



# STROUD DISTRICT COUNCIL

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## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

<b>PREMISES NAME</b>	THE REST
<b>PREMISES ADDRESS</b>	COURT FARM, BROAD STREET, KINGS STANLEY, GLOUCESTERSHIRE GL10 3PN
<b>APPLICANT NAME/S</b>	ADAM KNIGHT
<b>APPLICATION TYPE</b>	APPLICATION FOR A PREMISES LICENCE
<b>APPLICATION REFERENCE</b>	24/00408/LAPRNW
<b>DATE OF HEARING</b>	17 JUNE 2024
<b>DATE OF DECISION</b>	17 JUNE 2024

### BACKGROUND

The application is new application for a premises licence to permit sale of alcohol, for consumption both on and off the premises. The times requested are as follows:-

Sale of Alcohol – daily – 10.00 to 23.00

Opening Hours – daily – 08.30 to 23.00

Accompanying the application was a plan. The café building is edged red, and the sale of alcohol is restricted to this building.

The application however includes both on and off sales of alcohol. On sales means that alcohol, bought within the licensed premises boundary, i.e. in the building, can be consumed within the premises boundary. Off sales means that customers can buy alcohol within the premises boundary and then take it off the premises to consume i.e. they can buy alcohol inside the building and take it outside and drink it in the outside seating area.

The Applicant stated in his application that he will have CCTV installed in the premises and will operate a challenge 25 policy when making sales of alcohol.

Seven representations were received from local residents, opposing the grant of the application.

One representation was received in support of the application.

## **HEARING**

The Panel comprised of Councillor Nigel Prenter (Chair), Councillor Gill Oxley and Councillor Paul Turner.

Adam Knight (Applicant) and Neil Marshall (Resident, supporting Applicant) attended.

Margaret Turner (Resident) and Bernie Harte (Resident) also attended.

## **THE LICENSING OFFICER**

The Licensing Officer introduced the application and confirmed the application is a new application for the sale of alcohol for both on and off sales.

The Licensing Officer confirmed that representations had been received from local residents. No representations have been made from Responsible Authorities.

The Licensing Officer explained all premises that are granted on-sales of alcohol are able to play live and recorded music at the premises, during the times that on sales are permitted, provided it is between 08:00 and 23:00. The Licensing Officer further confirmed the legislation gives licence holders an automatic right to the to music exemption and music does not need to be included on the licence or in an application and that the Panel cannot refuse or condition sales of alcohol on the grounds of potential disturbance caused by music under the exemption.

Furthermore, the Licensing Officer confirmed that once a licence is granted for sale of alcohol, if there is then evidence to demonstrate that the right to the music exemption is causing public nuisance, residents or responsible authorities can request a review of the licence. This can trigger a review hearing and, if justifiable, a Review Hearing Panel can remove the licence holder's right to the exemption or make a restriction or condition in relation to the exemption.

## **OTHER PARTY REPRESENTATIONS**

Neil Marshall spoke to the Panel. Neil Marshall supported the application. Neil Marshall explained that the sale of alcohol would be beneficial to the local community and not everyone would want alcohol, but some might. The café would also offer employment to local people.

Margaret Turner spoke to the Panel. Margaret Turner lives in Borough Close and explained residents had chosen the area as it is quiet. Court Farm was a working farm when they moved to the area. Margaret Turner felt that the consumption of alcohol can lead to increased noise. The premises are in a natural amphitheatre. Margaret Turner explained that when people are outside the premises, you can hear their voices and alcohol can increase the noise. Margaret Turner stated that perhaps thought could be given to restricting the hours.

Councillor Prenter asked when the premises stopped being a working farm. Bernie Harte thought about 10 years ago. Councillor Prenter also asked about distance of the houses

from the premises. Margaret Turner could not give an exact distance but explained there was a stream and then two fields.

Councillor Turner asked about the number of events. Margaret Turner confirmed one event. Councillor Turner asked about noise from cars. Margaret Turner said this was from another resident who had raised this issue, but the noise did carry.

Bernie Harte explained that the area is very quiet, and her property is a 'stone's throw' from the premises. Bernie Harte was concerned about alcohol fuelled noise if the licence was granted. Bernie Harte also commented on a lack of consultation about the application.

## **APPLICANT'S REPRESENTATIONS**

Adam Knight the applicant explained that the application was for the alcohol to serve at the café. Adam Knight explained that the café normally closes at 4.00p.m but the application was to allow for other events. The café has had events including a car meet and a dog show. Court Farm is still a working farm. The distance between the boundary (car park) and Borough Close is about 170 metres. This is open countryside.

Adam Knight recognised that the noise does carry. Adam Knight stated that you can hear people playing football and the school when they are outside. There is noise in the village.

In the car park there is some screening including trees. The outside seating area is enclosed in part by a fence and attempts had been made to reduce some of the disturbance. Since taking on the premises the two gable ends have been closed off. This means that noise nuisance has been reduced.

Adam Knight explained that there is no village pub, so the premises had become the focus of village events. They had received requests for events, but they do not intend to become a wedding venue.

Neil Marshall explained that when there was a music event, the music was not loud.

Councillor Turner asked what the applicant meant by 'usually close'.

Adam Knight explained that at the moment they close at 4pm. They only open later for events i.e. dog show and music event. The other event was the car event, and this is once a month and they finish around midday.

Councillor Turner asked about how often the applicant thought that events would take place. The applicant was not sure perhaps once or twice a month and Adam Knight did not know about the possible impact of the village pub closing.

Councillor Turner asked about closing time. The applicant explained that by 23.00 was everybody out. The sale of alcohol stopped at 22.30 to allow for drinking up before 23.00.

Councillor Oxley asked about the capacity of the car park. The applicant said that it is laid out to gravel, but it was about 40 cars.

Councillor Oxley asked whether it was ever full to capacity. The applicant said once.

Councillor Prenter asked about the closing of the local pub.

The Applicant explained the pub had been closed on and off for a couple of years. There is a village sports club, which is a private club. The club opens Thursday to Sunday and about 15 people were present yesterday when the sports club was open.

The Applicant explained that when they opened in the evening, they were finished by around 22.00. The staff they have are generally geared up to run until 16.00 and the Applicant does not want to run a pub, it is a café.

## **CONCLUDING COMMENTS**

In summing up the residents did not add anything further.

The Applicant in summing up said that they had turned away requests for weddings. For the majority of the time people stop buying alcohol at 22.30 and everything is closed by 23.00.

## **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 any matters or 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.

## **DECISION**

The Panel considered all the representations received from the local residents and noted the concerns that have been raised. The Panel also noted the explanation given by the Applicant in terms of what was planned for the business.

The Panel are satisfied that the licensing objectives have been met by the application and therefore determined to grant the application as requested.

The Panel noted that the Applicant stated that the sale of alcohol stops at 22.30 and the premises are closed by 23.00 at the latest.

The application is granted subject to conditions offered by the Applicant in relation to the installation of CCTV and the adoption of a challenge 25 scheme.

## **APPEAL**

All parties were reminded of their rights of appeal against 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 authority'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.