



STROUD DISTRICT COUNCIL

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LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

PREMISES ADDRESS	JULIET, 49 LONDON ROAD, STROUD, GL5 2AD
APPLICANT NAME/S	WOOLPACK INN LIMITED
APPLICATION TYPE	NEW PREMISES LICENCE
APPLICATION REFERENCE	24/00657/LAPRNW
DATE OF HEARING	19 AUGUST 2024
DATE OF DECISION	21 AUGUST 2024
DECISION	APPLICATION GRANTED WITH CONDITIONS

BACKGROUND

On 24 June 2024 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 David Maciolek, objecting to the granting of a licence, a hearing took place on 19 August 2024 in order to determine the application. No representations were received from Responsible Authorities.

HEARING

The Panel comprised of Councillor Rebecca Aldam (Chair), Councillor Steve Robinson, and Councillor Ian Hamilton.

The Applicant was represented by Mr David Chadwick (Director of Woolpack Inn Ltd) and Ophelie Theberge (General Manager). Mr Maciolek, a local resident, was also present.

The Licensing Manager took the Panel through her report and explained that the application is for a new restaurant called Juliet, which is in a building that was previously a restaurant called the Corner House. The Licensing Manager explained there is an inside bar area, seating area and outside balcony. The application is for sale of alcohol both on and off the premises. The Licensing Manager confirmed that the initial hours for sale of alcohol applied

for were 9am-11pm and 9am-11:30pm, allowing a 30 minute drinking up time. It was explained that the Applicant submitted a list of proposed conditions that will apply should the licence be granted.

The Licensing Manager explained that the parties have engaged in discussions to try and agree some of the issues, and that the Applicant via his agent put forward a number of concessions which were accepted by Mr Maciolek, but an agreement could not be reached on everything. The Licensing Manager explained that the Panel cannot take into account concerns about potential disturbance from music because of the automatic right to the live and recorded music exemption, should the application be granted.

REPRESENTATIONS

Mr Maciolek said his immediate reason for submitting a representation was that, although the previous premises was well-run, some issues existed which could carry over to this restaurant, such as gathering of people outside.

Mr Maciolek said that the Applicant has refused to provide a smoking area and that the customers would need to stand outside the premises. Mr Maciolek said that people should not be allowed to smoke outside the front of the restaurant because they are contributing to anti-social behaviour and blocking of the thoroughfare. Mr Maciolek said he has seen 10 and 20 people outside the front doors forcing passers-by to step into the road or say "excuse me" to get past which could become intimidating and anti-social for passers-by.

Mr Maciolek said he had concerns about the original application opening hours till 11:30pm on Sunday, as people have work the next day. The Panel noted that this has been amended by the Applicant to 10:30pm. Mr Maciolek said he was also concerned about the opening times on Mondays to Thursday for the external balcony area, and that he suggested 10:30pm, which the Applicant subsequently agreed to. Mr Maciolek said he had no issues with the Friday and Saturday opening times as it is a weekend as he appreciated the Applicant had a business to run and this was a big day for the restaurant. Mr Maciolek said he was not trying to stop the Applicant running their business but that he wanted the noise level to be acceptable. Mr Maciolek said he hoped the bi-fold doors to the balcony area would be closed should there be noise. Mr Maciolek said he wanted the Applicant to make provision for smoking within outside areas of the premises, and not outside on the public footpath, as this would be less anti-social for people using the street and with shorter hours helps with noise.

The Panel clarified with Mr Maciolek the closing time he requested on Sunday was 10pm (*this was the suggested time for the balcony*) and that he wanted a designated smoking area within the premises. Mr Maciolek suggested the outside area at the bottom of the spiral stairs or on the balcony. The Panel asked about the waste containers condition proposed and whether Mr Maciolek experienced issues previously with this. Mr Maciolek confirmed the Corner House were good but sometimes there was an issue.

APPLICANT'S REPRESENTATIONS

Mr Chadwick explained that the Woolpack Inn Ltd are taking a lease of the building and that the building is being brought back into use. Mr Chadwick explained that the premises will be a very different operation to the Corner House. He explained that he bought the building in 2011 and that it has been restored. He explained it was never intended to be a restaurant, and he initially intended to run pizza oven business. Mr Chadwick explained he later leased the building to Antonio to run as a restaurant, following which he received complaints from the tenants upstairs due to sound proofing issues.

Mr Chadwick said he is sensitive to this issue and that he cares about his residents. He says this caused him and his wife problems. Mr Chadwick says he wants to produce a restaurant, not a bar, and that the last thing he wants is people crowded outside on the street. He says in support that he already has a pub, and does not want another one. He says he wants to attract gentle and nice people, and that he is not looking to attract big crowds. Mr Chadwick says the Corner House became more of a club on the weekends, and he does not want that same approach and that they will have a piano in the restaurant. Mr Chadwick explained that he cannot stop people smoking on the street and confirmed that the restaurant is all geared towards eating.

The General Manager added that bookings are up to 8 people per table so their intention is to operate for small gatherings. She added that people cannot turn up and have a drink unless they are in the bar area, and confirmed it is firstly a restaurant and the tables outside are to eat. She added they can provide smoking facilities and will ensure that people who leave for a smoke cannot take their drink outside. She also added they do not intend to open on Sundays but they did not want to make any changes to the hours requested on their licence. She confirmed that she would be the Designated Premises Supervisor following completion of her personal licence exam.

Mr Maciolek confirmed he lives on London Road close to the building and that noise travels to his property. Mr Maciolek asked whether the premises would allow customers to smoke on the balcony. Mr Chadwick confirmed that they would allow customers to smoke on their outside balcony and that he would discourage them from using the street but could not stop people from using the outside area. Mr Chadwick confirmed they wanted to provide an outside area within the premises for people to smoke. The Licensing Manager made the Applicant aware of the smoke free regulations and the need to have a certain proportion free to the elements. The Applicant confirmed the awnings can be closed and the area is open on two sides and more than 50% open.

The Panel clarified with the Applicant the boundary of the bar area on the plan, given their volunteered condition requiring the consumption of alcohol *"to only be by a person seated taking a table meal and for consumption as ancillary to their meal, except for the designated bar area"*. The Applicant confirmed that this will be the room that includes the bar, namely the area marked "bar", the bar stools against the bar itself and not shown on the plan, the "bar stools" shown in front of the bar, and also the area marked "light snacks" which is intended to be used as the piano room behind the bar area.

The Panel asked the Applicant whether they would be agreeable to joining Stroud Safe, which is intended to minimise anti-social behaviour. The Applicant confirmed they would be happy to join.

DECISION

The Panel decided to **GRANT** the application in respect of the revised hours proposed by the Applicant on the "amended application summary" submitted by the Applicant on 30th July 2024, together with the volunteered conditions, as amended by the Applicant on the same document. A further volunteered condition to join Stroud Safe was agreed by the Applicant at the hearing.

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 as set out in Section 4(2) of the Licensing Act 2003; 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 acknowledged that any Representations which are received must be relevant and evidenced-based. Irrelevant information was disregarded by the Panel.

The Panel took into account the comments of the Applicant and Mr Maciolek and had regard to the licensing objectives. As regards Mr Maciolek's concerns around customers using the pavement area outside the front of premises for smoking, the Panel agreed that this was outside the licensed area and not within the control of the Applicant. The Panel noted the Applicant's decision to allow smoking on the outside balcony area, and further noted the steps the Applicant said they would take to discourage customers from using the pavement area.

As this is a new application, in accordance with the live music exemption, the Panel are not able to endorse the volunteered condition limiting the playing of amplified or live music on the decking area. The Panel do, however, note the assurances provided by the Applicant that the premises is intended to be run as a restaurant and not a bar. They also note the Applicant's explanation that music will come from the piano.

Due to the nature of the activities proposed to be carried on at the premises and the town-centre location, 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 Panel noted the Applicant had gone to some lengths to meet the concerns raised and had adopted a conciliatory approach. The Panel noted that 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 Panel did consider that there was some risk of public nuisance arising from noise from the balcony area later in the evening and were satisfied that this could be mitigated by the agreed hours of operation for the balcony, and the conditions volunteered by the Applicant.

The application is therefore **GRANTED** with the hours for licensable activities as amended by the Applicant on the "amended application summary", subject to the volunteered conditions set out in the Schedule below.

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.

SCHEDULE

Proposed Hours

Sale of Alcohol	Monday –Saturday: 09:00 – 23:00 Sunday: 09:00 – 22:00
Opening Hours	Monday –Saturday: 09:00 – 23:30 Sunday: 09:00 – 22:30

VOLUNTEERED CONDITIONS

1. The consumption of alcohol at the premises shall only be by a person seated taking a table meal and for consumption as ancillary to their meal, except for the designated bar area, which is identified as yellow on the plan attached to the Operating Schedule.

2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

3. The Licence holder shall install and maintain a comprehensive CCTV system as approved by the Police. All public areas of the licenced premises, including all public entry and exit points and the street environment shall be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when a member of the public is on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police Officer, Police Community Safety Officer or authorised Local Authority Officer.

4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public and must be able to retrieve recorded footage and show to a Police Officer, Police Community Safety Officer or authorised Local Authority Officer upon request.

5. An Incident Register shall be kept at the premises, and made available promptly on request to any Police Officer or authorised Local Authority Officer. The Register shall record the following:
 - a. All crimes reported to the venue
 - b. Removal of all individuals from the premises

- c. Any complaints received
 - d. Any incidents of disorder
 - e. All seizures of drugs or offensive weapons
 - f. Any faults in the CCTV system or searching equipment or scanning equipment
 - g. Any refusals of the sale of alcohol
 - h. Any visit by a relevant authority or emergency service
6. Except for designated external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a takeaway meal only, and shall not be consumed on the premises.
7. No customers carrying open or sealed bottles shall be allowed to enter the premises at any time that the premises are open to the public.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.
9. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take any drinks or containers with them.
10. The Challenge 25 or contemporary equivalent proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved card bearing the holographic "PASS" mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.
11. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every twelve/six/three months. The training log shall be made available for inspection by Police and "authorised persons" immediately upon request.

12. A refusals log shall be kept at the premises, and made immediately available on request to the Police or an "authorised person". The refusals log is to be inspected on a monthly basis by the DPS and noted in the log; and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
- a. the identity of the member of staff who refused the sale;
 - b. the date and time of the refusal;
 - c. the alcohol requested and reason for refusal; and
 - d. description of the person refused alcohol.
13. The external area of the Premises known as the balcony/decking/terrace is to be closed after 22:00 on Sunday; 22:30 Monday, Tuesday, Wednesday and Thursday; and 23:00 on Friday and Saturday. There shall be no use of the external area by patrons after the aforementioned times.
14. At all times when a disco or regulated entertainment 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.
15. An adequate kitchen extract and ventilation system shall be maintained to prevent odour and fumes emanating from the premises that causes a public nuisance.
16. Adequate food waste containers and storage shall be maintained to ensure vermin control.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. The premises licence holder shall ensure that any patrons smoking outside the premises are appropriately supervised by staff so as to ensure that there is no public nuisance.
19. The premises licence holder and/or the designated premises supervisor shall join the *Stroud Safe* scheme and actively participate in this scheme.