

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Thursday, 9 February 2023

Premises:	The Royal Hop Pole, 94-96 Church Street, Tewkesbury, GL20 5RT.
Applicant:	J D Wetherspoon PLC
Application for the variation of a premises licence under Section 34 of the Licensing Act 2003.	
Present:	Councillors G F Blackwell, P A Godwin and D W Gray.
Representatives of the applicant:	Area Manager Licensing Director Regional Manager
Other parties addressing the Sub-Committee:	Councillor C M Cody Three residents of St Mary's Lane

SUMMARY OF REPRESENTATIONS

1. No responsible authorities made representations in relation to the application.
2. Seven representations were made by other persons in relation to the application. All of the representations objected to the application.

THE APPLICATION AS AMENDED BY THE APPLICANT

- The sale by retail of alcohol for consumption on and off the premises from 09:00 to Midnight on Friday and Saturday.
- The exhibition of films from 07:00 to Midnight on Friday and Saturday.
- The provision of late night refreshment (indoors and outdoors) from 23:00 to Midnight on Friday and Saturday.
- Opening hours from 07:00 to 00:30 on Friday and Saturday.
- The terminal hours of all licensable activities and opening hours to be extended by one hour on Christmas Eve, Boxing Day, Maundy Thursday and Sundays preceding a bank holiday Monday – this will only apply where they fall on a day other than Friday or Saturday.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing, the provisions of the Licensing Act 2003, the obligation to promote the four licensing objectives; the relevant sections of the Council's Statement of Licensing Policy and the Statutory Guidance, it was resolved that the variation of the premises licence be **GRANTED** in accordance with the application as amended by the applicant, subject to the following conditions:

ADDITIONAL CONDITIONS IMPOSED BY THE SUB-COMMITTEE

- From 22:00 hours, the garden (not including the designated smoking area) should be closed for all reasons other than for ingress and egress.
- CCTV condition to be updated to include the majority of the car park area. The extension of the licence will not come into force until the CCTV is installed and working.

REASON

The Licensing Sub-Committee considered the fact that the Responsible Authorities consulted had no concern and did not make any representations. The Sub-Committee also took account that other premises in the area have later licences. Whilst the Sub-Committee recognised and sympathised with the concerns expressed by the other parties, a large number of issues raised could not be directly linked to the premises. The Sub-Committee imposed conditions in order to try and alleviate these concerns.

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 were reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allowed the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arose, in relation to the licensing objectives: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminded 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.