

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

DATE 6th September 2022

**Application for a Variation of a Premises Licence; *The Chapel*
34 Milford Street, Salisbury SP1 2AP**

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of *The Chapel, 34 Milford Street, Salisbury SP1 2AP* made by *Epic Bars (Salisbury) Ltd*.

2. Background Information

- 1.2 An application for a variation of a Premises Licence in respect of *The Chapel* has been made by *Epic Bars (Salisbury) Ltd* for which one relevant representation has been received.
- 2.1 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.2 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On the 18th August 2022 an application for a variation to the premises licence was received and accepted as a valid application.

2.6 The details of the variation applied for, are summarised below:

- To extend the hours of licensable activities
 - *Alcohol ON and OFF Sales Thursday – Saturday 08:00 – 03:00*
 - *Regulated Entertainment (Performance of Plays, Exhibition of Film, Live Music, Recorded Music, Performance of Dance)*
Thursday – Saturday 08:00 – 03:20
 - *Late Night Refreshment Thursday – Saturday 08:00 – 03:20*
 - *Opening Times Thursday – Saturday 08:00 – 03:20*
- Amendment to the premises plan See **Appendix 1**
- Removal of a condition in *Annex 2, Public Safety, and replacement with an amended condition.*

Remove: All alcoholic drinks during standard club nights (Thursday to Saturday) will be served in polycarbonate, shatter to safe, plastic, paper, toughened glass, can or an inherently safer type of container, in accordance with the management plan. All alcoholic bottled drinks served during standard club nights shall be decanted into plastic vessels unless the bottles are also plastic, with the exception of spirit, wine and champagne bottles which shall be served to a VIP table or area.

The only exception to the above condition is: any special event including private parties, dinners, cocktail parties, balls and functions, and events in The Vestry, so long as there is adequate precaution by means of staff members or barrier to exit and in accordance with the management plan, to disallow glass or glass bottles entering the public area as far as possible during standard club nights. Standard club nights may take place in other rooms alongside other events and functions which have been clearly risk assessed and documented.

Replace with the following: All alcoholic drinks in The Chapel Club room will be served in PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans with the exception of all alcoholic bottled drinks, spirit, wine and champagne bottles. This condition will not apply to the Botanic area (formerly the Vestry).

A copy of the application form including the updated plan is attached as **Appendix 1.**

The premises has benefited from a premises licence issued in November 2005 under the Licensing Act 2003. On 14th May 2022 a minor variation was submitted to remove part of the premises, known as The Soul Room from the licence, this room was to form part of a new separate premises licence. The Chapel Licence was transferred from the original licence holder to the current licence holder on 18th May 2022.

The current licence authorises the following:

Licensing Activities	Hours
Alcohol Sales ON and OFF Sales	Sunday 08:00 – 23:59 Monday – Wednesday 08:00 – 02:00 Thursday – Saturday 08:00 – 02:40
Regulated Entertainment (Performance of Plays, Exhibition of Film, Live Music, Recorded Music, Performance of Dance)	Sunday 08:00 – 23:59 Monday – Wednesday 08:00 – 02:00 Thursday – Saturday 08:00 – 03:00
Late Night Refreshment	Sunday 23:00 – 23:59 Monday – Wednesday 23:00 – 02:00 Thursday – Saturday 23:00 – 03:00
Opening Times	Sunday 08:00 – 00:30 Monday – Wednesday 08:00 – 02:30 Thursday – Saturday 08:00 – 03:00

The Current premises licence including the plan is attached as **Appendix 2**.

Attached as **Appendix 3** is a location plan of the premises.

Details of other licenced premises in the vicinity are as followed:

Premises	Licensable Activity	Hours
Yoyo 6 Milford Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> Sunday – Saturday 11:00 – 03:00hrs
	Live and Recorded Music	<ul style="list-style-type: none"> Sunday – Saturday 11:00 – 03:00hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday – Saturday 11:00 – 03:00hrs
The Cathedral Hotel 7-9 Milford Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> Sunday - Wednesday 12:00 – 00:00hrs Thursday – Saturday 10:00 – 02:00hrs
	Regulated Entertainment (Performance of Dance, Live Music, Recorded Music)	<ul style="list-style-type: none"> Sunday - Wednesday 12:00 – 00:00hrs Thursday – Saturday 11:00 – 02:00hrs
	Late Night Refreshment	<ul style="list-style-type: none"> Sunday – Wednesday 23:00 – 00:00hrs Thursday – Saturday 23:00 – 02:00hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday 12:00 - 00:30hrs

		<ul style="list-style-type: none"> Monday – Wednesday 11:00 – 00:30hrs Thursday – Saturday 11:00 – 02:30hrs
Nandos 1-5 Milford Street	Alcohol Sales ON Sales	<ul style="list-style-type: none"> Sunday – Saturday 11:00 – 00:00hrs
	Late Night Refreshment	<ul style="list-style-type: none"> Sunday – Saturday 23:00 – 00:00hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday – Saturday 07:00 – 00:30hrs
Outback 28 Milford Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> Sunday – Wednesday 10:00 – 00:30hrs Thursday – Saturday 10:00 – 03:00hrs
	Recorded Music	<ul style="list-style-type: none"> Sunday – Wednesday 10:00 – 00:30hrs Thursday – Saturday 10:00 – 03:00hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday – Wednesday 10:00 – 00:30hrs Thursday – Saturday 10:00 – 03:00hrs
Outback 2 30 Milford Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> Sunday – Saturday 10:00 – 03:00hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday – Saturday 10:00 – 03:00hrs
The Merchant House Hotel 33 Milford Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> Sunday - Saturday 08:00 – 01:30hrs
	Regulated Entertainment (Performance of Dance, Live Music, Recorded Music, Exhibit of Film, Indoor sports)	<ul style="list-style-type: none"> Sunday - Saturday 08:00 – 01:00hrs
	Late Night Refreshment	<ul style="list-style-type: none"> Sunday – Saturday 23:00 – 02:00hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday - Saturday 08:00 – 02:00hrs
Dominic Pizza Kebab 35 Milford Street	Late Night Refreshment	<ul style="list-style-type: none"> Sunday – Tuesday 23:00 – 00:00hrs Wednesday - Saturday 23:00 – 03:30hrs
	Opening Hours	<ul style="list-style-type: none"> Sunday – Tuesday 14:00 – 00:00hrs Wednesday - Saturday 14:00 – 03:30hrs

None of the premises above contain conditions on their licence regarding not using glass receptacles.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application. This was completed by the applicant

3.3 During the consultation period one relevant representations was received; 1 from a Responsible Authority, Wiltshire Police. A meeting was held between the applicant and Wiltshire Police, See **Appendix 5**. Following the meeting, the applicant offered an amendment to the variation application condition. This was declined by Wiltshire Police and the representation was upheld, See **Appendix 6**.

3.4 Responsible Authorities

- *Wiltshire Police*

3.5 Interested Parties

- No interested parties have made a representation

3.6 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Wiltshire Police	Crime and Disorder	9 th August 2022	Concerns regarding change of licence condition: the use of glass at the premises

3.7 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 3** is a location map of the premises.

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant and all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

6.1 It should be noted that the Premises Licence Holder, the Responsible Authority(ies) and 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.

6.2 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.

6.3 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.

Report Author: Katherine Edge
Licensing Officer
Katherine.edge@wiltshire.gov.uk
01225 714559

Date of report: 26th August 2022

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Application**
- 2 Current licence and Plan**
- 3 Location Map of Premises**
- 4 Representation**
- 5 Notes from meeting with applicant and Wiltshire Police**
- 6 Email Correspondence**