



## **LICENSING SUB-COMMITTEE**

**MEETING** : Thursday, 7th July 2016

**PRESENT** : Cllrs. H. Norman, Williams and Pearsall

### **Officers**

Lisa Jones, Food, Licensing and Markets Manager

Philippa Golden, Licensing Officer

Donna Marks, Solicitor - One Legal

Tony Wisdom, Democratic Services Officer

### **1. ELECTION OF CHAIR**

Councillor Norman was appointed Chair of the meeting.

### **2. INTRODUCTIONS AND PROCEDURES**

The Chair, Members and Officers of the Sub-Committee introduced themselves and the Chair outlined the procedures that would be followed.

### **3. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

### **4. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 BY PAUL HOLMES FOR A NEW PREMISES LICENCE FOR CATER CATER, UNIT 2, THE BARGE ARM, THE DOCKS, GLOUCESTER, GL1 2DN**

#### **Report of the Licensing Enforcement Officer**

The Licensing Enforcement Officer presented the report which invited the Sub-Committee to consider an application by Paul Holmes for a new Premises Licence in respect of Cater Cater, Unit 2, The Barge Arm, The Docks, Gloucester GL1 2DN.

She referred Members to the plans at Appendices 2 and 3 and outlined the hours applied for detailed at paragraph 3.5 of the report.

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She confirmed that the Applicant had requested that the licensable activity of the provision of recorded music be removed from the application as it was no longer required. She drew Members' attention to the proposed conditions at paragraphs 18 and 19 of the report which would be converted into workable, enforceable conditions.

She advised that Gloucestershire Constabulary were satisfied with the operating schedule and the conditions offered up by the Applicant and had made no representation.

She referred to the twelve representations received from local residents, which were contained in Appendix 4, and centred around noise, smoking and antisocial behaviour.

There were no questions of the Officer from Members or the Applicant.

**Statement by the Applicant**

Mr Paul Holmes, who was accompanied by Mr Austin Powell, stated that his intention was to provide a café/bar on the European model rather than a traditional pub bar. During the day it would be more of a coffee bar with the ability to serve alcohol with incidental background music. In the evenings it would become more of a wine bar and was intended to complement other establishments in the area.

Councillor Williams queried whether the number of customers expected including the outside area. Mr Holmes advised that it was anticipated that there would be approximately fifty at busy times.

The Chair questioned Sunday opening hours and Mr Holmes stated that it was not expected to be late and would probably close at 18.00hrs except on special occasions including Sundays before Bank Holidays. He explained that opening for 5½ days per week would enable the consistent employment of staff.

In answer to a question from Councillor Williams, Mr Holmes advised that a Manager (or trained deputy) and an assistant would be on duty during the day with three or four at busy times with one making coffee, one operating the till, one serving and one clearing.

He advised that Cater Cater had experience of running large events with one thousand people on site at GL1 and at Walls Sports and Social Club. The Police had been called by Cater Cater on only one occasion.

In answer to a question by the Chair Mr Holmes explained that the hours requested were intended to cover special occasions and clarified that maximum opening hours would be the same as hours requested for the sale of alcohol.

The Senior Licensing and Markets Officer confirmed that the public notice of the application had been served correctly.

Mr Holmes confirmed that late night refreshments would only be served indoors.

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**Statements by Other Persons**

1. John McLoughlin

Mr McLoughlin stated that he was speaking on his own behalf as he had been unable to attend the residents' meeting with the applicant due to work commitment.

He expressed concerns relating to increases in noise and anti-social behaviour. He stated that it had been a pleasure to see families enjoying coffee and cakes in the Docks but since the introduction of late night licensing in the Docks there had been a significant increase in anti-social behaviour.

He produced a copy of Gloucester Docks Security Report for the period 1 January to 29 May 2016.

The Applicant confirmed that he was happy for the document to be admitted and passed to the Members of the Sub-Committee.

Mr McLoughlin stated that the report demonstrated a significant increase in incidents over the period covered by the report and stated that if a further licence must be granted the opening hours should be kept down.

He noted that he had experienced a significant reduction in the quality of his life over that last two years.

2. Vicky Waters

Ms Waters advised that she had been asked to represent residents of The Barge Arm following a meeting concerning recent incidents of anti-social behaviour.

She stated that there was no objection to the granting of a licence but residents were opposed to late opening hours because some properties were occupied by shift workers, elderly people and families.

She expressed concerns relating to noise after 23.00 hrs and believed that the noise would continue until customers had left the Docks complex.

She believed that use of the outside area would increase noise levels and residents wished to see some restrictions.

She also expressed concerns relating to the proximity of the premises to the water as people had jumped into the dock and climbed on boats as the quayside was not cordoned off.

She advised that she had an unsolicited petition containing 50 names.

**Adjournment for Clarification**

The Senior Licensing and Markets Officer requested a short adjournment in order for him to clarify some inconsistencies in the application with the Applicants. The Chair acceded to the request.

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The Senior Licensing and Markets Officer confirmed that the Applicant would accept the following hours:-

Opening times	Monday – Thursday	09:00 – 23:00hrs
	Friday – Saturday	09:00 – 23:30hrs
	Sundays	10:00 – 17:00hrs
Sale of alcohol	Monday – Thursday	10:00 – 22:30hrs
	Friday – Saturday	10:00 – 23:00hrs
	Sundays	10:00 – 17:00hrs

Mr Powell apologised to the Sub-Committee for any confusion and explained that the Applicants had expected the grant of permitted hours to be a process of negotiation. They had requested the maximum number of hours to be on the basis that they could use fewer hours.

He understood residents' concerns and confirmed that outside drinking could be curtailed at a certain point. He and Mr Holmes were seeking to create a pleasant atmosphere and were not seeking to establish a discotheque.

3. Mel Freeman

Mr Freeman, a former publican, believed that the plan was flawed and had not considered the amenity of residents. He was particularly concerned about people standing below the widows of his property to smoke as he always had a window open and would no longer be able to do so.

4. Chris Paul

Mr Paul fully appreciated the importance of viable businesses to the The Docks. He noted that it was a residential area and businesses needed to respect the amenity of residents which, by and large, they did.

He expressed concern that The Docks were awash with alcohol which inevitably brought nuisance, noise and in some circumstances, crime.

People leaving the premises would pass very close to residents' homes and once they had left the premises, the licensee would have no control over them.

5. Dr Philip Coward

Dr Coward expressed concern regarding the change in hours for the sale of alcohol. He believed that the Applicants had little concern or thought for the well-being of residents and therefore residents had little confidence that the Applicants would work with them.

6. John McLoughlin

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Mr McLoughlin expressed concerns regarding the management of people wishing to drink outside the premises. He advised that Gloucester Docks were increasing security by deploying specialist trained staff for a trial period.

He believed that it could work but any new premises would only be controlled within those premises.

7. Vicky Waters

Ms Waters believed that residents had been misled regarding the proposed hours and she wished to formally withdraw residents' support for the application.

The Chair confirmed that the proposed opening hours of the premises were not shown on the Public Notice which only displayed the proposed hours for the sale of alcohol.

**Officer's Summing Up**

The Licensing Enforcement Officer advised Members of the options available to the Sub-Committee detailed at paragraph 2.1 of the report.

**Applicant's Summing Up**

Mr Powell stated that perhaps they had been too accommodating in the application as they wished to create a café that sold wine. They wished to enhance the name of their company with a quality operation.

The company had been established for ten years and had run many events in the City including one within this Civic Suite.

The company sponsored a children's football team and both he and Mr Holmes worked with children.

He concluded that the application may have been vague in some areas as they thought the licensing process was one of negotiation. He stated that, together with Mr Holmes, they were trying to create a business which would enhance the area.

The Chair, Members of the Sub-Committee and the Solicitor withdrew to consider their decision.

Upon their return, the Chair read the following statement:-

The Sub-Committee has considered the application made under Section 17 of the Licensing Act 2003 for a new premises licence relating to 'Cater Cater'. Having had regard to the presentation of the Licensing and Enforcement Officer; representations made by the Other Persons; evidence from the applicant; the Home Secretary's guidance; the Council's own statement of licensing policy; the Council's Licensing Objectives; and the legal implications as set out in the report; the Sub-Committee has determined:-

To **accept** the application and modify the conditions of the licence, by altering or omitting or adding to them.

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Reasons for decision

The Committee have decided after taking into account the residents views, the security report presented which shows an increase in anti-social behaviour on Docklands between January and May 2016 and the applicants stated desire to run a successful venture whilst seeking to alleviate the concerns of the residents.

The Committee decided to grant the following:

Opening times	Monday – Thursday	09:00 – 23:00hrs
	Friday – Saturday	09:00 – 23:30hrs
	Sundays	10:00 – 17:00hrs
Sale of alcohol	Monday – Thursday	10:00 – 22:30hrs
	Friday – Saturday	10:00 – 23:00hrs
	Sundays	10:00 – 17:00hrs

The Committee would also like to include one additional condition:

*“That the consumption of alcohol in the outside areas should only be permitted between 10:00 – 22:00hrs daily, to prevent public nuisance.”*

The other persons are reminded that there is a right of appeal to the local Magistrates Court within 21 days of the decision.

**Time of commencement: 6.15 pm hours**

**Time of conclusion: 8.10 pm hours**

**Chair**