

151 Cleveland Street: Application to vary premises licence ref: 19/09049/LIPV

Written submission on behalf of residents of 7 Greenwell Street

### Background

The representation of the residents of 7 Greenwell Street is at p.251-255 of the LSC Report.

7 Greenwell Street consists of 8 flats, of which 5 are signatories to the representation. Residents include long term residents, the elderly and the disabled, and those with long term health conditions.

The representation is very detailed as to the residents' concerns with the previous operation of the premises, and their concerns as to how the changes sought by the applicant as part of this application are likely to exacerbate (and certainly do not address) these concerns. The concerns are, chiefly:

- i) Customers drinking and/or smoking outside the premises;
- ii) Noise from internal recorded and/or live music;
- iii) Noise from customers leaving the premises.

The previous operator was well aware of these concerns, and it is to be hoped that the previous operator passed them on to the freeholder upon transfer of the licence. In the event that they did not, I wrote to the freeholder (the applicant) on 8 July 2019, following the transfer of the licence. The hope was that this would initiate a dialogue to ensure that the operation of the premises when it reopened would take account of these previous problems and measures could be put in place to ensure this. I did not have a response to this letter. I have however had the benefit of correspondence with the applicant's solicitor, Craig Baylis, since submission of the representation. The correspondence is attached.

### The current application

The representation from the residents of 7 Greenwell Street was made partly due to the absence of a response to my letter dated 8 July. The representation acknowledges that this is not a licence review application, but expresses the view that *'(I)t is clearly sensible to tackle these concerns at this juncture.'* Residents are aware that such concerns can also properly be raised on a licence review application, in so far as they are outside the scope of the application.

The application seeks to:

1. Relocate toilet provision to basement
2. Create new entrance door
3. Increase licensed area on ground floor.

### Reasons for representation

The representation explained why this is of concern, in the context of outside drinking and noise:

*'The pub benefits from an external area for seating and tables on the Cleveland Street frontage. It does not have an external area on the Greenwell Street frontage. There is a narrow pavement on Greenwell Street which abuts the pub boundary. Nevertheless, customers gravitate to the Greenwell Street side of the premises to drink and smoke in large numbers, particularly in warmer weather and the summer months. They block the pavement and stand in the road/driveways.*

*Numbers of people drinking outside can be so large and/or uncontrolled that they also gravitate outside 7 Greenwell Street, where we live.*

*Further, previous owners of the pub appear to have come to some arrangement with the owner and/or occupier(s) of an office building situated on the other side of Greenwell Street, postal address 153-157 Cleveland Street, to utilise an area at the front of this office block to accommodate even more customers outside the premises.*

*We note that the plans of the premises do not show any of these areas used for consumption of 'off' sales.*

*Before the pub closed for refurbishment in 2018, we witnessed occasions where up to 200 customers have been gathered outside the premises, drinking and/or smoking. Although the numbers are not always as high, on a regular basis in warmer weather there could be up to 70-80 customers drinking and/or smoking outside.*

*The result of all this is that serious and prolonged nuisance is caused to residents of Greenwell Street, and blocking the pavement adjacent to the pub and part of the road. This is a public safety issue as residents are forced to cross the road to continue their journey.*

*We enclose a photo demonstrating the problems.'*

The proposed new entrance is on Greenwell Street. The proposed toilets would also be accessible to customers drinking outside, without having to come through the main body of the pub. Residents fear that this will encourage/facilitate outside drinking, particularly in close proximity to 7 Greenwell Street. It seems that the stated purpose of the new door and the relocation of the toilets is to facilitate access to the staff accommodation and kitchen on the first floor.

One of the residents has noted that there is no distance between the new door & the lobby door. They are at direct right angles to each other so it is in fact highly unlikely that customers can enter or exit without both doors being open simultaneously.

Residents believe that in light of the fact that there is no reason for customers to use the new door as they already have 2 entrances, the new door should be only for the use of staff and that this should be secured by a condition e.g. *'The westernmost door shall only be used by staff, except in an emergency.'*

### Going forward

The applicant has confirmed that the incoming tenant proposes '[m]anaging the external drinking, and limiting to immediate footpath'. This is certainly welcome, particularly as this would seem to preclude use of the office car park on the opposite side of Greenwell Street from the pub. However, we do not have any details of who the incoming tenant is and what style of operation is proposed.

Members will appreciate that depending on the style of operation it could impact positively or negatively on the previous problems. Residents note that other measures could be used too, for instance barriers to define the pub's boundaries would be useful in keeping customers out of the driveway next door/road and away from the residents' building, as well as preventing the entire footpath becoming unusable by pedestrians. Clear notices outside reminding customers to keep the noise down would also be a good idea. The emphasis, though, should be to discourage customers from congregating on Greenwell Street but rather to gather within the legitimate outside drinking area on Cleveland Street rather than using the public pavement on Greenwell Street.

We proposed some measures in our correspondence with the previous licence holder. They were:

1. Outside drinking ceases at 9pm.
2. Numbers of customers drinking outside is limited, and controlled much more than previously, to ensure that the pavement and roadway are kept clear for members of the public and vehicles.
3. After 9pm, customers leaving the premises to smoke etc shall not be able to take drinks with them, and are monitored for any noise disturbance they may cause.
4. Pre 9pm, a member of staff is designated specifically to manage customers drinking outside the premises, to ensure that there is no nuisance caused either by noise or the use of unauthorised areas.
5. Staff manage dispersal of customers more effectively by reminding customers where appropriate that there are residents nearby and to leave the area quietly.

Residents feel that these remain sensible and proportionate measures, although I have explained to them that the Sub-Committee's powers in respect of this application are perhaps more limited.

The previous tenant operated a 'no glasses outside after 10pm' policy, and residents would at the very least expect this to continue.

I hope that this submission is of assistance to Members and the parties at the hearing in my absence.

Kind regards,

Richard