

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 31 MARCH 2022 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Application for a Premises Licence made by One Dream Amesbury Ltd with to the New Inn, 10-16 High Street, Amesbury, Wiltshire, SP4 7DL

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Kevin Daley

Also Present:

Carla Adkins – Public Protection, Licensing Officer
Lisa Alexander – Senior Democratic Services Officer
Sarah Marshall – Senior Solicitor, Legal Services
Stephen Brindley – Applicant
Damien Kuczera - Supporting the Applicant
Alastair Day, Licensing Officer, Wiltshire Police
Inspector Tina Osborn – Wiltshire Police
Rep 3 – Objection
Rep 4 – Objection
Rep 11 – Support
Rep 12 – Support
Rep 13 – Support

25 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

26 Apologies for Absence/Substitutions

Apologies were received from:

Cllr Tim Trimble, who was substituted by Cllr Kevin Daley.

27 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” as set out in the agenda.

28 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

29 **Declarations of Interest**

There were no interests declared.

30 **Licensing Application**

An application for a Premises Licence in respect of The New Inn, High Street, Amesbury has been made by One Dream Amesbury Ltd

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a Premises Licence, presented by Carla Adkins (Public Protection Officer – Licensing) for which 14 relevant representations had been received, 11 against and 3 in favour of the application. A Noise Management Plan had been uploaded to the online agenda as Supplement 1.

The application was for the following licensable activities:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (indoors)	11:00 – 23:00	Mon – Sat
Indoor sporting events	12:00 – 22:00	Sun
Live music (indoors and outdoors)		
Recorded music (indoors and outdoors)	11:00 – 23:00 11:00 – 01:00	Mon-Wed Thur

Outside music to cease at 23:00	11:00 – 02:00 11:00 – 22:30	Fri – Sat Sun
Provision of late night refreshment (indoors and outdoors)	23:00 – 01:00 23:00 – 02:00	Thur Fri - Sat
Sale by retail of alcohol (on site and off sales)	11:00 – 23:00 11:00 – 01:00 11:00 – 02:00 11:00 - 22:30	Mon - Wed Thur Fri- Sat Sun
Hours Open to the Public	11:00 – 23:30 11:00 – 01:30 11:00 – 02:30 11:00 - 23:00	Mon – Wed Thur Fri – Sat Sun

It was noted by the Sub Committee that there were four options available to them:

1. To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the designated premises supervisor.
4. To reject the application

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Mr Stephen Brindley – One Dream Amesbury Ltd
- Damien Kuczera – Representing Applicant

Relevant Representations

- Rep 3 - local resident in objection to the application
- Rep 4 - local resident in objection to the application
- Rep 8 - local resident in objection to the application
- Rep 11 – local resident in support to the application
- Rep 12 - local resident in support to the application
- Rep 13 - local resident in support to the application

Responsible Authorities

- Alastair Day, Police Licensing Officer on behalf of Wiltshire Police

The Chair advised that the written representations included in the agenda pack, had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant, Mr Brindley, spoke in support of the application, highlighting the following points:

- The venue had been through a number of licensees over last few years and it was accepted that it had not been able to maintain the Licensing Objectives
- A Late Night license had previously been in operation
- Mr Brinley made it clear he would be unable to operate the venue without a Late-Night licence, noting that any other applicant would also be unable to make a success without it.
- He stated he had the support of the other managers of venues in the town.
- Customers would be unlikely to visit the New Inn without the Late Night License, after having a meal at the other pubs offering dining in the area.
- Table in report showed that other premises closed at 23:00, so to have a later closing time would spread out the closing times and dissipate those leaving through the Town.
- Procedures exist to allow new applicants to prove themselves and not be judged on the actions of previous licence holders.
- The arguments in objection were speculative
- He agreed to further concessions such as the removal of Live Music and the reduction of the Licensed Area premises.
- The Police would be welcomed at the premises
- He noted that it was a testament to how well-run other venues were, that there had been a reduction incidents since the previous license was removed in January 2022.
- There was no threat to Licensing Objectives
- The venue would be run responsibly and honestly by an experienced licensee.
- He had a strong operating model and additional measures
- Thirteen jobs would be provided - Supporting the economy, taxis and other restaurants
- The internal layout would change and he would remove promotions and live music from the offer, along with providing better management and security.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

- The Carpark would be fenced off with increased security, ensuring it was only used by staff for parking. The applicant agreed that it could be taken out of the licensed area. The rear outside area would be retained within the licensed area.
- The capacity inside was 200 and the courtyard capacity was 200.
- There was a smoking area in the courtyard.
- No one would be able to access the car park with cigarettes or drinks, as there would be a fence where the current gate was.
- The main entrance would be as it currently was, with a single point of entry, which could be secured by a security team.
- The Applicant had emailed to propose the removal of the function room, advising that they did not require Live music and that background music would stop at 23:00hrs.
- The Noise Management Plan (NMP) at page 101 referenced the function room. The Applicant confirmed that the NMP would need to be edited to reflect the removal of the function room.
- The premises would play music from the duke box but confirmed that karaoke would not take place.
- Food service would run from 12:00 – 21:00hrs.
- The vision for the premises was to target a more mature clientele and he hoped to attract customers from other nearby food serving venues, for after meal drinks.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- None

Responsible Authorities' submissions

Wiltshire Police, objected to the application on the grounds that the premises licence as applied for, would undermine the licensing objectives of, the prevention of crime and disorder, the prevention of public nuisance and that of public safety. Points raised included:

- They were not objecting to the application of the licence as a whole, however objected to some aspects of the operating schedule.
- A new person has been taken on since the New Inn closed its doors in January 2022.
- Reports of ASBO have reduced to zero
- The 7 calls had been received since 31 Dec 2021 from licensed premises were relating to minor matters. The worst incident was when a group of 18 were refused entry to a premises and became difficult.

Military & civilian Police arrived on the scene to provide appropriate support and public order .

- There had been a much-needed reprieve to the emergency services during the closure of the New Inn.
- A request for reduced hours was made.
- It was noted that Security staff could not be positioned along the stretch of street where people gathered after leaving.
- Other venues were well managed, and the Bell closed its doors by 00:00hrs.
- There was concern that a high proportion of the previous clientele would return to the Premises.
- It was suggested that the sale of alcohol would ideally cease at 23:00 hrs with there being opportunity to increase the hours after an initial 6 – 12 month trial period.

The Police Inspector supported the comments of the Police Licensing Officer, adding that there had been a positive impact on crime statistics across the whole of Amesbury community Policing area since the closure of the New Inn. The issuing of a Late Night License would likely see an increase in Crime and Disorder, and the Police asked that the hours be restricted to 23:00hrs and that a clear operating procedure be set out to satisfy Police concerns.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

- In Amesbury, as part of the Pubwatch scheme, if someone is banned from one pub, then they are banned from all Amesbury pubs who take part in the scheme.
- The previous clientele had dispersed to Salisbury and Andover, where there had been reported issues.
- The Applicant noted that he would operate a zero tolerance policy on antisocial behaviour and over intoxication, as he did in his other premises where he also operated his own banning policy outside of any Pubwatch scheme.

Submissions from those who made relevant representations

Rep 8

- Requested the garden area be closed from 23:00hrs
- Object to any music live or recorded from the garden area

- Music every afternoon was unacceptable close to residential properties
- It was now not the peaceful retirement area that was expected

Rep 3

- There had been excessive people and music noise in the past until closure.
- The proposed hours of opening were not compatible to family venue or the residential area.
- They have had past experience of a premises with a Late Night closure
- There was a lack of transport for military clientele resulting in lingering of clientele until 03:00hrs.
- There were incidents of vomiting and urination around the town
- The George and The Bell closed by midnight because they have chosen to as their licenses permitted longer opening hours.
- There was no definition of what background music was
- There would be shouting over the background music which added to the overall noise level.
- There was no need for outside music live or recorded.
- Successful well organised pubs do not need music in gardens.

Rep 4

- Street disturbances had been minor since closure.
- Problems arose from mainly military clientele
- Trained security staff are not needed if it is a family pub
- Amesbury is suited as a tourist centre given local attractions, yet cannot exploit this or the new tourist centre because of the night-time economy
- Think restricted hours to 23:00 would be more suitable
- Accumulative effect, with more premises, there would be more people brought in drinking

Rep 12

- The management practices the applicant had in place at his other venue were commendable
- I am a client at the applicants other premises, the Kings Arms, which was very well run.
- Respect was given by the clientele and would continue in the New Inn
- To punish this applicant for the actions of the previous license holder would be unfair and immoral.
- Social media had shown that the majority of local people wanted to see the pub open again.
- The problems were not evident before the last licensee

Rep 13

- Support the application
- The population for the area had grown over the years vastly

- Amesbury had lost the Greyhound Pub as it had been changed to accommodation
- Military personnel were re-settling in the garrisons and needed somewhere to go
- It would be detrimental to the town if this pub did not stay open.
- The town was becoming notably diminished, where it used to be a vibrant town

Sub Committee Members' questions

The Sub-Committee had no questions.

Questions from the Applicant:

In response to questions from the Applicant, the following points of clarification were given:

- There would still be background music if the premises shut at 23:00.

Closing submissions from those who made relevant representations

- The night time economy has an impact on the daytime economy.
- Amesbury was not a garrison town

Closing submissions from Responsible Authorities

In their closing submission, Wiltshire Police highlighted the following:

- Since the closure of the New Inn, other pubs had seen an increase in trade and less incidents, as they were just better managed. If music was removed from the license, you would see a different type of clientele than before.

Applicant's closing submission

- The Applicant had measures in place to manage any issues.
- In terms of natural justice and fairness, the Applicant should be given a chance.

Points of Clarification Requested by the Sub Committee

No final points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 12:03 and retired with the Senior Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application and reconvened at 12:45.

The Senior Solicitor confirmed that she gave the Sub-Committee brief relevant legal advice on the licensing objectives and evidence.

Decision

The Southern Area Licensing Sub-Committee resolved to **GRANT** the Application for a Premises License, made by One Dream Amesbury Ltd in respect of the New Inn 10 – 16 High Street, Amesbury, Wiltshire, SP4 7DL to include the activity and timings as detailed below and subject to the following conditions:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (indoors) Indoor sporting events	11:00 – 23:00 12:00 – 22:00	Mon – Sat Sun
Recorded Music (Indoors and Outdoors) Outside music to cease at 23:00	11:00 – 23:00 11:00 – 24:00 11:00 – 01:00 11:00 – 22:30	Mon – Wed Thurs Fri – Sat Sun
Provision of late-night refreshment (Indoors only)	23:00 – 24:00 23:00 – 01:00	Thur Fri - Sat
Sale by retail of alcohol (On site and off sales)	11:00 – 23:00 11:00 – 24:00 11:00 – 01:00 11:00 – 22:30	Mon – Wed Thurs Fri – Sat Sun
Hours open to the public	11:00 – 23:30 11:00 – 00:30 11:00 – 01:30 11:00 – 22:30	Mon – Wed Thurs Fri – Sat Sun

Conditions:

1. The amended Licensed Area Plan (Supplement 1) is accepted subject to the removal of the car park area.
2. The Applicant to provide a designated telephone number to be made available to local residents and operational during opening hours.
3. A noise Management Plan (NMP) shall be submitted within 30 days of the licence being granted for agreement in writing by the Environmental Health Officer and implemented fully thereafter. The NMP shall include details of how all noise related issues will be managed. Any changes to the NMP must be agreed in writing with

the Environmental Health Officer. The agrees NMP must be adhered to at all times.

4. Within 30 days of the licence being granted, the Premises Licence holder shall purchase and arrange for the installation of a noise limiting device in the main pub, the specification and design to be agreed with the Environmental Health Officer.
5. The noise limiting device shall be fitted so that all regulated entertainment is channelled through the device. The maximum noise levels shall be set in agreement with the Environmental Health Officer. The setting of the noise limiter(s) shall not be adjusted unless agreed by the Environmental Health Officer and in the presence of the Licence holder. External noise levels shall not exceed normal conversation levels after 21:00 and be included within the NMP.

Right to Appeal

The parties were informed that the Premises Licence Holder and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub-Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision. The decision of the Licensing Sub-Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee does not take effect until any appeal is heard and finally determined.

The parties were informed that a Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

- 31 **Appendix 1 - New Inn Application**
- 32 **Appendix 2 - Amesbury Premises Map**
- 33 **Appendices 3a - 3n - Representations**
- 34 **Appendix 4 - Maps of Representations**
- 35 **Appendix 5 - Conditions agreed with Environmental Protection & Control**
- 36 **Appendix 6 - Letter to respond to consultation period**
- 37 **Appendix 7 - Noise Management Plan - Proposed New Inn Updated**

(Duration of meeting: 11.00 am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

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