



STROUD DISTRICT COUNCIL

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LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

PREMISES NAME	HOLY WATER
PREMISES ADDRESS	11 LANSDOWN, STROUD, GLOUCESTERSHIRE, GL5 1BB
APPLICANT NAME/S	MR ADAM MCVAY
APPLICATION TYPE	VARIATION OF PREMISES LICENCE
APPLICATION REFERENCE	25/00507/LAPRNW
DATE OF HEARING	2 JULY 2025
DATE OF DECISION	2 JULY 2025
DECISION	VARIATION GRANTED WITH CONDITIONS

BACKGROUND

Stroud District Council ("the Council"), being the relevant Licensing Authority, received an application dated 19 May 2025 for a variation of the above premises licence under section 34 Licensing Act 2003.

Following a representation from Environmental Protection and two representations from Other Persons, namely local residents, the Council's licensing sub-committee ("the Panel") held a hearing on 2 July 2025 to determine the application.

HEARING

The Panel comprised of Councillors Martin Brown, Paul Turner and Steve Robinson.

The Panel heard from the Senior Licensing Officer, the Environmental Protection Manager (on behalf of the Responsible Authority) and the Applicant Mr Adam McVay.

Consideration was given to relevant written Representations from Other Persons who were not present at the hearing.

LEGAL MATTERS

The Panel had due regard to:

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application;
2. The obligation to promote the four licensing objectives; and
3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

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

HEARING REPORT

The Hearing Report was presented by the Senior Licensing Officer who explained that the premises sits on the edge of Stroud town centre and was granted a premises licence by the licensing sub-committee in October 2024 following representations from residents. The Licensing Officer explained that the variations are to extend the terminal hours on Friday and Saturday for the sale of alcohol, playing of recorded music and opening times. A further variation is to extend the licensable area to include the rear garden, which the Applicant stated would close at 10pm. The Senior Licensing Officer reminded the Panel that the current license automatically has the right to play recorded music until 11pm under the regulated entertainment exemption. It was explained that the Licensing Authority had received 3 representations against the application which generally concerned noise nuisance and the impact of noise on the residential property above the premises.

RESPONSIBLE AUTHORITY REPRESENTATION

The Environmental Protection (EP) Manager referred the Panel to statements made by the Applicant at the previous hearing in which the licence was granted, namely assurances given by the Applicant that noise mitigation works would be carried out. The EP Manager pointed out that those works were not completed at that point resulting in the EP team receiving a complaint of noise nuisance from the upstairs property in December 2024. They wrote to the Applicant and it was suggested by him that there were ongoing discussions regarding noise mitigation works. In early 2025, EP received more complaints from the upstairs property. Monitoring was undertaken by EP in March 2025 at the request of the complainant and the results revealed significant concerns regarding noise transmission. Further monitoring would have been undertaken but the complainant left the property.

EP has met with the Applicant since the variation application was submitted and have viewed the works undertaken at the property but have not received any validation as to the effectiveness of those works. EP expected a report on the works to be provided to them so currently they are unable to comment on how effective the works would be.

EP has ongoing concerns that the property is under a short term lease and complaints could potentially start again at the end of that lease should it be handed over to someone other than the Applicant. EP consider that the proposed extension potentially exacerbates the previous issues should mitigation not be validated and reminded the Panel of the recommended sleep hours 11pm – 7am and the potential impact of the extended hours on that.

EP has suggested conditions that address their concerns regarding the nearest affected property and the garden area, namely the provision of a report validating the noise mitigation works within 2 months, submission of a noise management plan including a complaints procedure and signage in the garden area asking patrons to keep noise down and respect local residents.

The Applicant asked whether EP had any concerns with noise from the garden area and EP clarified that their original investigation concerned noise nuisance affecting the upstairs property. EP advised that their suggested conditions are to alleviate the potential for complaints around noise in the garden area.

OTHER PERSONS' REPRESENTATIONS

In their written representation, the Other Persons highlighted a number of concerns relating to potential noise nuisance from the venue which can generally be summarised as:

- The potential for noise from people under the influence of alcohol when returning to their parked cars late at night;
- Previous complaints of noise nuisance from the premises which affected the previous tenant living above the premises;
- The proposed extension of the business hours and the impact it would have on nearby residents being able to sleep; and
- The issue of smoking and drinking taking place outside the premises.

APPLICANT'S REPRESENTATIONS

The Applicant thanked everyone at the hearing for their time and explained that the premises is currently open 14 hours per week and is not a profitable business. The Applicant said he has only been able to support the growth of Holy Water because he runs an events company. He said that the reason he is running Holy Water is to have more purpose and to work with various charities and give them money from their profits. The Applicant also explained he is paying his staff £15 per hour which is more than the going rate and that he is working with them to create a culture of hospitality and training. The Applicant set out some of the initiatives he is working on with his staff. He advised that he has been in the business for 35 years.

The Applicant advised that when he shuts at 11pm he is losing quite a lot of business from customers coming from Juliet and the Sub Rooms. He said that 65-70% of the customers

are female and it is a safe place which doesn't attract rowdy clientele. He advised he has requested an extension until 1am but realistically he thinks at 12:30am they won't have any customers. The Applicant said he is missing out on profits of £1000 per week which is his wage bill alone and that extending the hours will be key to the survival of the business. He also wants to give back to young people who don't know what to do with their life. The Applicant said the extra time will ensure they make extra money to keep the business going.

The Applicant stated he is in the process of buying the whole property including the upstairs flat, which is due to complete in October. He said he is buying the building outright and has spent a lot of money on the project. The Applicant said he sympathised with the ex-neighbour who was living upstairs but that he tried his best and they didn't allow him into the flat to listen to the noise for himself. The Applicant stated that he wanted to compromise, he wanted to work with the residents and he did not want to upset anybody.

The Panel clarified with the Applicant the difficulties he said he experienced with the upstairs flat. The Applicant said he tried to talk to the landlady to carry out the sound proofing work in the alert points in the flat as it was £30,000 to do the work from the premises. The Applicant said his landlady didn't want anything to do with it as they wanted to sell the property. The Applicant said he sees it as an opportunity to buy the flat and business and that they are 3 months in and won't walk away from it as they have invested a lot.

The Panel clarified that the garden is not currently in use and asked the Applicant how he would stop customers going into the garden after 10pm. The Applicant stated he will use security and lock the back door. He said with staff training and signage he doesn't see it being an issue. The Applicant stated when he has had Temporary Event Notices (TEN) he has security on the door after 12pm. He said he does not have boisterous customers.

The Panel asked if the Applicant has problems with customers smoking and taking a drink outside the front of the premises. The Applicant said he always has two staff on the floor and it is a venue where he wants people to be greeted and welcomed to a seat. He said he is trying to promote hospitality and overall, has enough people to ask customers to be quiet and leave drinks inside. He said he had no problems with this in the past.

The Panel asked about his intentions around using the garden area and the Applicant advised that the pub is busy so they want to utilise the outside space. He has considered that there are no neighbours next door and that the Centre for Science and Arts hold garden parties. The nearest resident is out the back and EP clarified that it is 90m away on Slad Road.

Asked about his attitude to complaints, the Applicant said he has asked residents to come into the premises to discuss their concerns so he can have an open conversation and will do something about any complaints. He said the previous complaint got toxic but three quarters of Lansdown residents come to the bar. He re-iterated that he wants to work with the community, not against them.

The Applicant was asked if he had known about the concerns raised in the representation from Other Persons who live further down Lansdown and the Applicant said he was aware of one of them and it was not possible to resolve their issues.

The Applicant said he has not received any further complaints and that he has been respectful of residents. He said that the major concerns he anticipates will be around the garden area. He said he has had 7 TENs and no complaints were received, and this was verified by EP.

The Applicant said that he will not be playing music outside and that it is basically an extension of the bar. The garden has some high trees and a fence which he thinks will help reduce the escape of noise. The Applicant said if the garden doesn't work, he will review and work with EP and reduce the hours to 8pm.

The Applicant was not sure how capacity inside would work come 10pm when customers were asked to come inside but he acknowledged he would have to think about safety. He said he could potentially use the back emergency exit door to ask customers to leave.

The Legal Advisor to the Panel advised that due to the live and recorded music exemption the Panel would not be able to restrict the playing of music in the garden but could, if they considered it reasonable, impose the volunteered condition for the garden to close at 10pm but not restrict the playing of music before that time. The Applicant clarified that they play vinyls and have DJs but want customers to be able to hear each other.

The Applicant confirmed that he agrees with the suggested conditions put forward by EP and that the works to the flat should be finished in 7 days, after which he will need the acoustic consultants to visit and produce a plan so they know the noise levels. The consultant will look at the cavities in the walls. The Applicant said the works are extensive, and that everything the consultant suggested has been done such as the floors, chimney and bathroom cavity where a lot of sound escaped. The Applicant said he will share reports with EP and invited EP to do their own. He confirmed he intends to use the upstairs flat for staff.

DECISION

The Panel decided to **GRANT** the application in the terms applied for subject to additional conditions proposed by the Applicant and Environmental Protection being added to the licence as follows:

1. The outside garden area to be closed to members of the public at 22:00.
2. Notices shall be prominently displayed in the garden and at all exits to the garden requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.

3. Before 21 July 2025, the Applicant must submit to the Licensing Authority a Noise Management Plan for the Premises which contains a suitable complaints procedure. The Noise Management Plan must be approved by the Licensing Authority. Once approved, the Premises is required to comply with the contents of the Noise Management Plan.
4. Before 7 September 2025, the Applicant must provide to the Licensing Authority a report from a qualified acoustics expert validating the effectiveness of the noise mitigation works that have been carried out in the upstairs flat and confirming that the works have reasonably reduced the impact of noise from the licensed Premises. The report shall need to be approved by the Licensing Authority in consultation with Environmental Protection.

In deciding the application, the Panel took into account the concerns raised by the Responsible Authority and the Other Persons and were satisfied that there was the potential for public nuisance. The Panel concluded that this could be adequately mitigated by the imposition of conditions on the licence, the overall steps proposed by the Applicant to address those concerns and the steps which would be taken to promote the licensing objectives.

In accordance with the Statement of Licensing Policy, the Panel considered steps proposed by the Applicant to address the:

- history of previous nuisance complaints proved against the premises, namely the extensive noise mitigation works that have been carried out to the upstairs property and the assurance that the Applicant will provide a report from an acoustics expert validating the effectiveness of the works. Further, the implementation of a noise management plan with complaints procedure to effectively manage any future complaints;
- prevention of noise escaping from the premises, namely the closure of the garden at 10pm to limit disturbance to nearby residents and the back door and any windows being closed to prevent the escape of music;
- prevention of disturbance by customers arriving at or leaving the premises, (particularly after 11.00 pm), namely the use of door staff, signage and staff training; and
- the use of gardens, namely the Applicant's intention to use the garden as an overspill area for the bar, his assurance music would not be played there and the closure of the garden at 10pm to limit disturbance to nearby residents.

The Panel considered the overall adequacy of the above measures to deal with the potential for nuisance having regard to all the circumstances of the application. The Panel placed considerable weight on the steps already taken by the Applicant to sound-proof the upstairs property and engage acoustic consultants. Whilst the Panel notes that there is no evidence before them as to the effectiveness of those works, they were reassured by the Applicant's

willingness to engage with EP and local residents, and his commitment to the provision of a noise management plan including a complaints procedure, all of which would address the potential for harm. The Panel concluded that effective noise mitigation works would address the clear evidence of harm previously caused to the upstairs resident.

When further considering the potential harm to residents from the escape of noise, the Panel placed considerable weight on the assurances given by the Applicant that there would be no music in the garden area and that the shielding from trees in the garden would minimise the escape of noise. They also noted the Applicant's assurance that if the garden were to become an issue, he would reduce the hours and work with EP.

The Panel also placed weight on the evidence put forward that there have been 7 previous TENS and no complaints have been received by EP or the Applicant regarding noise. The Panel considered the Applicant to be plausible and accepted his assurance that this is a cocktail bar with 65%-70% female clientele who don't cause trouble. The Panel were assured by the Applicant that he would be co-operative and understanding when dealing with any complaints.

The Panel would have liked to have heard from affected residents to fully understand the extent of the alleged noise disturbances from the premises including the volume/impact of the disturbance, frequency and the general noise levels in the location. The Panel noted the concerns raised in those representations about existing noise on the street from drunken people shouting and banging their car doors when party goers park their cars in Lansdown. The Panel considered the location of those residents in relation to the premises. Whilst the Panel sympathise with these residents, they noted the location and opening times of several nearby premises and concluded that there was no evidence before them to suggest that the noise complained of was caused by patrons leaving Holy Water. The Panel therefore placed appropriate weight on those submissions.

APPEAL

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

REVIEW

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

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted. The Council's Environmental Protection Service can be contacted out of hours to report complaints of excessive noise nuisance.

*Roslyn Howden
Legal Advisor to the Panel
7 July 2025*