



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	NEW PREMISES LICENCE
APPLICATION REFERENCE	24/00931/LAPRNW
DATE OF HEARING	21 OCTOBER 2024
DATE OF DECISION	21 OCTOBER 2024
DECISION	APPLICATION GRANTED WITH CONDITIONS

BACKGROUND

Stroud District Council ("the Council"), being the relevant Licensing Authority, received an application dated 27th August 2024 for a new Premises licence under section 17 Licensing Act 2003.

Following nine representations from Other Persons namely local residents, the Council's licensing sub-committee ("the Panel") held a hearing on 21st October 2024 to determine the application.

HEARING

The Panel comprised of Councillors Paul Turner, Ian Hamilton and Nigel Prenter.

The Panel heard from the Senior Licensing Officer, 5 Other Persons (Andrew Thompson, Janet Westgarth, Sean Roe and his wife Ritsuko Hidaka and Representor 6) and the Applicant (Adam McVay and Megan Lawrence).

Consideration was given to relevant written Representations of the Other Persons received who were not present at the hearing. No Representations were received from the Responsible Authorities.

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.

OTHER PERSONS' REPRESENTATIONS

In making oral and written representations to the Panel, the Other Persons highlighted a number of concerns relating to potential noise nuisance and late night music disturbance from the venue including:

- The potential for noise from both people under the influence of alcohol and recorded music.
- The proposed end time of the business hours
- The worry of further noise disturbance in an already noisy street and the potential for more crime and disorder by drunken people
- The concern that the residential premises above the venue has no sound proofing and that talking was already heard between the premises and their home
- The issue of vaping and smoking taking place outside the premises and being smelt within residential premises
- Quality of life being impacted upon
- Selling of alcohol later than any other premises in the vicinity

This list is not exhaustive but highlights some of the concerns expressed in the oral and written submissions.

APPLICANT'S REPRESENTATIONS

The Applicant thanked everyone at the hearing for participating and advised the committee that he had been listening to their concerns and that he understood their concerns. He advised that he has been in the business for 35 years and that he works all over the world and has recently relocated from London to Stroud. He assured the committee that this venue was not a late night party venue. He wanted to utilise it as a headquarters bar and workshop. He stated that there as many non-alcoholic drinks on the menu as there are alcoholic and that the venue was open to all.

He advised the committee that he wants to give back to the local community, that he wants to train young people, so that they can start in the hospitality industry with Holy Water and then move on to Bristol, to London where he has contacts. He wants the venue to be a community space, for people to come and use the space. He advised that when he completed the application form he was naïve when he put a finishing time of 01:00. It was not his intention to be open that late, he advised it was unlikely that he will be open on a Monday and Tuesday and that he would be closed for January as he was away. The ethos behind the venue was to teach and train about fermentation and help people obtain an NVQ so that they could go off into the world.

The Applicant stated that he wanted to compromise, he wanted to work with the residents, he did not want to upset anybody. He stated that he had obtained quotes in relation to sound proofing between the premises and the flat above and was wanting to work with those residents to ensure that they were not impacted upon by his business.

Furthermore, the Applicant stated that he would engage with Environmental Health and ask that they attend the premises and discuss the levels of noise that were acceptable to a premises of this kind.

He further offered a compromise in relation to the sale of alcohol terminating at 23:00 hours and the drinking up time of 23:30 hours.

DECISION

In deciding the application, the Panel considered the fact that no Responsible Authorities had objected to the application.

The Panel took into account the concerns raised by the Other Parties and considered the comments and compromises of the Applicant regarding the steps which would be taken to promote the licensing objectives.

The Panel decided to **GRANT** the application subject to additional conditions put forward by the Applicant in consultation with the Police being added to the licence and the following amendment to the hours: -

- Sale of Alcohol, recorded music, and late night refreshment would all terminate at 23:00 hours
- Opening hours would be as follows: -
 - Monday, Tuesday, Wednesday, Thursday, Friday – 12:00 – 23:30 hours
 - Saturday – 09:00 – 23:30 hours
 - Sunday – 10:00 – 23:30 hours

On reading the application the Panel were concerned as to the what the venue was going to be utilised for given it was situated in a predominantly residential street.

However after hearing representations and the Applicant informing the Panel of his ideas for the premises, his willingness to take advice, the quotes already obtained for sound proofing between the premises and the flat above, the compromise on hours and his vision for his social enterprise, the Panel were encouraged by this business

The Panel heard from the Other Persons about the existing behaviour on the street and the impact that this was having on their weekend use of their homes. Whilst the Panel offer its sympathies there is no evidence before it that this new venue will exacerbate those issues that are already in existence especially with the compromise in the hours the Applicant proposed and which the Panel accepted

Furthermore, the Panel accepts the proposal offered by the Applicant to install soundproofing between the premises and number 12 Lansdown.

The Panel also accepts and encourages the proposal by the Applicant to liaise with Environmental Health in relation to satisfactory levels of noise within the premises

The residents living in number 12, who are directly impacted by this premises have confirmed to the Panel that they are satisfied with the proposals offered by the Applicant and as these are the residents that will be most affected by this premises the Panel have given a lot of weight to their comments at the hearing.

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 Health Service can be contacted out of hours to report complaints of excessive noise nuisance.

Vikki Fennell
Legal Advisor to the Panel
21 October 2024