

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 9 February 2023 commencing at 12:00 pm

Present:

Chair

Councillor G F Blackwell

and Councillors:

P A Godwin and D W Gray

LSB/A.5 ELECTION OF CHAIR

5.1 It was proposed, seconded and

RESOLVED That Councillor G F Blackwell be appointed as Chair for the meeting.

LSB/A.6 ANNOUNCEMENTS

6.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/A.7 DECLARATIONS OF INTEREST

7.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 24 January 2023 and took effect from 1 February 2023.

7.2 There were no declarations of interest made on this occasion.

LSB/A.8 VARIATION OF PREMISES LICENCE - REF: 22/02042/LIQVAR - ROYAL HOP POLE HOTEL, 94 - 96 CHURCH STREET, TEWKESBURY, GL20 5RT

8.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 1-89, outlined an application for variation of a premises licence in respect of the Royal Hop Pole Hotel, 94-96 Church Street, Tewkesbury, GL20 5RT. The Licensing Sub-Committee was asked to determine the application by either granting the application as applied for; granting the application but with modifications to times or conditions appropriate to promote the licensing objectives; or, rejecting all or part of the application.

8.2 The Chair asked all parties present to identify themselves and explained the procedure that would be followed by the Sub-Committee. The Licensing Operations and Development Team Leader advised that an application had been received under the Licensing Act 2003 to vary the existing premises licence held by the Royal Hop Pole Hotel which sought to extend the sale by retail of alcohol for consumption on and off the premises by 30 minutes until midnight every day. Since the publication of the report, the applicant had offered an amendment to extend the sale by retail of alcohol for consumption on and off the premises by 30 minutes on Friday and Saturday meaning alcohol would be served until midnight

on those days only. The application had also originally sought to extend the exhibition of films by one hour until midnight every day but that had subsequently been amended to Friday and Saturday only; and to extend the provision of late night refreshment (indoors and outdoors) by one hour until midnight every day which had also been amended to Friday and Saturday only. The original application was seeking to amend the opening times from 0700 to 0030 every day but that had now been amended to Friday and Saturday only. In terms of non-standard timings, the application sought to extend the terminal hours of all licensable activities and opening hours by one hour on Christmas Eve, Boxing Day, Maundy Thursday and Sundays preceding a Bank Holiday Monday and clarification was provided that this would only apply where they fell on a day other than Friday or Saturday. It was noted that the application also sought to vary the wording of a condition on the existing licence so that a full food menu was available to customers up to 2300 hours each night as opposed to the terminal hour for the sale of alcohol. Confirmation was provided that all of those who had made representations had been made aware of the amendments on 8 February 2023. The application had been advertised as required by site notice and an advert in the Gloucestershire Echo. A full copy of the application had been sent to responsible authorities as set out at Page No. 3, Paragraph 2.2 of the report and no objections had been received. Seven representations had been received from 'other persons' in relation to the application including two business owners and one from Councillor Cody, a local Ward Member for the area, and these were set out at Appendix D to the report. The Sub-Committee was required to take account of the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, the Council's own Licensing Policy, attached at Appendix F to the report, and the four licensing objectives. Members were asked to determine the application having regard to the representations received and the evidence heard at the hearing by any party and to either grant the application as applied for; grant the application but with modification to times or conditions appropriate to promote the licensing objectives; or reject all, or part, of the application.

- 8.3 As there were no responsible authorities present at the meeting, the Chair invited the other persons who had made representations to address the Sub-Committee. The first person indicated they were a local resident who had lived next door to the Royal Hop Pole Hotel for over 45 years and now lived on a street close by and ran a business next door to the premises. He had witnessed the hotel during various ownerships and changes of policy and felt that things had deteriorated after it had been taken over by JD Wetherspoons. There was a time when the hotel was a nice place to take the family for Sunday lunch or to hold meetings of clubs etc. but now it was not uncommon to see people leaving the premises and urinating outside the property, or even defecating in the car park on one occasion – he had been required to physically eject youths who had been urinating on his property. He also had to endure loud noise late at night from people leaving the premises and shouting across the road as well as lit cigarettes being tossed over his garden wall and half eaten pizzas left on his doorstep. He thought back to the 1990s when Tewkesbury had a reputation for late night revelries and there was always a heavy Police presence on a Friday and Saturday night – at that time there were no problems from the Royal Hop Pole Hotel with the issue being the other hostelrys in the town which offered late night drinking that often spilled out onto the street and led to flower displays being decimated and shop windows being broken. That situation had gone on for many years and he was concerned that, if this application was permitted, it would set a precedent for other public houses in the town to extend their licences and could mean that the problems experienced during the 1990s would return. He stressed that he was not anti-Wetherspoons recognising that it contributed a lot to the town, and he admired how it was run with the management doing a good job at making a profitable business and keeping the peace in difficult circumstances. He reiterated that he had lived in the town for many years and felt residents had an obligation to keep it as a pleasant place to

live; he wanted to attract people to the town to visit the shops, the Abbey and to use the river so felt he must speak out and attempt to preserve it from deteriorating and hoped that Members would support this by refusing the application. The second local resident indicated that she was the wife of the previous speaker and had also lived in the town for 45 years. She recounted how someone had once climbed the street light outside the Royal Hop Pole Hotel and looked through her bedroom window. She found the portico outside the Hotel intimidating as youngsters often congregated there and meant she had to either walk through them or around them to get to her door. Now she lived in a nearby street where the rear garden was adjacent to that of the Hotel and the noise meant that she struggled to sleep. It was a residential area so she felt she should be allowed to enjoy her home without the noise generated by the Royal Hop Pole Hotel, particularly late at night. The third other person indicated that she lived in a nearby street and was representing herself and the owners of Café e Vino. She had moved into her property in 1996 when the Royal Hop Pole Hotel had been a very nice country hotel and had not caused any problems. She did not object to people having fun but she did object to noise which was an issue for herself and her neighbours, a lot of whom worked and were disturbed by antisocial behaviour. She was a member of Neighbourhood Watch and had called the Police on many occasions to deal with fights between patrons of Wetherspoons which started under the portico. On one occasion, Café e Vino had been unable to allow their patrons to leave due to a fight which had broken out at the Crescent between a crowd of people leaving Wetherspoons. Another big issue was people urinating and defecating outside of properties and she had called the Police when she had witnessed people smoking cannabis in the car park. Furthermore, there were problems with broken glass and bottles left outside which impacted pedestrians, including families and dog walkers. She indicated that she did not want to stop people from enjoying themselves but there was a limit and she urged Members to reject the application.

- 8.4 Councillor Cody indicated that she was speaking in her capacity as a local Ward Member for the area and was also representing a local business owner who had made a representation but was unable to attend today's meeting. As had been mentioned by others, this was a residential area and she pointed out that the properties were not double glazed. Noise travelled, particularly at night when there was less traffic in the High Street, and there had been incidents of fighting, glass being broken, drug taking, noisy cars and Police presence as a result of the premises. There was no CCTV covering St Mary's Lane and therefore no deterrent. Tewkesbury was a market town with a predominately older population and those visiting came to enjoy the medieval buildings, Tewkesbury Abbey and the riverside and they were likely to be deterred if they had to stay next to rowdy late night establishments. A planning application to extend the opening hours of The Ice Cream Cottage had recently been refused on the grounds of noise, litter and disturbance and allowing the variation of the premises licence would promote alcoholism and antisocial behaviour. She did not have a problem with Wetherspoons per se but she was concerned about late night drinking – Tewkesbury was not Las Vegas or a larger town like Cheltenham with a younger population and she asked Members to consider how the residents in their areas would feel in this situation. She welcomed the amendment to the application which withdrew the extended hours Sunday to Thursday but the reality was that Friday and Saturdays were the problem. She felt the application should be rejected on the grounds of public safety as there was a potential issue with drink-driving and mention of vehicle wheel-spinning late at night as well as hooliganism etc. which were all related to people getting drunk. In her opinion, 2300 hours was late enough and any extension would increase incidents of public urination and defecation in and around the premises. She agreed that Wetherspoons had done some great things, including improving a building which had been falling into disrepute as well as the garden area along the riverside, but those were the things

which attracted people to the area, not the incidents of antisocial behaviour which would be exacerbated by late night drinking – this was not the right place for that and she did not believe it was the right thing for the town.

- 8.5 The Chair invited the applicant's representatives to make their case. The Licensing Director advised that the premises had opened as JD Wetherspoons in May 2008 and had been a long standing premises in advance of that. He clarified that, although some of the Wetherspoon public houses did have music, there was no provision for regulated entertainment and no music at the Royal Hop Pole Hotel. The premises did still operate as a hotel with 28 rooms, the majority of which were double, and he felt that should be borne in mind when considering the character of the premises. Food was available every day from 0700 hours up to 1200 hours and from 1200 hours until 2300 hours when the kitchen closed. The premises had been managed by a husband and wife for 15 years and they lived in the local area. It had operated in the same way until now with no previous extensions being sought – standard Wetherspoons opening hours were midnight Sunday-Thursday and 0100 hours Friday and Saturday but a decision had been taken not to apply for those hours due to the location of the premises. Whilst it was on a high street and not a residential area per se, there were residential properties in St Mary's Street. It was felt that now was the right time to seek a modest extension for an additional 30 minutes on Friday and Saturday, and additional time on specific days, but he gave assurance it would not become a late night premises and, if granted, the hours would be in accordance with the licensing hours of a number of other venues in the locality – it was noted that The Plough opened until 0200 hours so the Royal Hop Pole Hotel would not be the last pub open. The reason for the variation application was largely related to the venue operating as a hotel as feedback from guests had indicated that they were disappointed that the bar was not open when they arrived as this was what they were used to in hotels elsewhere. It was the management's view that this was having an impact on trade with customers choosing to stay at other hotels in places such as Malvern and Monmouth. Existing customers tended to leave the Royal Hop Pole Hotel to drink at other places in the town which were open slightly later and some went to Cheltenham for an alternative night out which was not available in Tewkesbury. It was felt that the current hours for sale by retail of alcohol were taking customers away from the pub and it was preferable that they stay slightly longer where they could be effectively managed by the team in order to avoid wider antisocial behaviour problems – when the premises was busy, particularly in the garden, customers all had to leave at a specific time which made it difficult to manage but the extended hours would allow dispersal on a more gradual basis and avoid a large number of people going out of the door at one time which would also be easier for customers as well.
- 8.6 The applicant's Licensing Director recognised the concerns of residents and he did not wish to underplay them as it was their lived experience; however, Wetherspoons and the management had tried to build a relationship with residents, holding regular meetings when it had first opened, and the manager was always available to address any concerns. Some of the concerns that had been raised did appear to relate more to the general issue of antisocial behaviour which could not be specifically limited to Wetherspoons. He reminded Members that there was a public car park to the rear which was accessible from St Mary's Lane and the riverside path which brought people to the area from other parts of the town, as such, any noise and disturbance in that area could not be specifically linked to customers from the premises, although it was accepted that some may be. The premises' own car park had 30 bays and was generally full, particularly on a Friday and Saturday, as hotel guests used it for parking, therefore, it was not an area which was used by customers coming and going. It was noted that there was partial CCTV coverage of the car park which could potentially be extended to cover the whole area and would assist in the identification of people behaving

inappropriately – if they could be linked to the Royal Hop Pole Hotel they would be barred as that type of behaviour would not be tolerated. He went on to advise that he had spoken to the Police and they were not opposed to the application.

Wetherspoons had a good relationship with them and the manager was very active in the local Pubwatch. The Area Manager met with the Police on a monthly basis, as all Wetherspoons' Area Managers did, and no issues had been raised in respect of this premises. He had reviewed the accident and incidents at the premises and, for a venue of its size, these were very limited and did not bear out the portrayal of the premises that residents had put forward today. He reminded Members that no music was played at the venue which attracted a broad clientele which included a lot of children and families as hotel guests and to eat and drink – 51% of the premises' trade was food with 20% of drink sales linked to food so it was unfair to give the impression that it was solely a drinking venue.

8.7 The applicant's Licensing Director went on to advise that a number of policies were in place to mitigate customer behaviour including staff being trained to identify signs of intoxication and operation of a Challenge 21 policy. The need for door supervisors was risk assessed in consultation with the Police and depending on how busy the venue was so tended to be more necessary in summer. The garden closed at 2200 hours in recognition of the neighbours and there was no intention of changing that; signage in the garden reminded patrons to be considerate of the neighbours. He stressed that the view that responsibility ended when customers left the venue was not one taken by Wetherspoons; it was about putting the necessary processes in place whilst they were in the premises so they behaved both whilst in the premises and when they left. In summary, the application was for a very modest extension to seek a degree of parity with some of the other venues in the town and he asked Members to bear that in mind when making their decision.

8.8 A Member noted there had been no Police objection to the application on the grounds of public nuisance and the comments made by the Licensing Director seemed to suggest there had been no significant public nuisance yet this was disputed by the local residents. He asked if the Licensing Director had any theory as to why people were urinating so close to the pub itself given that toilet facilities were provided. The Licensing Director indicated that it was difficult to say that those people had been into the pub and, if they had been, that would be unusual as there were extensive toilet facilities which customers could access from the front or rear. The General Manager confirmed that the bar and toilets were on the same level so accessibility was not an issue. In terms of the car park, all of the parking spaces were used by residents and staff and the Licensing Director reiterated that there was partial CCTV coverage but he could commit to extending that to cover the entire parking area; however, it could not be extended into the public areas of St Mary's Lane due to issues with data protection and privacy. If CCTV was able to identify customers who had been on the premises had been urinating in the area then action would be taken. The Member noted that the Licensing Director had spoken about a 30 minute extension as being marginal and indicated that this would help to spread out the dispersal; however, he believed it would simply result in postponing the peak by half an hour. The General Manager advised that, at the weekend, some customers caught the bus to Cheltenham at 2145 or 2245 hours whereas others went to the music venue across the road. The Royal Hop Pole Hotel was a very popular venue in the area so people currently tended to stay as long as they could before moving to another place which was open later - by being open slightly later people were able to go home, to the hotel rooms or get the bus across a longer period which prevented them all leaving at once. The Licensing Director indicated that this effect would be more pronounced if the hours were extended to 0100 hours but even a 30 minute extension as was now being sought would assist. A Member indicated that if the variation application was granted, the sale of alcohol would cease at midnight but it would be 0030 hours before people

left the premises. The General Manager advised that could not be controlled; in his experience where premises' stopped serving at midnight, some people left quickly to move to another venue or get a taxi etc. whereas others stayed until 1230 hours to finish their drink but the premises would be empty by that time. He stressed that the variation would put the Royal Hop Pole Hotel on a more even playing field as the majority of other premises in the area stopped selling alcohol at midnight.

- 8.9 A Member felt it was admirable that the Licensing Director had referred to the Area Manager co-ordinating and liaising with the Police but he did not believe there was a record of Police activity in terms of reported incidents at the venue. The Licensing Operations and Development Team Leader confirmed that the Police had been consulted and advised that no related incidents could be connected to the Royal Hop Pole Hotel. Another Member asked if there had been any complaints in the last six months and the General Manager indicated that none had been brought to him. The Licensing Operations and Development Team Leader advised that she had checked the system for any complaints made to the licensing authority and there had been three over the last two years, only one of which related to antisocial behaviour and was in respect of the YMCA and behaviour of its patrons where there was an alleged Police attendance but nothing verified. In response to a Member query, the Area Manager advised that a residents' meeting had been held a few months after COVID which had been attended by the Police where the issue of urination had been discussed but this could not be attributed to the Royal Hop Pole Hotel specifically. He provided assurance that this point had been taken on board and indicated that nobody would be stopped from using the premises' toilets whilst it was open. The General Manager advised that he had run pubs as well as working as a General Manager and had been holding residents meetings for 12 years. The Police would be notified of any complaints and contact with the Police was diarised – there was an opportunity to contact the Police, take advice and make improvements which was not happening at other companies. The Area Manager pointed out that the pub managers were locals so reputation mattered and they did listen to feedback.
- 8.10 The local Ward Councillor noted that it had been stated by the Licensing Director that the entrance to Wetherspoons was in the High Street and she clarified that it was actually in Church Street. She also noted the comment that the extension of the licence was mainly to accommodate those staying at the hotel but given there were only 28 rooms she asked how many of those people arrived late enough for the bar to be closed and questioned whether mini-bars were available in the rooms. In any case, the people staying at the hotel were not causing the issues so they should be discounted. She did not dispute that families used the pub for food and drink but indicated that was unlikely to be between 2300 and 0030 hours. If CCTV was in place and people caught urinating could be identified as customers she asked what would be done and expressed the view that people would stay at the venue for as long as they possibly could – she had passed the garden on a summer evening when it had been quite rowdy and she would not want to see that continue into the night. In response, the Licensing Director confirmed there were no fridge bars in Wetherspoons hotels and whilst most people arriving at the hotel did not want a drink, some did and currently the only option was to go to another venue as opposed to staying in the hotel. He reiterated the fact that there was no music which attracted a broader base of clientele that was not geared towards a younger audience; the clientele was different on a Friday and Saturday night but people did eat in the premises on those nights. If residents saw someone urinating they should bring it to the managers' attention and they would review the CCTV to establish who they were and the next time they attended they would be barred from the premises. Many of the customers were known to managers and there was no expectation that the residents should be policing the area on behalf of the management. In response to a query, clarification was provided that there was no

CCTV at the front of the premises – the Licensing Director indicated they would be willing to work with the Council if they wanted to have something in the public area but that was not within their gift to offer it as a condition of the variation application; however, as suggested, it could be increased within the garden. There was currently no drinking in the garden beyond 2200 hours and no plans to change that should the application be granted. In terms of the toilets, if customers left the venue and then felt they needed to urinate, they could easily go back in to use the toilet rather than urinate on the street. A local resident indicated that her garden was adjacent to the Royal Hop Pole Hotel garden and she did not believe the garden closed to drinkers at 2200 hours. She had kept a diary and made numerous entries about not being able to hear her television at 2100 hours – she could not understand why there was no record of complaints as the Police had been called to previous incidents. Another local resident confirmed that Neighbourhood Watch had complained numerous times to the pub manager and the Police about antisocial behaviour but she recognised the Police were under a lot of pressure – she had contacted the Police prior to today's meeting as she had been hoping someone could attend but she assumed that had not been possible due to resources. The Chair reiterated that no Police report had been provided to the Sub-Committee for review. The Licensing Operations and Development Team Leader advised that she had only been made aware of one incident involving antisocial behaviour but she could request more information regarding previous years if Members felt that was necessary. A local resident indicated that she had called the Police last summer regarding drug dealing in the car park but had not been in touch with them again recently as she realised how busy they were. In response, the Licensing Operations and Development Team Leader indicated that she had only requested information for Police incidents regarding the Royal Hop Pole Hotel premises – any incidents within the surrounding area would need to be directly connected to the premises. The local Ward Member pointed out that she was not sure how many people would be aware that they should report issues such as noise from the pub to the Council – there had been references to not wanting to bother the Police when there were more serious crimes to deal with and even if people did try to contact them there were problems in terms of being able to get through and having to provide a name and contact details. Ultimately, the local residents would not have made representations or attended the meeting if there were not issues and she suggested that perhaps they should notify the Council and log every incident going forward.

- 8.11 The Chair invited the applicant's representatives to make any final comments. In summing up, the Licensing Director recognised that the local residents would have a different perspective but, in his view, it was a modest extension of just 30 minutes which would have a beneficial impact in terms of dispersal and helping people to leave the premises in a quiet and ordered fashion which would assist with any problems rather than adding to them. The Police had been contacted prior to the application being submitted and had stated they would not object. Some of the issues referenced by the local residents related to wider issues in the town and the managers were happy to work with them and the responsible authorities, if possible, to address those matters. He indicated that nothing was set in stone regarding the application and residents could request a review if there were any problems going forward. In conclusion, he felt that the variation being requested would promote the licensing objectives rather than having a detrimental impact.
- 8.12 The Chair indicated that the Sub-Committee would retire to make its decision.

8.13 When the meeting reconvened, the Chair advised that, 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 premises licence variation application be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 2:00 pm

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.