built of solid sectional concrete construction. The two double fire doors consist of upvc double glazed construction. Within the ballroom there is a lot of sound absorbing fabric, chairs, curtains etc. as well as an acoustic (reverberation controlling) lowered ceiling, as a result reverberant sound levels were well controlled internally. When discos are held in the ballroom the speakers are situated on the stage so that the walls to the side of the stage act as a barrier in the south easterly direction to reduce noise from the speakers radiating out of the building. I understand there is another older acoustic ceiling above the lower one and then the roof. The original roof vents were sealed when the air conditioning was installed within the ballroom. Those with me on the tour did not recollect any issue with sound emission from the roof.

As a result of the visit the observations were:

The fire doors were the weak element in the façade of the ballroom.

Providing they remain closed the noise break out may be adequately controlled. The wiring of the noise limiting system to the doors along with adequate air conditioning

should show reasonable practicable measures have been taken to control noise from the ballroom.

- Were there still to be an issue, the doors being the weaker part of the façade, the installation of a lobby system so that insulation is improved and there is less likelihood of both doors being opened should further assist (or installing acoustically insulated door sets to the façade though this may be more expensive and less effective).
- To the rear of the stage area there is a door that exits the rear stage area (UPVC construction) which is not currently believed to be an issue. If it were to become so there is the possibility of installing an inner door in an existing opening to enhance the insulation and form a lobby to it.

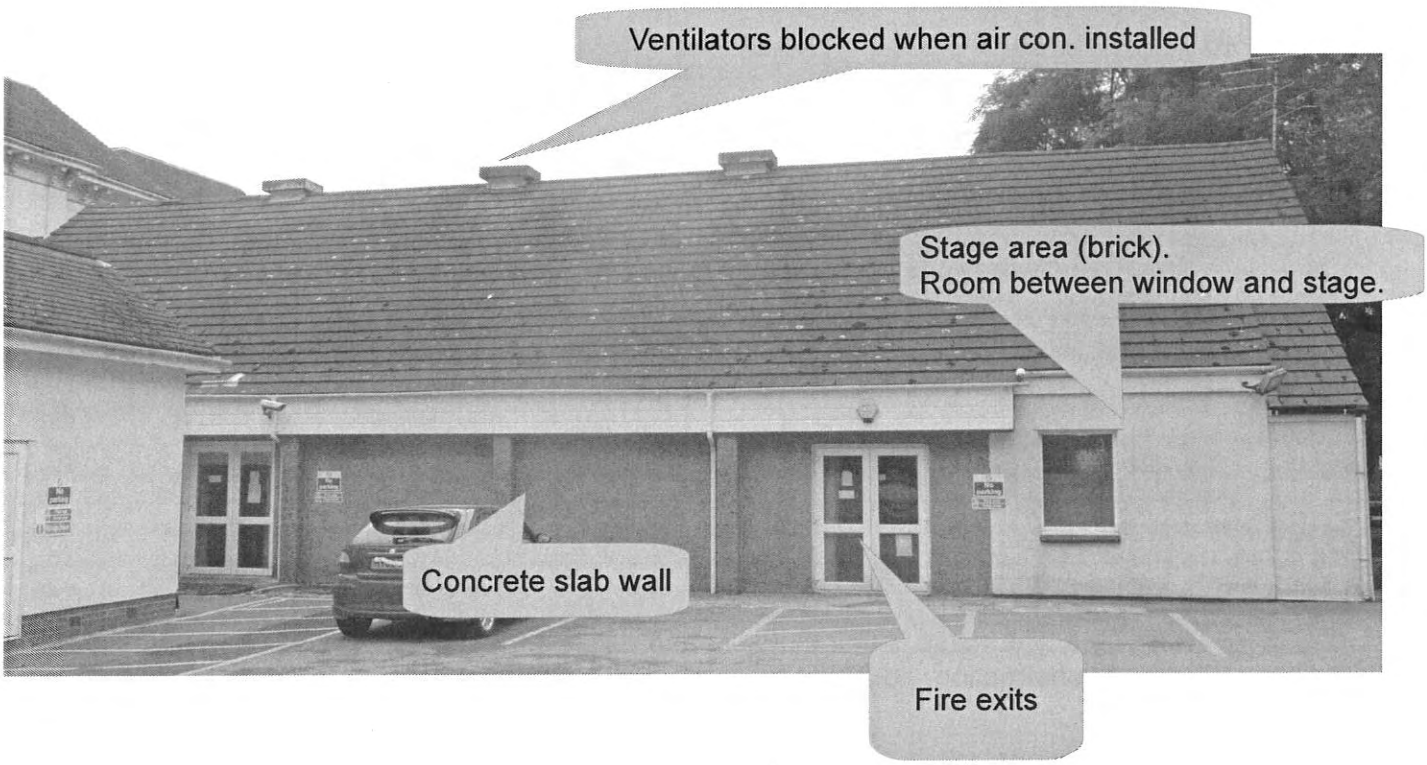
The advice refers to the ballroom but the prudent measure of ensuring adequate ventilation and keeping doors/windows shut late at night would also apply to the skittle alley.

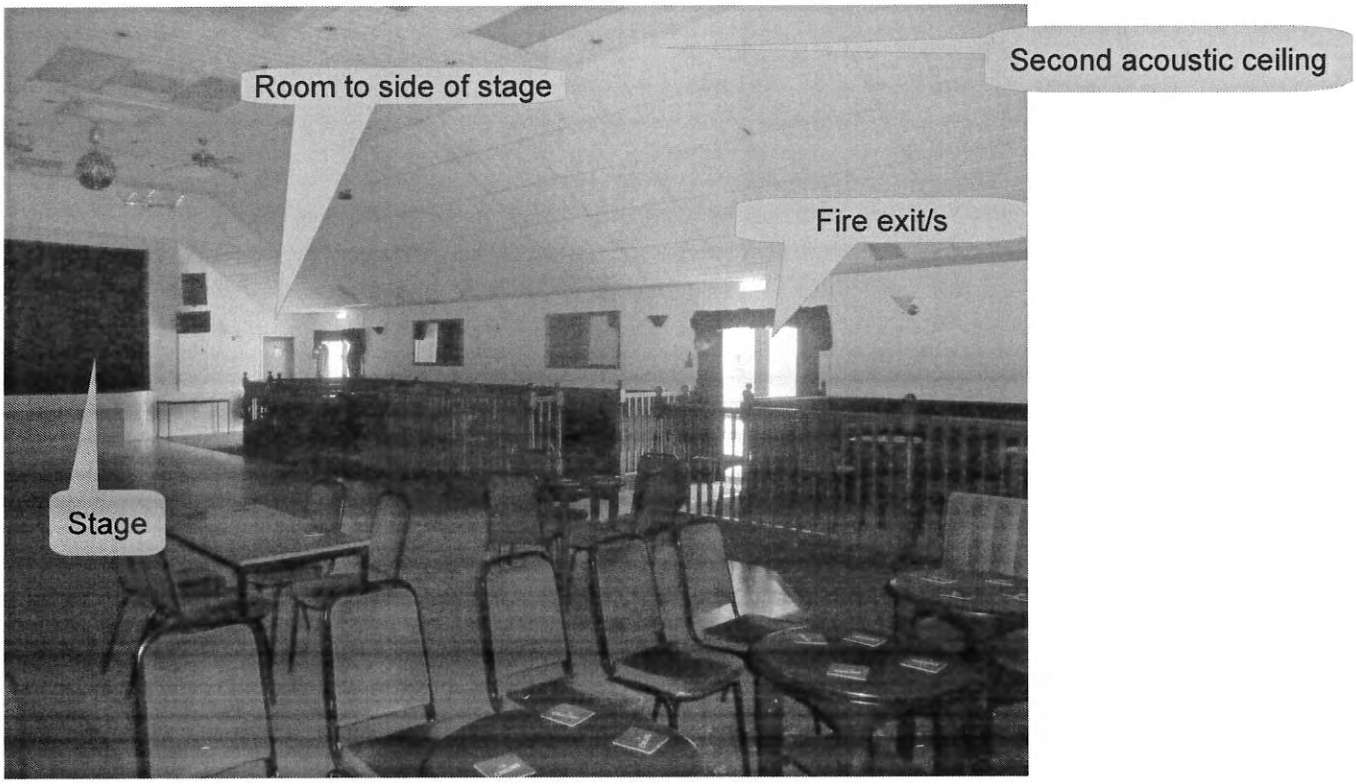
3.Conclusions

- The club have already taken the most effective steps to reduce noise breakout from the ballroom by fitting the noise limiter and servicing the air conditioning.
- Allowance should be made to the fact that the club provides valuable social facilities for the local community and has done for 80 years. Recent development close to the club should accept its pre-existence and expect a level of noise from such facilities.
- The club appear to have spent time and money over the years to minimise noise within the club and have reacted quickly to the initial suggestions for improvement.
- Measures recently installed should be given sufficient time to be fully commissioned and prove their effect. If there are still issues there are additional mitigation measures outlined in the report that could be considered. These would involve considerable extra expense.

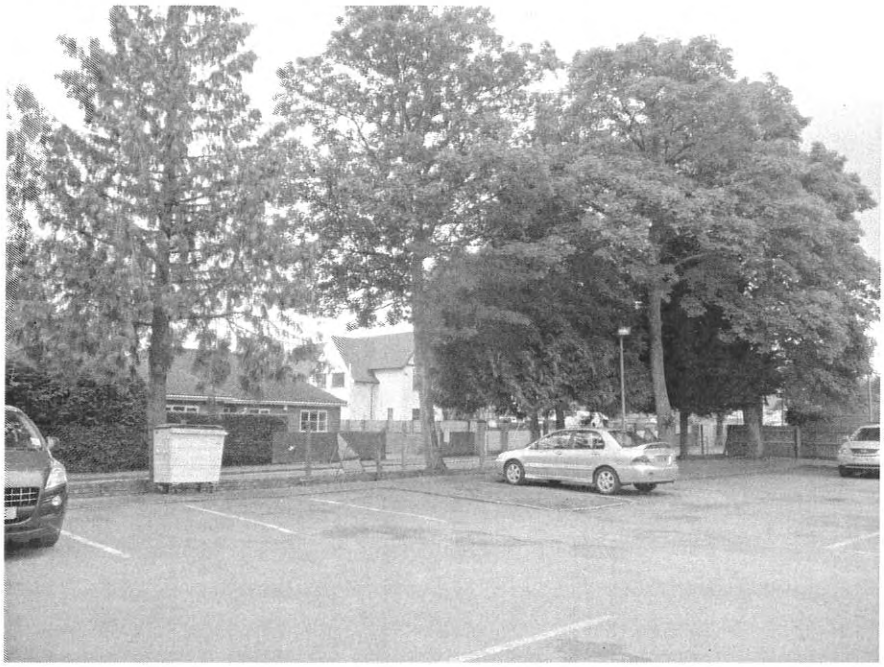
Appendix 1. Photos

Photo showing layout of the ballroom (south façade from the rear car park):

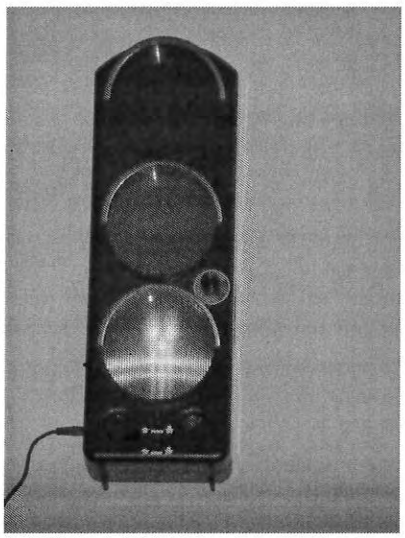


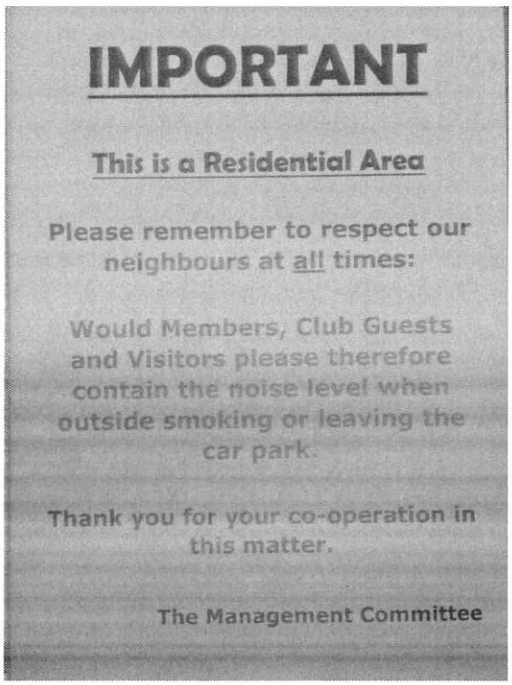


View across the car park from the ballroom:



Traffic light type noise limiter installed and existing measures, in addition to the building construction, to assist neighbourly relations:





THE LICENSING POLICY OBJECTIVES

3. PREVENTION OF CRIME AND DISORDER

3.1 The Council places considerable importance on the prevention of crime and disorder and will fulfil its duty under Section 17 of the Crime and Disorder Act 1988 to do all it reasonably can to prevent crime and disorder in the District.

3.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, if not properly managed, can sometimes be a source of crime and disorder problems.

3.3 The Licensing Authority recommends that licensees of premises develop Operating Schedules that address these issues from the design of the premises through to the daily operating of the business.

3.4 In developing an Operating Schedule, applicants may wish to seek advice from the Licensing Authority or Gloucestershire Police. When planning and preparing Operating Schedules applicants may take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.

3.5 The Licensing Authority along with the Police and Trading Standards fully supports the aims and objectives of the Gloucester LVA/Pubwatch Online Scheme and encourages the use of the Publink Radio System. The Authority will also continue to work with the Crime and Disorder Reduction Partnership, Safer Community Teams, Neighbourhood Projects, Ward Councillors and others to help reduce crime and disorder associated with licensed premises.

3.6 The prevention of crime and disorder may, for example, be promoted by employing registered door supervisors, ensuring all staff have appropriate training, incorporating a search policy into the entry conditions of the premises, the location and standard of any CCTV on the premises, and the inclusion of written dispersal policies.

*__*Door Supervisors__*

From 23 August 2004, all staff undertaking Door Supervisor duties on licensed premises are required to be licensed by the Security Industry Authority (SIA). The Licensing Authority recommends that premises currently using door staff will continue to do so, and that premises who operate in the City Centre or premises seeking to change their style of operation, in particular to a music and dancing venue, will employ the use of door staff.

3.7 Applicants for late night entertainment and liquor premises are referred to the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. -It is a good idea to agree a protocol with Gloucestershire Police on the handling of illegal drugs found on their premises.

Cumulative Impact – Special Policies

3.8 Where there is evidence that a particular area of the District is already suffering adverse effects on the licensing objectives from the concentration of late night premises, when determining any further application for premises within the area identified when relevant representations have been received and upheld the Licensing Authority will take into account:

- the character of the surrounding area;
- the impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
- the nature and character of the proposed operation.

3.9 The Licensing Committee's starting point is in terms of seeking a reduction in crime and disorder throughout the City, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998, and an improvement in local amenity through reduction of anti social behaviour.

3.10 The Licensing Authority recognises that the cumulative impact of a number of late night entertainment premises (including takeaway establishments) in some areas may result in an increase of people either walking through, or congregating in, streets during the night. This may in turn have a number of undesirable consequences, for example:

- an increase in crime against property and/or person;
- an increase in noise causing disturbance to residents;
- traffic congestion and/or parking problems;
- littering and fouling.

3.11 This may result in the amenity of local residents in some areas being placed under pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action may be taken to ensure conditions are complied with, this may not resolve all the problems.

3.12 Where, following the receipt of relevant representations, there is evidence that a particular area of the City is already suffering adverse effects from the concentration of late night premises, the Licensing Authority will take into account:

- the character of the surrounding area;
- the impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
- the nature and character of the proposed operation.

3.13 As part of this policy the Licensing Authority will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but will consider the cumulative impact any new licensed premises would have.

Special Policy in respect of Eastgate Street and area

3.14 The Licensing Authority is aware of the cumulative impact that can occur from a concentration of licensed premises in a particular area, as a result of the increased number of people dispersing from licensed venues or congregating in streets late at night. Such impact can include an increase in crime, an increase in noise and other disturbance to residents, parking difficulties and general traffic congestion and an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but these effects may not be readily attributable to any individual premises. The Licensing Authority wishes to ensure that these adverse effects are avoided and to this end has adopted a 'Special Policy' for an area around Eastgate Street where there is a concentration of licensed premises. Where applicants are applying for a new licence in this area, it is recommended that they clearly state in their operating schedule how they will ensure that their premises does not add to the cumulative impact in respect of two of the licensing objectives, prevention of crime and disorder and prevention of nuisance.

3.15 This Special Policy was adopted by the Council in 2004 as a direct response to concerns and information put forward by Gloucestershire Police in relation to incidents of both crime and disorder associated with the area particularly on a Friday and Saturday night. A large number of these incidents are alcohol related. Eastgate Street has, for a number of years, borne the unfortunate distinction of having the highest crime rate for any one street in the County.

3.16 The current issue with Eastgate Street that led to the creation of the 'Special Policy' is that the night-time economy in Eastgate Street relies on a monoculture. This centres around "nightclub" type premises, with the music and alcohol being the only entertainment on offer, followed by a takeaway meal.

3.17 The Special Policy will be kept under constant review and it is anticipated that a time may come when it could be removed. However, the important considerations for removal of the special restriction should still be a matter of ensuring that crime and disorder do not increase as a result. Prior to removing the 'Special Policy' the crime and disorder considerations should include, amongst other things, the following matters:

- Improving street lighting.
- Restricted vehicular access to the entire length of Eastgate Street at the most relevant times. (Emergency and public service, public transport vehicles only)
- An integrated public transport and dispersal plan, which allows the users of Eastgate Street to leave quickly without creating new bottlenecks or hotspots.
- To continue to provide a supervised taxi rank in the lower Eastgate area.
- More comprehensive talking CCTV coverage of Eastgate Street to take into account potential new venues.
- The possible creation of an Alcohol Dispersal Zone for Eastgate Street.
- The provision of extra Street Warden patrols, or additional funding for Police Officers to meet the additional demands that would be created.

3.18 The effect of adopting this policy is to create a rebuttable presumption that applications for new premises licences, or club premises certificates or material variations will normally be refused, if relevant representations to this effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

3.19 This presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may consider giving effect to its special policy. If no representation is received, as with all other cases any application must be granted in terms that are consistent with the operating schedule submitted.

3.20 Accordingly applicants are advised to demonstrate why the operation of the premises would not add to the cumulative impact being experienced. This should be addressed in the applicants operating schedule.

3.21 The Special Policy is not absolute and the circumstances of each application will be considered carefully. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted. The diversification of venues and entertainment, to include more family orientated restaurants, a wider range of public entertainment such as theatre, cabaret type shows, live music, comedy and culturally themed premises, would clearly support the aims of the City. Applications for these types of licence would be likely to be supported by the Police, as they promote activities other than vertical drinking.

3.22 The area of the Licensing Authority to which this 'Special Policy' will apply is identified in the map attached at Appendix C. The area identified includes the following streets:

Eastgate Street
Clarence Street (south east side)
Brunswick Road (south east side)
Park Road (north side)
Bruton Way (west side from Park Road to Market Parade)
Station Road
Russell Street
Hampden Way
Wellington Street
Cromwell Street
Arthur Street
Belgrave Road
Kingsbarton Street
St Michael's Square
Market Parade (south east side)

3.23 As part of this policy, the Licensing Authority will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but will consider the cumulative impact any new licensed premises would have on the City Centre.

3.24 This 'Special Policy' does not impose any quotas of premises or licences and does not include any provisions for a terminal hour in any area. As stated above types of premises and commercial need is a matter for the Planning Committee and market forces. Terminal hours will only be considered where relevant representations have been received that highlight an issue.

4. PUBLIC SAFETY

4.1 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations.

4.2 Applicants are encouraged to seek advice from the Licensing Authority and the Fire Safety Section of Gloucestershire Fire and Rescue Service with regard to these issues and to carry out their own risk assessments.

4.3 In order to ensure the safety of persons at premises and to ensure a safe means of escape from fire, or other emergency, occupancy limits may be included in Operating Schedules in appropriate cases and if so should be set in consultation with Gloucestershire Fire & Rescue Service and the Council's Building Control Officers (or others if appropriate). The Licensing Authority will not normally seek to impose an occupancy limit different to that already identified by the Fire Authority in previous correspondence if this differs from the figure set in applicants Operating Schedules unless there have been relevant representations and the Fire Authority recommends a change or there are crime and disorder prevention reasons for doing so.

4.4 Every applicant granted a licence, certificate or permission would also be under a duty to comply with the Health and Safety at Work etc. Act 1974 and regulations made under it. In many cases, the Council will also be the enforcing authority responsible for ensuring compliance with the Health and Safety at Work etc. Act in licensed premises.

5. PREVENTION OF NUISANCE

5.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

5.2 The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. In order to assist applicants and residents the Authority believes it would be helpful for it to provide guidance as to how it will approach the meaning of the term "vicinity". For these purposes the Council proposes that 'vicinity' means:

'being sufficiently close enough to be directly affected by the behaviour and activities on those premises.'

NB: The Licensing Authority will need to decide in each specific case whether an individual claiming to be an interested party may be considered to be within 'the vicinity' of a premise.

This ultimately will be a matter of fact.

The Licensing Authority will consider whether an individual residing or running a business is likely to be directly affected by the activities occurring or potentially occurring on that premise.

5.3 It should be noted that other legislation is available to address nuisance issues. Furthermore it is acknowledged that licensed premises are limited with regard to controlling customer behaviour away from the immediate vicinity of their premises.

5.4 In addition, the Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Licensing Authority will, therefore, try to work together with all interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.

5.5 When considering licence applications where relevant representations have been received the Licensing Authority will take into account measures proposed by the applicant to promote the prevention of nuisance and/or anti-social behaviour. In particular the Licensing Authority may consider the following matters, where relevant:

i) measures proposed for the prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
ii) measures proposed for preventing disturbance by customers and staff arriving at or leaving the premises, particularly between 2300 hours and 0700 hours;
iii) measures proposed for the prevention of nuisance from cooking odours through installation of appropriate odour control equipment in a suitable location;
iv) measures proposed for the prevention of nuisance from litter by ensuring adequate provision is made for disposal of waste inside and outside late night takeaway/refreshment houses and a general positive attitude to encouraging good practice from customers;

v) measures proposed for preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
vi) ensuring staff leave the premises quietly;
vii) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
viii) provision for public transport (including taxis and private hire vehicles) for patrons;
ix) whether licensed taxis or private hire vehicles are likely to disturb local residents;
x) whether routes to and from the premises on foot, by car or other services pass residential premises;
xi) the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
xii) the use of gardens and other open-air areas;
xiii) the location of external lighting, including security lighting that is installed inappropriately;
xiv) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
xv) preventing the consumption or supply of illegal drugs, including search procedures;
xvi) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees;
xvii) proposals for using effective means of reducing disorder by communicating with other licensees and the Police information regarding the potential for anti-social behaviour or criminal behaviour (e.g. Publink radio, pagers, ring rounds, membership of Pubwatch).

5.6 The Licensing Authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;
- powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas (a large part of Central Gloucester has been designated an Alcohol free zone;
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of the police, local business or resident to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

6. PROTECTION OF CHILDREN FROM HARM

6.1 The Licensing Authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and/or other entertainment. The Licensing Act 2003 does not prevent children having free access to any licensed premises. The Licensing Authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:

- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling (this relates to substantial gambling operations and does not include premises with a small number of AWP machines) on the premises;
- where entertainment of an adult or sexual nature is provided;
- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

6.2 The Licensing Authority expects personal licence holders to ensure that they do not serve alcohol to children under the age of 18, except in limited conditions allowed for by law. The Licensing Authority recommends that the following are preferred ways to verify a person's proof of age:

(i) passport
(ii) a photocard driving licence issued in a European Union country;
(iii) a National Proof of Age Standards Scheme card (e.g. Validate);
(iv) a Citizen Card, supported by the Home Office (details from www.citizencard.net);
(v) an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.

6.3 Where relevant representations have been received and upheld, when deciding whether to limit the access of children to premises the Licensing Authority will judge each application on its own merits. To assist with this the Licensing Authority will consider any representations received from Gloucestershire Police, Gloucestershire Social Services and other agencies as appropriate. Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available would include:

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations or exclusion when certain activities are taking place;
- full exclusion of person under 18 when certain licensable activities are taking place;
- limitation of access to certain parts of the premises for person under 18;
- a requirement for an accompanying adult to be present.

This list is not meant to be seen as an exhaustive list covering everything, but gives applicants examples of the conditions the Licensing Authority may seek to impose in meeting its obligation towards the protection of children

6.4 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.

6.5 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs.

Children and Films etc.

6.6 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age ranges. Where premises are used for film exhibitions, a mandatory condition will apply restricting access to performances only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council itself.

6.7 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.

6.8 In considering applications where relevant representations have been received and upheld, the Licensing Authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.

Children and Theatrical Entertainment

6.9 This Authority recognises that it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment into their productions. In the case of theatrical entertainment aimed specifically at children it may be considered necessary to attach a condition requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

NB Gloucestershire County Council Children & Young People's Directorate is the responsible authority with regard to the protection of children from harm.

7. LICENSING HOURS

7.1 The Licensing Act 2003 introduced flexible opening hours for premises, with the potential for 24 hour opening, seven days a week. The Licensing Authority recognises the variety of premises for which licences will be sought an that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time. When dealing with licensing hours, each application will be dealt with on its individual merits.

7.2 The Licensing Authority will have a flexible approach to opening hours and will generally deal with the issue of licensing hours having due regard to the individual merits of each application in the light of relevant representations received. The Licensing Authority will take into account requests for terminal hours in the light of the:

- environmental quality;
- residential amenity;
- character or function of a particular area; and
- nature of the proposed activities to be provided at the premises.

Where relevant representations have been received and upheld consideration may, however, be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

7.3 Unless there are good reason to the contrary on the grounds of public disorder or crime prevention, shops and supermarkets that sell alcohol will be licensed to do so during the same times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for, example, where police representations are made in respect of isolated shops know to be the focus of disorder and public nuisance.

7.4 Generally the Licensing Authority sees staggered trading hours as being helpful to the dispersal of patrons from licensed premises, particularly late at night. This removes some of the friction caused by sudden excessive peaks of demand at fast food outlets, taxi ranks and so on.

PROCEDURE FOR LICENSING SUB COMMITTEES

General

1. The Sub Committee shall consist of three members drawn from the Licensing & Enforcement Committee. *In the event of one member of the Sub Committee having to withdraw, the Sub Committee may continue with the hearing in their absence provided all the parties consent.* The Sub Committee is non-political and will make decisions based upon the representations made to it in accordance with the licensing objectives, the Licensing Policy Statement and Guidance issued under section 182 of the Licensing Act 2003.

2. A Local Authority Solicitor will act as legal advisor to the Sub Committee and provide advice, when needed, on matters which may be raised of a legal or procedural nature either during the hearing or before the decision is announced.

3. An officer from the authority's Committee Secretariat will be in attendance to take a record of the hearing.

4. If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.

5. If a party who has not so informed the authority fails to attend or be represented at the hearing, the Sub Committee may

   (a) adjourn the hearing to a specified date where this is necessary in the public interest; or

   (b) continue in the party's absence.

6. A party may withdraw any representations

   (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or

   (b) orally at the hearing.

7. The hearing shall take place in public unless the Sub Committee considers that the public interest in excluding the public from all or part of the hearing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. A party and any person representing or assisting a party may be treated as a member of the public.

8. If any person attending the hearing is behaving in a disruptive manner, in the opinion of the Sub Committee, the Chair can require him to leave the hearing and may

   (a) refuse to permit that person to return; or

   (b) permit him to return only on such conditions as the Sub Committee may specify

   but such a person may, before the end of the hearing, submit to the Sub Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

9. The authority may adjourn the hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. Where the hearing is adjourned or to be held on additional dates, the authority will notify the parties forthwith of the date, time and place to which the hearing is to be held. If a hearing is adjourned or part heard the Sub Committee to which it is adjourned must consist of the same Members.

Time Limits

10. The Sub Committee shall provide the Applicant, Relevant Authorities and Interested Parties an equal opportunity to address the Sub Committee. All parties will be requested to provide a time estimate for any presentation to the Sub Committee. It is expected that all parties will be permitted a maximum of 15 minutes each, except in exceptional circumstances.

Introduction

11. The Chair will introduce Members of the Sub Committee then invite officers and parties present to introduce themselves and to confirm whether or not they wish to make oral representations. Where there are a number of interested parties with similar representations, they may wish to appoint a representative.

12. The Chair will explain the procedure to be followed. On rare occasions it may be necessary, in order to ensure the fairness of the proceedings and in the public interest, for the Chair to alter the order in which parties speak from that set out below.

13. The Chair will explain that all parties have an equal maximum period of time during which to address Members, to question other parties and to give further information in response to a point upon which the authority has requested clarification. The Chair will request confirmation from each party that the proposed maximum period of time is adequate.

14. The Sub Committee shall consider any request from a party for permission to have another person appear at the hearing.

    (a) Such request must be included in that party's notice in response to the Notice of Hearing.

    (b) Permission shall not be unreasonably withheld.

15. The Chair will remind the parties that the hearing shall take the form of a discussion led by the Sub Committee and cross-examination shall not be permitted unless the Sub Committee considers that cross-examination is required for it to consider the representations, application or notice as may be required.

16. The Chair will invite the parties to request permission to question or to cross-examine any other party or parties and the Sub Committee shall determine whether permission is granted (permitted parties). All questions must be relevant to the application and must relate to the licensing objectives, Licensing Policy Statement or the guidance issued under section 182 of the Licensing Act 2003.

17. **The Chair will remind the parties that it will consider the written representations of any parties who are absent and will hear the representations of those parties who are present.**

The Licensing Authority

18. **The Licensing & Enforcement Manager ('LEM') or authority representative shall present his report. The report shall not make any recommendation in terms of the outcome of the hearing. The report may summarise the application, the representations and the LEM's comments as to how these relate to the licensing objectives, the Licensing Policy Statement and the Guidance issued under section 182 of the Licensing Act 2003.**

19. The parties may ask the LEM for clarification of any points made in the report in such order as the Chair shall decide.

20. Members of the Sub Committee may ask the LEM for clarification of any points made in the report.

The Applicant

21. The Applicant or his representative shall address the Sub Committee and shall call witnesses if applicable.

22. The permitted parties shall ask their questions in such order as the Chair shall decide.

23. Members of the Sub Committee shall ask the Applicant and witnesses questions if they wish to do so.

Responsible authorities & Interested parties

24. In such order as the Chair shall decide, those parties who have made relevant representations or their representative(s) shall address the Sub Committee and shall call witnesses if applicable.

25. The permitted parties shall ask their questions in such order as the Chair shall decide.

26. Members of the Sub Committee shall ask questions if they wish to do so.

Final Statements

27. The Chair will invite the parties to make final statements in the following order

    (a) Any responsible authority or interested party who has made relevant representations (in such order as the Chair shall decide)

    (b) The LEM on any factual issues relating to the application

    (c) Applicant

Decision making

In circumstances where the determination is to be given at the conclusion of the hearing:-

28. The Chair will ask the parties and any other persons to leave the room, unless it is more practicable for Members themselves to retire to another room.

29. Once Members have made their decision, the parties and any other persons will be invited to return to the meeting room and the Chair will announce the decision of the Sub Committee.

30. The decision of the Sub Committee shall be confirmed in writing to the Applicants, Relevant Authorities and Interested Parties. The rights of appeal shall be included with the written decision.

Adjournments

31. It is anticipated that the majority of hearings will be heard and determined at the scheduled meeting of the Sub Committee, however there will be occasions when the Applicant, Relevant Parties or Sub Committee may wish to adjourn the hearing. Whosoever requests the adjournment shall provide reasons for the adjournment and the Sub Committee shall consider these. If the Sub Committee considers it is in the public interest to adjourn they shall have the power to do so to a specified date with the same Sub Committee. If the application is refused reasons shall be given.