

## DECISION NOTICE

### Southern Area Licensing Sub Committee

Decision made on 28 May 2024

**Application for a Variation to the Premises Licence by Marston's PLC, in respect of the Avon Brewery, Castle Street, Salisbury, SP1 3SP**

#### Councillors:

Cllr Kevin Daley (Chair), Cllr Tim Trimble, Cllr Robert Yuill

#### Decision:

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for the Variation of a Premises Licence in respect of The Avon Brewery, Castle Street, Salisbury, SP1 3SP, be GRANTED for the licensable activities shown below:**

<b>Licensable Activity</b>	<b>Days</b>	<b>Hours</b>
<b>Supply of Alcohol</b>	Sunday - Thursday	10:00 – 00:00 Hrs (midnight)
	Friday – Saturday	10:00 - 02:00 Hrs
<b>Live Music</b> Indoors only	Sunday – Thursday (as permitted)	10:00 - 23:00 Hrs
	Friday – Saturday	10:00 – 00:00 Hrs (midnight)
<b>Recorded Music</b> Indoors only	Sunday – Thursday (as permitted)	10:00 – 23:00 Hrs
	Friday – Saturday	10:00 – 00:00 Hrs (midnight)

<b>Late Night Refreshment</b> Indoors	Sunday – Thursday	10:00 – 00:00 Hrs (midnight)
	Friday – Saturday	10:00 until 02:00 Hrs
Non-standard hours for all activities to include permission to trade the premises until 03:00hrs (BST) on the morning British Summer Time (BST) is applied		

With the following Conditions (7):

1. Updated Noise Management Plan to reflect the changes to the license, to be agreed by Environmental Health Team, in consultation with the Licensing Team.
2. When regulated entertainment is undertaken windows and doors to be kept closed.
3. Live and Recorded music to cease externally at 23:00 hours.
4. The premises shall have a refusals log which shall be retained for a period of 6 months and be available to Wiltshire and Licensing Authority Officers upon reasonable request.
5. The premises shall have an incident log which shall be retained for a period of 6 months and be available to Wiltshire and Licensing Authority Officers upon reasonable request.
6. Children under the age of 16 shall not be permitted entry to the premises after 21:00 hours unless accompanied by an adult and/or attending a pre-booked function or dining.
7. The premises shall undertake induction training of staff and thereafter annual refresher training in relation to underage sales and sales to a drunk.

**The Applicant**

The applicant informed the Sub Committee that the main focus of the variation application was to enable the premises to host the league team matches in various pub games such as darts, pool and cribbage. Due to league requirements teams were often needed to rush in order to complete

a round of games by the current premises closing time and as a result, several teams had recently taken their business elsewhere to alternative premises with extended hours and as a result this had caused a reduction in sales.

The Applicant highlighted that there was no plan to increase the frequency of live entertainment at the premises, setting out the current offer as one live performance as part of the Salisbury Live offer, and one karaoke event on a monthly basis, with occasional duos performing both inside and out in the garden when weather permitted.

To support this claim, the Applicant withdrew the request for extended hours relating to live entertainment, on Sunday to Thursday, thus limiting this to the set hours under deregulation, until 23:00hrs.

The Applicant had provided a list of 11 proposed actions as part of their application, these were:

1. Notices to be erected by the front door requiring customers to leave quietly and respect neighbours.
2. Live music undertaken externally conclude by 23:00 hours.
3. Recorded music to cease externally at 12 midnight (note: Amended by Applicant at the Hearing to 23:00Hrs).
4. When regulated entertainment is undertaken windows to be kept closed.
5. When regulated entertainment is undertaken for the main entrance door to the premises to be closed at 12 midnight.
6. So as to avoid volume of people emerging from the premises simultaneously phased closure of areas within the premises, such closure to commence at the rear of the premises with staff encouraging and migrating customers to depart from each area, starting towards the rear of the premises and concluding at the front.
7. Clear notification to customers of last orders.
8. Clear notification of wind down period by way of changes in tempo of music, increased lighting and direct communication.

9. Ensure those persons/customers seeking to smoke do not do so upon the public highway after 23:00 hours.
10. Ensure all smokers utilise the garden area after 23:00 hours and staff to monitor levels of noise arising from the same.
11. Staff training at time of commencement and on a refresher basis to be undertaken.

### **Responsible Authorities**

There were no representations from any Responsible Authorities.

### **Representations**

Of the two representations made by neighbours living nearby to the premises, both had raised concerns over noise, caused by the live music and the patrons of the premises.

It was suggested that an extension to the current opening hours would increase the noise issues, which were said to impact negatively on the lives of those living closest to the premises. The impacts noted included loss of sleep and the inability to enjoy the television in their home during periods of excessive noise, said to be caused by raised voices and musical entertainment late into the evening.

In addition, Representative 2 set out associated issues which included urination, vomiting and smoking on the street outside the premises and close to their home.

### **Reasons for Decision**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted:

That no objections had been raised by the Relevant Authorities and that there were no recent complaints logged with the Environmental Health Team, to suggest a history of noise related disturbances.

The proximity of the residential dwelling next to the licensed premises and the concerns raised by Representative 2 relating to noise disturbance and

on street smoking, urination and vomiting. In relation to vomiting and urination, the Sub-Committee found no evidence that such incidents were as a result of customers leaving the Avon Brewery and agreed that customers of any premises in the city could be to blame for these incidents.

That with regards to smoking outside the premises, point 9 of the Action List provided by the Applicant, required the Applicant to ensure that customers did not smoke on the public highway after 23:00hrs.

The Sub-Committee also welcomed the amendment, made by the Applicant, at the Hearing, not to the request extended hours for Live Music, in an attempt to offer reassurance that an increased offer of Live Entertainment every night of the week was not the focus of the application.

The Sub-Committee felt it appropriate to amend sections of the 11 Actions relating to the Noise Management Plan proposed by the Applicant, in order to tighten the scope and better promote the licensing objectives.

The Sub-Committee therefore felt that in light of this, there appeared to be no evidence, that the Applicants would fail to promote the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

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.