



# STROUD DISTRICT COUNCIL

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## LICENSING ACT 2003

### APPLICATION TO VARY A PREMISES LICENCE

<b>PREMISES NAME</b>	STONEHOUSE COURT HOTEL
<b>PREMISES ADDRESS</b>	BRISTOL ROAD, STONEHOUSE, GLOUCESTERSHIRE GL10 3RA
<b>APPLICANT NAME</b>	CROCKER HOUSE LIMITED
<b>APPLICATION TYPE</b>	APPLICATION TO VARY PREMISES LICENCE
<b>APPLICATION REFERENCE</b>	20/00355/LAPRV
<b>DATE OF HEARING</b>	23 <sup>rd</sup> JULY 2020
<b>DATE OF DECISION</b>	29 <sup>th</sup> JULY 2020
<b>DECISION</b>	APPLICATION GRANTED WITH CONDITIONS

### BACKGROUND

On 2<sup>nd</sup> June 2020 Stroud District Council (“the Council”), being the relevant Licensing Authority, received an Application to vary the premises licence in respect of the above Premises pursuant to section 34 of the Licensing Act 2003.

Following Representations from local residents the Council’s licensing sub-committee (“the Panel”) held a hearing on 23<sup>rd</sup> July 2020 in order to determine the Application.

### REPRESENTATIONS

In total, the Council received 20 Representations against the Application. Stonehouse Town Council submitted a Representation in support of the Application. No Representations were received from Responsible Authorities.

During the hearing, the Panel heard from local residents Sue Coates, Shaun West, Jeremy Brown, Adrian Ford and Andrew Growcoat. Consideration was also given to the Representations received from other residents who were not present at the hearing.

In summary, all of the residents outlined their concerns that current noise levels would be exacerbated should the extension for the sale of alcohol be granted. The residents

considered the extension to the sale of alcohol would also encourage the playing of music until the end of the licensing hours (rather than current cut-off time of midnight) thereby resulting in increased noise nuisance. Many of the residents informed the Panel that the proposed extension would have a detrimental impact on their health and wellbeing and directly impact the community who live on both sides of the premises.

One resident objected to the addition of the outside bar area as they considered it would result in an increase to the current sound levels which currently travel from the hotel to the surrounding residential areas. Another resident indicated they had no objection to the addition of an outside bar area but had concerns about the proposed hours for the sale of alcohol from that area and the potential for increased noise nuisance resulting from the sale of alcohol late into the evening.

The Legal Adviser to the Panel advised that the Panel can only consider those parts of the licence that the Applicant is seeking to vary and cannot consider other existing permissions of the licence.

## **APPLICANT'S REPRESENTATIONS**

Sarah Brewster (Director of Stonehouse Court Hotel) presented the Application and was assisted by Marion Jurko (General Manager) in responding to questions concerning the Application. Ms Brewster explained that the hotel is working to meet changing customer demand and must evolve to remain competitive. In addressing noise nuisance concerns, Ms Brewster advised that the extension to sale of alcohol was to bring this in line with current permission which permits the playing of live and recorded music until 1am. Ms Brewster informed the Panel that this extension would act as a buffer on the basis that functions are required to finish at midnight as stipulated in the contract with each organiser.

Ms Brewster explained that the addition of an outdoor bar situated next to the terrace was to improve accessibility of guests to be served alcohol and to assist staff in serving drinks outdoors.

Ms Brewster informed the Panel that the addition of outdoor music is intended to allow the playing of ambient background music to create an atmosphere for guests. Ms Brewster explained that live outdoor music would only be played at a small number of community events where the music would usually finish at 5pm.

Ms Brewster acknowledged that there had been instances of noise nuisance in the past and provided assurance that the hotel has put measures in their noise management plan to address previous concerns and mitigate noise arising from this Application. Ms Brewster also informed the Panel that the hotel has been working with environmental health to mitigate noise from the hotel.

## **DECISION**

The Panel decided to **GRANT** the Application subject to restrictions to the hours of licensable activities as set out below. The Panel further decided to grant the Application for the addition of the outside bar area and to attach a condition, as shown in the Schedule attached to this Decision Notice.

### **Supply by retail of Alcohol**

#### **i. Indoors**

Every day from 10:00 to 23:30

#### **ii. Outdoors (within licensable area shown on plans)**

Every day from 10:00 to 22:00

New Year's Eve from 10:00 to 01:00

### **Regulated Entertainment**

#### **i. Outdoors (within licensable area shown on plans)**

Live Music every day from 12:00 – 18:00

Recorded Music and Performance of Dance and Similar every day from 12:00 – 21:00

New Year's Eve from 12:00 to 01:00

The Panel took into account the concerns raised by the objectors and considered the comments of the Applicant regarding the steps which would be taken to promote the licensing objectives. The Panel also noted that Environmental Health did not submit a Representation in connection with this Application.

The Panel had regard to the licensing objectives set out in the Licensing Act 2003, the Home Office Guidance on the Licensing Act 2003 and the Council's Statement of Licensing Policy on licensing hours.

The Panel accepted that public nuisance includes low-level noise affecting a few people living locally. The Panel considered the evidence of noise complaints associated with the current licence and accepted that the extension to the sale of alcohol until 1am would greatly exacerbate that nuisance. The Panel placed weight on the assurances given by the Applicant that the extension sought was to bring the sale of alcohol into line with the permission for live and recorded music which, notwithstanding the licence permission, is contracted to finish at midnight. The Panel considered that the risk of public nuisance arising as a result of this noise could adequately be mitigated by extending the sale of alcohol to 11:30pm (and not 1pm as applied for) thereby allowing a period of "drinking-up" time before the conclusion of the live and recorded music.

The Panel was concerned that the increase in noise nuisance from the extension of an outdoor bar area would impact on nearby residents. That said, the Panel was also mindful of the exemption for amplified live and recorded music until 11pm for licensable areas. Although the Panel agreed that excessive noise could be dealt with by the statutory nuisance regime, they considered it appropriate and proportionate to impose a condition to mitigate this risk. The Panel placed considerable weight on the relevant conditions put forward by the Applicant in the form of the noise management plan and agreed that the requirement to have a sound limiter would further mitigate the risk of nuisance associated with the extension of the sale of alcohol and the addition of an outdoor bar area. The Panel has therefore decided that the licence will be subject to the condition set out in the Schedule.

The Application is therefore **GRANTED** subject to restrictions to the hours of licensable activities and the condition set out in the Schedule below.

*Roslyn Meenagh  
Clerk to the Panel  
29<sup>th</sup> July 2020*

**SCHEDULE: MODIFICATIONS TO THE PREMISES LICENCE DATED 18<sup>th</sup>  
NOVEMBER 2019**

**PART 2 OF THE PREMISES LICENCE IS MODIFIED AS FOLLOWS:**

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

The following condition is attached to Annex 3:

**VOLUNTEERED CONDITIONS**

1. The Applicant shall install and maintain in good working order a sound limiter to monitor and control the levels of regulated entertainment from the premises.

**Annex 4 – Plans**

The approved plans referred to in Annex 4 are replaced with those attached to the variation application dated 2<sup>nd</sup> June 2020.