



STROUD DISTRICT COUNCIL

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LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

PREMISES ADDRESS	THE CORNER HOUSE, 49 LONDON ROAD, STROUD, GL5 2AD
APPLICANT NAME/S	COTSWOLD CONNOISSEUR LIMITED
APPLICATION TYPE	NEW PREMISES LICENCE
APPLICATION REFERENCE	17/00358/LAPRNW
DATE OF HEARING	16 th MAY 2017
DATE OF DECISION	16 th MAY 2017
DECISION	APPLICATION GRANTED

BACKGROUND

On 23rd March 2017 Stroud District Council (“the Council”), being the relevant Licensing Authority, received an application for a new premises licence in respect of the above Premises pursuant to section 17 of the Licensing Act 2003.

Following a representation from Mr Maciolek objecting to the granting of a licence, a hearing took place on 16th May 2017 in order to determine the application.

REPRESENTATIONS

One representation was received and Mr Maciolek, the representor, was present at the hearing.

Mr Maciolek is concerned that the design of the Premises means that music would escape from them, particularly through the bi-folding doors to the terrace, and that such an escape of music would have a negative impact on the amenity of surrounding properties. He also considers that there would be an unacceptable level of noise from the proposed decking/terrace area and that any condition which restricted the opening times of this area would be difficult to enforce. Mr Maciolek is also concerned about the potential for an increase in traffic attributable to take away sales.

Mr Maciolek also stated that he felt that the proposed restaurant would be better located elsewhere, although the Clerk to the Panel pointed out later in the meeting that this was not a relevant consideration.

APPLICANT’S REPRESENTATIONS

The Applicant was represented at the hearing by Ms Anselm and Mr Matarazzo. Ms Anselm outlined the Applicant's experience in the catering and hospitality industry and intention for the use of the Premises. She explained that the Premises are intended to be a restaurant offering a relaxed dining experience with appropriate background music that allows diners to talk comfortably.. The Applicant pointed out that the nature of the Premises and the intended clientele, being older middle income professionals, will not typically give rise to problems such as anti-social behaviour or public nuisance. The Applicant estimated that the noise levels will be no greater than the passing traffic noise and that nearby establishments operate similar hours under their respective Premises licences. The Applicant advised the Panel that the Premises may hold the occasional party where a DJ plays recorded music and that there is no intention to operate the business as a take-away. Mr Matarazzo pointed out that other premises in the area have licences to serve alcohol until similar or later hours than those applied for.

PANEL QUESTIONS

The Panel asked questions of the Applicant and confirmed the following:

- The capacity of the Premises will be approximately 50
- The Applicant is seeking a licence for on and off sales in order to occasionally be able to sell specialty bottles of gin (the Licensing Officer and Clerk confirmed that a street drinking order is in place which would prohibit drinking in the street immediately outside of the Premises)
- The Applicant has not applied for a licence for live music, however, the occasional disco may be held if the restaurant is booked, however, most of the time the music will be at a background level only
- The Applicant would not be agreeable to closing the folding doors to the balcony when music is playing due to unacceptable heat levels
- The Premises will not be fitted with air conditioning

DECISION

The panel decided to **GRANT** the application.

The Panel took into account the comments of the Applicant and Mr Maciolek and had regard to the licensing objectives set out in the Licensing Act 2003 as well as the Council's Licensing Policy.

Due to the nature of the activities proposed to be carried on at the Premises, the Panel does not consider that there is a substantial risk of excessive noise or anti-social behaviour arising if a licence were to be granted. Moreover, excessive noise could be adequately dealt with by the statutory nuisance regime. The Premises will primarily be a restaurant and the likelihood is that the consumption of alcohol will be incidental to the service of food, as opposed to a venue where patrons attend primarily for the purpose of drinking alcohol. The Premises is in a town-centre location with nearby Premises operating under similar hours and the proposed licensable activities at the Premises would not foreseeably impact on the level of ambient noise in the vicinity.

The Panel has no significant concerns regarding the nature of the proposed licensable activities however they did consider that there was some risk of public nuisance arising from noise from the balcony area later in the evening or if a disco was being held at the

Premises. The Panel noted the conditions volunteered in the Application and those subsequently agreed between the Applicant and the Council's Environmental Health Department and agreed that some conditions would be necessary to mitigate the risk of public nuisance. The Panel therefore decided that the licence will be subject to the conditions set out in the Schedule.

The application is therefore **GRANTED** with the hours for licensable activities as applied for, subject to the conditions set out in the Schedule below.

*Mike Wallbank
Clerk to the Panel
18th May 2017*

SCHEDULE

VOLUNTEERED CONDITIONS

1. The premises shall operate a "Challenge 25" policy.
2. Notices shall be displayed prominently near to all exits to the premises for the purpose of asking customers to respect local residents and leave the Premises quietly.
3. The external area of the Premises known as the balcony/decking/terrace is to be closed after 22:30 on Sunday, Monday, Tuesday and Wednesday and after 23:00 on Thursday, Friday and Saturday. There shall be no use of the external area by patrons after the aforementioned times.

IMPOSED CONDITIONS

4. At all times when a disco is being held at the Premises, the external doors to the balcony/decking/terrace area shall be kept closed except for the purposes of affording entry and egress to and from the Premises.