

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: [Online meeting](#)
Date: Tuesday 6 July 2021
Time: 10.30 am
Matter: Application for a Variation of a Premises Licence - The Prestbury Sports Club, The Close, Warminster

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email committee@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Peter Hutton

Cllr Stewart Palmen

Substitutes:

Cllr Kevin Daley

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AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application** (*Pages 13 - 20*)

To consider and determine an Application for a variation of a Premises Licence in respect of The Prestbury Sports Bar, The Close, Warminster made by Mr Nicholas Pitcher and Mr Peter Bartley. The report of the Public Protection Officer – Licensing is attached.

6a **Appendix 1 - Application form and plan** (*Pages 21 - 32*)

6b **Appendix 2 - Current Premises Licence and Plan** (*Pages 33 - 36*)

6c **Appendix 3 - Live Music Act 2021** (*Pages 37 - 48*)

6d **Appendix 4a - Representation - Mrs T Morse, Public Protection, Environmental Protection and Control** (*Pages 49 - 50*)

6e **Appendix 4b - Representation - Mr Rattray** (*Pages 51 - 52*)

6f **Appendix 4c - Representation Mr Winter** (*Pages 53 - 54*)

6g **Appendix 4d - Representation - Mr Jones** (*Pages 55 - 56*)

6h **Appendix 4e - Representation - Mr Varker** (*Pages 57 - 60*)

6i **Appendix 4f - Representation - Mrs Greenwood** (*Pages 61 - 62*)

6j **Appendix 4g - Representation - Mr Greenwood** (*Pages 63 - 64*)

- 6k **Appendix 4h - Representation - Mr and Mrs McAfee** (*Pages 65 - 70*)
- 6l **Appendix 4i - Representation - Mr Torjussen and Ms Corrin** (*Pages 71 - 72*)
- 6m **Appendix 4j - Representation - Ms Broadway** (*Pages 73 - 74*)
- 6n **Appendix 4k - Representation - Mr and Mrs Holloway and Mr Miles** (*Pages 75 - 76*)
- 6o **Appendix 4l - Representation - Mr Cuthbert** (*Pages 77 - 78*)
- 6p **Appendix 4m - Representation - Mrs Wordsworth** (*Pages 79 - 80*)
- 6q **Appendix 4n - Representation - Mr and Mrs Frostick and Mr Peachment** (*Pages 81 - 82*)
- 6r **Appendix 4o - Representation - Mrs Greenwell** (*Pages 83 - 84*)
- 6s **Appendix 4p - Representation - Mr and Mrs May** (*Pages 85 - 86*)
- 6t **Appendix 5 - Petition** (*Pages 87 - 94*)
- 6u **Appendix 6 - Representations Map** (*Pages 95 - 98*)

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person who has made a Relevant Representation or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered and includes virtual hearings.

“**Licence**” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“**Licensing Officer**” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“**Licensing Authority**” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“**Member**” means a Member who is a Member of the Committee that is considering an Application.

“**Person making a Relevant Representation**” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“**Responsible Authority**” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;
 - 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.

- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place as a virtual hearing via Microsoft Teams. Those who are a party to the hearing will be invited to attend the virtual hearing by an email link and members of the public will be able to watch the hearing as it takes place being streamed to the internet or watch the hearing at a later date.

4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.

4.1.2 The Committee may require any person attending or taking part in the virtual Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:

- A refuse to permit them to return to the virtual Hearing;
- B permit them to return to take part in the virtual Hearing only on such conditions as the Committee may specify;
- C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee by email any information which they would have given orally.

4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.

4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.

4.5 This equal maximum time may have been notified in advance of the Hearing;

4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations.

5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.

- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
- 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
- A the options available to it;
 - B the considerations that are relevant in reaching its decision.
- 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
- 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
- A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation. If any party is granted permission

to present supplementary papers at the Hearing they shall provide this by email at the direction of the Chairperson.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or take part or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
 - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire from the public meeting so that the decision may be considered in private, and to consider any legal issues raised by the Members. At this point the Chairperson will give an indication of the time that the meeting will resume for the announcement of the decision and all parties to the hearing will be asked to indicate if they intend to return for the announcement of the decision.

- 11.2 The decision, of the Committee shall be communicated orally by the Chairperson to the parties present at the virtual hearing after the Committee has deliberated in private on the Application.
- 11.3 The full decision notice shall be published on the Council's website within 5 working days of the hearing.

Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns, and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairperson either gives the decision with reasons or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

6 JULY 2021

**Application for a Variation of a Premises Licence; The Prestbury Sports Bar,
The Close, Warminster, BA12 9AL**

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Prestbury Sports Bar made by Mr Nicholas Pitcher and Mr Peter Bartley.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Prestbury Sports Bar has been made by Mr Pitcher and Mr Bartley for which 16 relevant representations and a petition of 43 signatories has been received.
- 2.2 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.
- 2.3 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 6th May 2021 an application for a variation to the premises licence was received and accepted as a valid application. Due to a delay by the applicant to display blue notices outside the premises advertising the application, the consultation period was extended from 3rd June 2021 to 8th June 2021.
- 2.6 The variation applied for is summarised as follows:

*To extend the current licensable area to include the carpark.
To allow the provision of live music in the carpark on Saturdays, Sundays and Bank Holiday Mondays between 12:00 and 20:00*

A copy of the application from Mr Pitcher and Mr Bartley is attached as **Appendix 1.**

2.7 The Prestbury Sports Bar has benefitted from a premises licence issued under the Licensing Act 2003 since 21 April 2006. The current premises licence was issued on 5 January 2016 and authorises the following:

Licensable activity	Location	Days and times
Sale of Alcohol	On and Off Sales	Sunday 11:00 – 23:00 Mon- Thur 11:00 – 00:00 Fri – Sat 11:00 – 02:00
Indoor Sports Events	Indoors	Sunday 11:00 – 23:00 Mon- Thur 11:00 – 00:00 Fri – Sat 11:00 – 01:00
Live Music Recorded Music Similar to any Music or Dance	Indoors	Sunday 11:00 – 23:00 Mon- Thur 11:00 – 00:00 Fri – Sat 11:00 – 01:00
Late Night Refreshment	Indoors	Mon- Thur 11:00 – 00:00 Fri – Sat 11:00 – 01:00
Hours Open to the premises	.	Sunday 11:00 – 00:00 Mon- Thur 11:00 – 01:00 Fri – Sat 11:00 – 03:00

2.8 The current premises licence and plan are attached as **Appendix 2.**

2.9 The Live Music Act 2012 provides the following exemptions in relation to live music:

Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day provided that the audience does not exceed 500 on premises authorised to sell alcohol for consumption on those premises,

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

The Live Music Act 2012 is attached as **Appendix 3**.

2.10 As a result of the COVID pandemic, the Government has encouraged licensed premises to make use of their outdoor spaces and at certain stages have restricted operations to outside only. During these periods, the licence holders of The Prestbury Sports Bar made use of the car park for the consumption of alcohol and amplified live music. The amplified music generated a number of noise complaints to the Public Protection Team from local residents. In response to the complaints Carla Adkins, Licensing Officer contacted the licence holders to explain that the carpark was not covered by the building's premises licence and therefore amplified music was not permitted to take place. It was explained that the exemptions under the Live Music Act 2012 permitted live unamplified music only. (The current licence permits the sale of alcohol for consumption on and off the premises). After receiving this information the licence holders ceased offering and advertising live amplified music and instead only provided live unamplified music.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days. During the consultation period 16 relevant representations and a petition of 43 signatories have been received against the application.

Of the 16 representations against the application, 1 was received from Wiltshire Council's Public Protection Officer for Environmental Control & Protection.

The petition against the application was correctly lodged and the instigator has been informed that it is their responsibility to update each of the signatories with the date of the hearing and the outcome.

The Licensing Authority also received 12 letters of support for the application. As these did not relate to the promotion of one or more of the four licensing objectives they were not considered as relevant representations and therefore are not included in the report.

3.2 Responsible Authorities

- Trish Morse, Environmental Protection and Control – Wiltshire Council.

3.3 Interested Parties

- Mr Gary Rattray, 34 High Street, Warminster, Wiltshire, BA12 9AF.
- Mr Andrew Winter, Flat 3, 34 High Street, Warminster, Wiltshire, BA12 9AF.
- Mr Adam Jones, 3 Lower Marsh Road, Warminster, Wiltshire, BA12 9PB.
- Mr Jeff Varker, Kyngeston Court, The Close, Warminster, Wiltshire.
- Mrs Deirdre Greenwood, 42 Portway, Warminster, Wiltshire, BA12 8QD.
- Mr John Greenwood, 42 Portway, Warminster, Wiltshire, BA12 8QD.
- Mr & Mrs Angus and Kett McAfee, Lott House, 16 The Close, Warminster, Wiltshire, BA12 9AL.
- Mr Philip Torjussen and Ms Pamela Corrin, 9 North Row, Warminster, Wiltshire, BA12 9AD.
- Ms Jeannie Broadway, The Old Coach House, The Close, Warminster, Wiltshire, BA12 9AL.
- Mr & Ms Jack and Elaine Holloway and Mr Peter Miles, 15 The Close, Warminster, Wiltshire, BA12 9AL.
- Mr Arthur Cuthbert, 18 Kyngeston Court, The Close, Warminster, Wiltshire, BA12 9AL.
- Mrs Andrea Wordsworth, 27 Portway, Warminster, Wiltshire, BA12 8QG.
- Mr & Mrs Andrew & Gaynor Frostick 25 Portway, Warminster, Wiltshire, BA12 8QG and Mr William Peachment, 21 Portway, Warminster, Wiltshire, BA12 8QG.
- Ms Tracy Greenwell, Kyngeston Court, The Close, Warminster, Wiltshire
- Christopher & Katherine May, Tavender House, 38 Portway, Warminster, Wiltshire, BA12 8QD.

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

Representation	Licensing Objective	Summary of representation
Mrs T Morse, Public Protection Officer, Environmental Protection and Control	Public Nuisance	Music played outside will adversely impact the amenity of nearby residents
Mr Rattray	Public Nuisance	Noise from music and customers using the carpark.
Mr Winter	Public Nuisance	Noise from music. Customers urinating in the carpark.
Mr Jones	Public Nuisance	Noise from music and customers in the carpark will impact tenants of intended new build properties.
Mr Varker	Public Nuisance	Noise from music and customers of the carpark will

		disturb residents of Kyngeston Court.
Mrs Greenwood	Public Nuisance	Noise from music in the carpark
Mr Greenwood	Public Nuisance	Noise from music in the carpark
Mr & Mrs McAfee (also instigators of petition)	Public Nuisance	Noise from music in the carpark
Mr Torjussen and Ms Corrin	Public Nuisance	Noise from music in the carpark
Ms Broadway	Public Nuisance	Noise from music in the carpark
Mr & Mrs Holloway and Mr Miles	Public Nuisance	Noise from music in the carpark
Mr Cuthbert	Public Nuisance	Noise from music in the carpark
Mrs Wordsworth	Public Nuisance	Noise from music in the carpark
Mr & Mrs Frostick and Mr Peachment	Public Nuisance	Disturbance from amplified music in the carpark
Mrs Tracy Greenwell	Public Nuisance	Noise from music and customers of the carpark will disturb residents of Kyngeston Court. Customers urinating on the premises of Kyngeston Court.
Mr & Mrs May	Public Nuisance	Noise from customers and music in the carpark

3.5 The relevant representations are attached as **Appendix 4a- 4p**. The petition is attached as **Appendix 5**.

Attached as **Appendix 6** is a plan which shows the locations from where representations have been made.

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.
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Report Author:

Carla Adkins, Public Protection Officer-Licensing

Email: carla.adkins@wiltshire.gov.uk

Tel: 01249 706 438

Date of report: 21 June 2021

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**
- **Live Music Act 2012**
- **The Legislative Reform (Entertainment Licensing) Order 2014 Explanatory Document**

- **Wiltshire Council Licensing Policy**

Appendices

- 1 Application form and plan
- 2 Current licence and plan
- 3 Live Music Act 2012
- 4a Representation – Mrs T Morse, Public Protection, Environmental Protection and Control
- 4b Representation – Mr Rattray
- 4c Representation – Mr Winter
- 4d Representation – Mr Jones
- 4e Representation – Mr Varker
- 4f Representation – Mrs Greenwood
- 4g Representation – Mr Greenwood
- 4h Representation – Mr & Mrs McAfee
- 4i Representation – Mr Torjussen and Ms Corrin
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- 4l Representation – Mr Cuthbert
- 4m Representation – Mrs Wordsworth
- 4n Representation – Mr & Mrs Frostick and Mr Peachment
- 4o Representation – Mrs Greenwell
- 4p Representation – Mr & Mrs May
- 5 Petition
- 6 Representations Map

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* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Nick

* Family name

Pitcher

* E-mail

prestburysportsbar@gmail.com

Main telephone number

Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

- Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

- Yes No

Business name

Prestbury Sports Bar

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Partnership

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

5,200

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Increase licenced area to include car park for the consumption of alcohol and live entertainment. The car park would be closed to cars for special events only and mainly in summer. We would introduce a small area outside the menu shop for outside drinking on a few tables which would not include the car park. We have already had some success on the odd weekend where the Licence has been opened to outside service since the temporary Covid exemption regulation was put in place. As a result some customers have requested an area be continued after Covid as they are still concerned about going back indoors.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

Continued from previous page...

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

-Low volume live music

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Occasional summer events

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Bank Holiday Mondays

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

No adult entertainment

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Customers feel safer outside following Covid

b) The prevention of crime and disorder

Table service ensures regular security checks

c) Public safety

Risk assessments completed

d) The prevention of public nuisance

Low volume entertainment checked with decibel reader - for example 70db same as cars in road.

e) The protection of children from harm

Ensure that a responsible adult supervises their children at all times - if they lack control or supervision they will be asked to leave. No under 18's (i.e. children) allowed on premises without a guardian.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No Rateable Value up to £4300 = £100.00

Band B - £4301 up to £33000 = £190.00

Band C - £33001 up to £8700 = £315.00

Band D - £87001 up to £12500 = £450.00*

Band E - £125001 and over = £635.00*

There are additional fees for Premises Licence Application with numbers of persons present at any one time over 5,000.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Nick Pitcher

* Capacity

Partner

Continued from previous page...

* Date / /
dd mm yyyy

Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/wiltshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

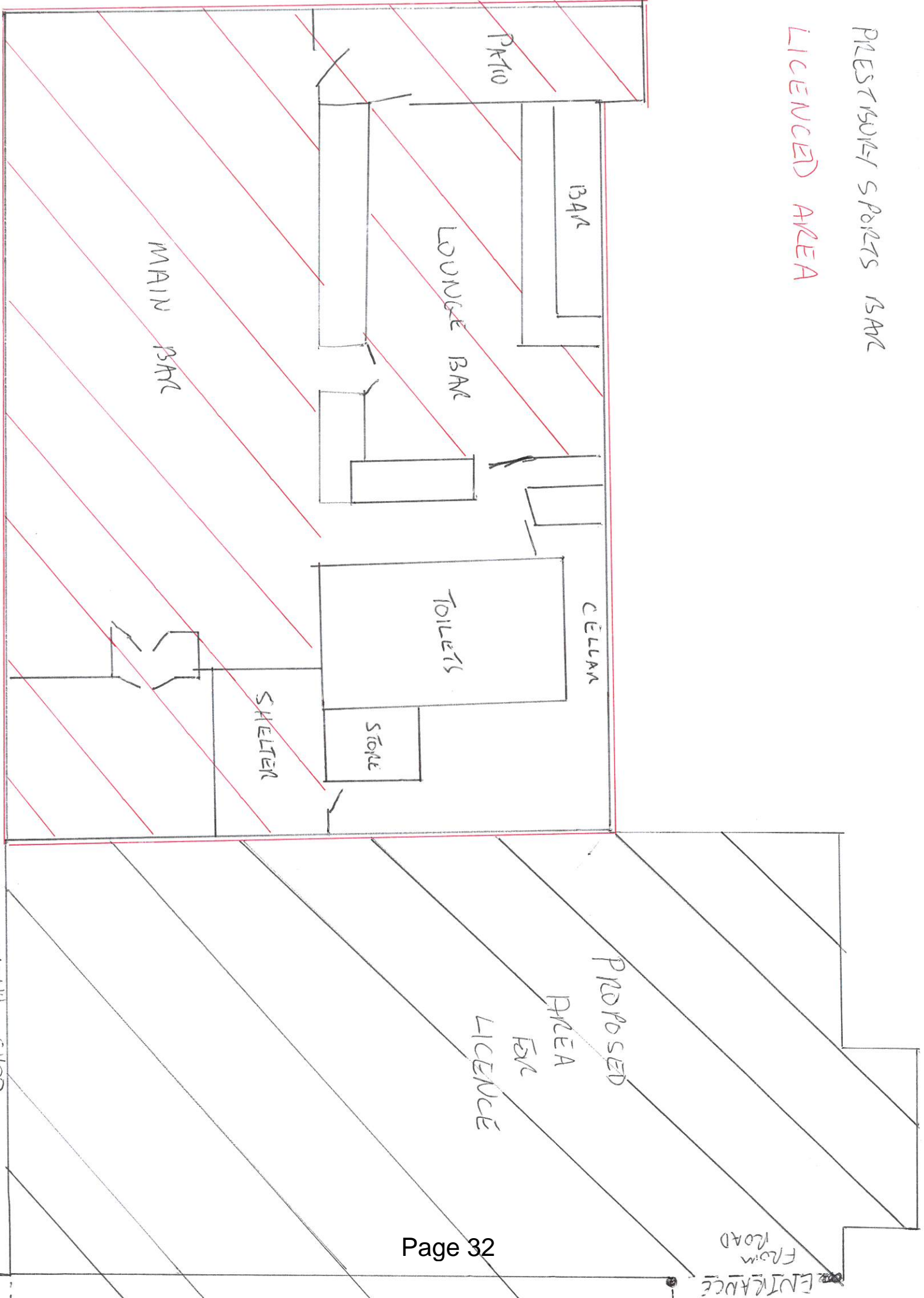
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PRESTONBY SPORTS BAR

LICENCED AREA



ENTRANCE FROM ROAD

RIGHT OF WAY TO FLATS

Licensing Act 2003
Premises Licence

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Prestbury Sports Bar, The Close, Warminster, Wiltshire, BA12 9AL

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

Mr Nicholas Pitcher and Mr Peter Bartley
16 Portway, Warminster, Wiltshire, BA12 8QD
Tel: 07941 201714, 07941 193007

Email: npitcher@gmail.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

Not Applicable

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Nicholas Pitcher
16 Portway, Warminster, Wiltshire, BA12 8QD
Tel: 07941 201714

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Wiltshire Council LN/16486

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

On and Off Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Alcohol Sales	ON and OFF sales	Sunday	11:00	23:00		
		Monday	11:00	00:00		
		Tuesday	11:00	00:00		
		Wednesday	11:00	00:00		
		Thursday	11:00	00:00		
		Friday	11:00	02:00		
		Saturday	11:00	02:00		
Non Standard Timings & Seasonal Variations	From 11:00hrs to 02:00hrs Christmas Eve, Boxing Day and until 02:00hrs on Bank Holidays. New Year's Eve from 11:00hrs to end of permitted hours on 1st January.					
Indoor Sports Event	Indoors	Sunday	11:00	23:00		
		Monday	11:00	00:00		
		Tuesday	11:00	00:00		
		Wednesday	11:00	00:00		
		Thursday	11:00	00:00		
		Friday	11:00	01:00		
		Saturday	11:00	01:00		
Non Standard Timings & Seasonal Variations	Christmas Eve, Boxing Day & Bank Holiday Sundays 11.00 - 02.00 New Year's Eve 11.00 - end of permitted hours January 1st					
Live Music Recorded Music Similar to any Music or Dance	Indoors	Sunday	11:00	23:00		
		Monday	11:00	00:00		
		Tuesday	11:00	00:00		
		Wednesday	11:00	00:00		
		Thursday	11:00	00:00		
		Friday	11:00	01:00		
		Saturday	11:00	01:00		
Non Standard Timings & Seasonal Variations	Christmas Eve, Boxing Day & Bank Holiday Sundays 11.00 - 02.00 New Year's Eve 11.00 until end of permitted hours on January 1st					

Late Night Refresh	Indoors	Sunday				
		Monday	23:00	00:00		
		Tuesday	23:00	00:00		
		Wednesday	23:00	00:00		
		Thursday	23:00	00:00		
		Friday	23:00	01:00		
		Saturday	23:00	01:00		
Non Standard Timings & Seasonal Variations	Christmas Eve, Boxing Day & Bank Holiday Sundays 11.00 - 02.00 New Year's Eve 11.00 until end of permitted hours on January 1st					
Hrs premises open to public		Sunday	11:00	00:00		
		Monday	11:00	01:00		
		Tuesday	11:00	01:00		
		Wednesday	11:00	01:00		
		Thursday	11:00	01:00		
		Friday	11:00	03:00		
		Saturday	11:00	03:00		
Non Standard Timings & Seasonal Variations	Christmas Eve, Boxing Day & Bank Holiday Sundays 11.00 - 02.00 New Year's Eve 11.00 until end of permitted hours on January 1st					

Licence Commencement Date
5 January 2016



Licensing Officer

Prestbury Sports' Bar
The Close
Warminster

Total extent of the licensed premises defined by a continuous red line.

Areas used for the consumption of alcohol - coloured pink.

Areas used for the supply of late night refreshment - coloured pink.

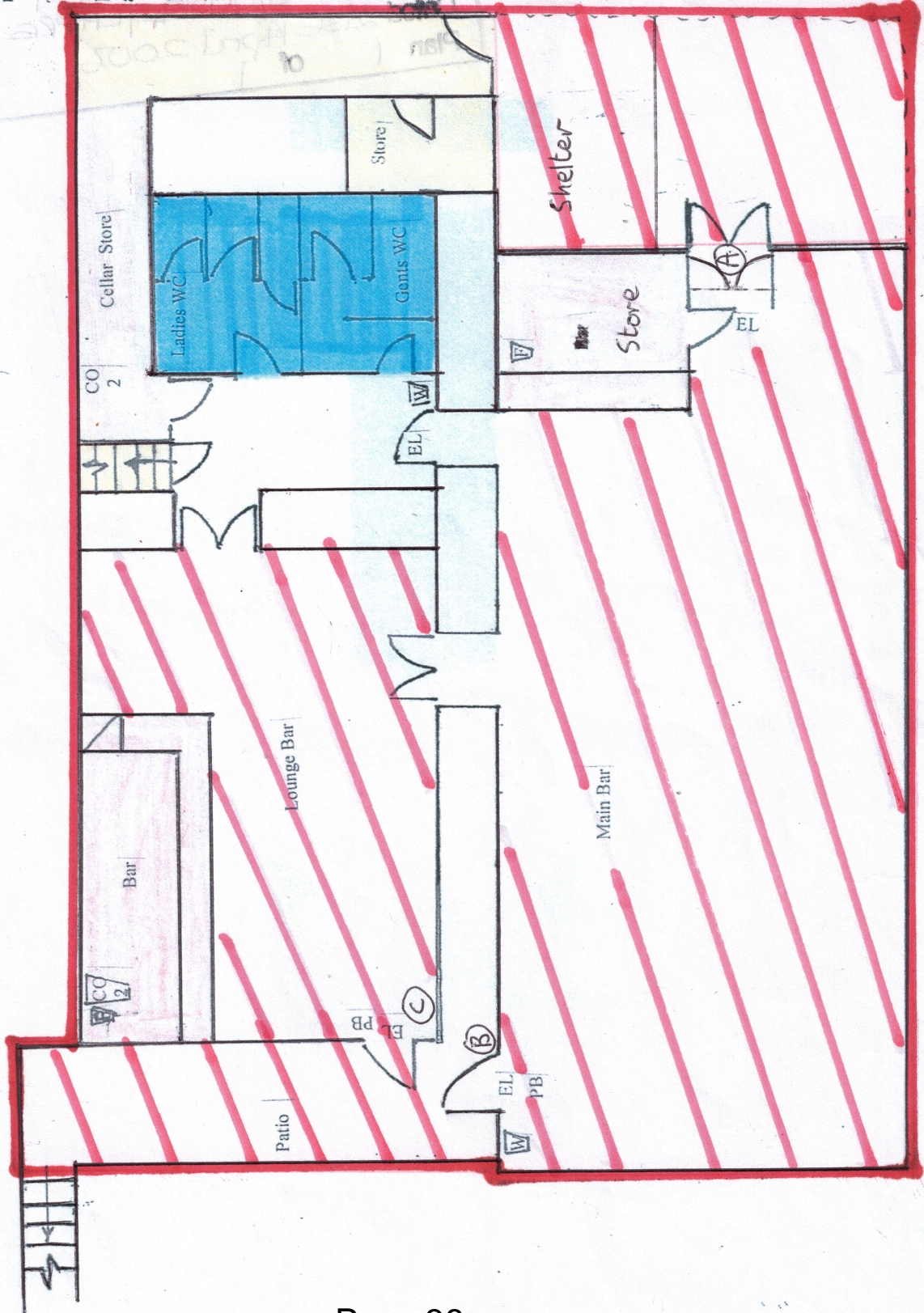
Toilet accommodation - coloured blue

Emergency exit routes not intended for alcohol consumption.

Bars -

Alcohol - Regulated Entertainment

Late night refreshment - Pink



WIDTH OF FIRE
ESCAPE DOORS

A - 145 cms

B - 80 cms

C - 80 cms



Live Music Act 2012

CHAPTER 2

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

£5.75



Live Music Act 2012

CHAPTER 2

CONTENTS

- 1 Licence review for live music entertainment
- 2 Removal of requirement to license the provision of entertainment facilities
- 3 Exemptions for live music entertainment
- 4 Short title, commencement and extent



Live Music Act 2012

2012 CHAPTER 2

An Act to amend the Licensing Act 2003 with respect to the performance of live music entertainment; and for connected purposes. [8th March 2012]

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

1 Licence review for live music entertainment

- (1) In section 177 of the Licensing Act 2003 (dancing and live music in certain small premises) –
 - (a) in subsections (1) and (2), for “the provision of music entertainment” in each place substitute “dancing”,
 - (b) in subsection (2) omit –
 - (i) paragraph (b) and “and” immediately before it, and
 - (ii) in the words following paragraph (b), the words “, in relation to the provision of that entertainment,”,
 - (c) omit subsections (3) and (4),
 - (d) in subsection (8) –
 - (i) for “music entertainment” substitute “dancing” and in paragraph (a) of that definition omit “(e) or”, and
 - (ii) omit paragraph (b) of that definition and “or” immediately before it, and
 - (e) in the heading omit “and live music”.
- (2) After that section insert –

“177A Licence review for live music

 - (1) Subsection (2) applies where live music takes place on premises authorised to be used for the supply of alcohol for consumption on the premises by a premises licence or club premises certificate, and –

- (a) at the time of the live music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,
 - (b) either –
 - (i) the live music is unamplified, or
 - (ii) the live music is amplified and takes place in the presence of an audience of no more than 200 persons, and
 - (c) the live music takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect, between the hours specified in that order).
- (2) Any condition of the premises licence or club premises certificate which relates to live music does not have effect in relation to the live music, unless it falls within subsection (3) or is added to the licence in accordance with subsection (4).
- (3) A condition falls within this subsection if, on a review of the premises licence or club premises certificate it is altered so as to include a statement that this section does not apply to it.
- (4) On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to live music as if –
- (a) the live music were regulated entertainment, and
 - (b) the licence or certificate licensed the live music.
- (5) In this section –
- “condition” means a condition –
- (a) included in a premises licence by virtue of section 18(2)(a) or (3)(b), 35(3)(b), 52(3) or 167(5)(b),
 - (b) included in a club premises certificate by virtue of section 72(2)(a) or (3)(b), 85(3)(b) or 88(3),
 - (c) added to a premises licence by virtue of its inclusion in an application to vary the licence in accordance with section 34 or 41A which is granted under section 35(2) or 41B(3) (as the case may be), or
 - (d) added to a club premises certificate by virtue of its inclusion in an application to vary the certificate in accordance with section 84 or 86A which is granted under section 85(2) or 86B(3) (as the case may be);
- “live music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1;
- “supply of alcohol” means –
- (a) the sale by retail of alcohol, or
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.”

2 Removal of requirement to license the provision of entertainment facilities

- (1) Schedule 1 to the Licensing Act 2003 (c. 17) is amended as follows.

- (2) For paragraph 1(1) substitute –
- “(1) For the purposes of this Act, the “provision of regulated entertainment” means the provision of entertainment of a description falling within paragraph 2 where the conditions in sub-paragraphs (2) and (3) are satisfied.”
- (3) In paragraph 1(2) omit “, or entertainment facilities are,”.
- (4) For paragraph 1(3) substitute –
- “(3) The second condition is that the premises on which the entertainment is provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.”
- (5) For paragraph 1(4) substitute –
- “(4) For the purposes of sub-paragraph (2)(c), entertainment is to be regarded as provided for consideration only if any charge –
- (a) is made by or on behalf of any person concerned in the organisation or management of that entertainment, and
- (b) is paid by or on behalf of some or all of the persons for whom that entertainment is provided.”
- (6) In paragraph 1(6) omit paragraph (c).
- (7) Omit paragraph 3.
- (8) For paragraph 4 substitute –
- “4 The Secretary of State may by order amend this Schedule for the purposes of modifying the descriptions of entertainment specified in paragraph 2, and for this purpose “modify” includes adding, varying or removing any description.”
- (9) For paragraph 7 substitute –
- “7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself a description of entertainment falling within paragraph 2.”
- (10) In paragraph 8 omit “or entertainment facilities”.
- (11) In paragraph 9 omit “or entertainment facilities”.
- (12) In paragraph 10(1) omit “or entertainment facilities”.
- (13) In paragraph 11 –
- (a) omit “or entertainment facilities”, and
- (b) omit sub-paragraph (b).
- (14) In paragraph 11A omit sub-paragraph (4).
- (15) In paragraph 12 omit “or entertainment facilities”.

3 Exemptions for live music entertainment

- (1) Schedule 1 to the Licensing Act 2003 (c. 17) is amended as follows.
- (2) In paragraph 11(a) for “a performance of unamplified, live music as” substitute “the playing of live or recorded music that forms”.
- (3) After paragraph 12 insert –

“Live music in licensed venues

- 12A The provision of entertainment consisting of a performance of live music is not to be regarded as the provision of regulated entertainment for the purposes of this Act on premises authorised to be used for the supply of alcohol for consumption on the premises by a premises licence or club premises certificate, if –
- (a) the requirements of section 177A(1)(a) to (c) are satisfied, and
 - (b) conditions have not been included in the licence or certificate by virtue of section 177A(3) or (4).”

- (4) After paragraph 12A (as inserted by sub-paragraph (3)) insert –

“Live music in workplaces

- 12B The provision of entertainment consisting of a performance of live music is not to be regarded as the provision of regulated entertainment for the purposes of this Act, provided that –
- (a) the place where the performance is provided is not licensed under this Act (or is so licensed only for the provision of late night refreshment) but is a workplace as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992,
 - (b) the performance takes place in the presence of an audience of no more than 200 persons, and
 - (c) the performance takes place between 8am and 11pm on the same day.”

- (5) After paragraph 12B (as inserted by sub-paragraph (4)) insert –

“Live unamplified music

- 12C The provision of entertainment consisting of a performance of live music is not (subject to section 177A(3) and (4)) to be regarded as the provision of regulated entertainment for the purposes of this Act provided that the music –
- (a) is unamplified; and
 - (b) takes place between 8am and 11pm on the same day.”

4 Short title, commencement and extent

- (1) This Act may be cited as the Live Music Act 2012.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales only.

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Agenda Item 6d

From: [Morse, Trish](#)
Sent: 02 June 2021 12:24
To: [Adkins, Carla](#)
Subject: Prestbury Sports Bar - licence variation application

Dear Carla,

I write regarding the above application and wish to make the following comments:

The application is to increase the licensed area to bring the car park into use as part of the licenced premises for the consumption of alcohol and provision of live music on Saturdays, Sundays and bank holiday Mondays between 1200hrs and 2000hrs.

This authority has received noise complaints over the past year specifically relating to amplified music played in car park which has unduly disturbed nearby residents, including on 18th August 2020 and 19th April 2021.

If the variation application were to be approved as it stands, the premise would be entitled to have unlimited live amplified music outside on Saturdays, Sundays and Bank Holidays between 1200hrs and 2000hrs. The car park is in an enclosed space bordered by brick walls which reflect sound. This department has significant concerns that approval of this application, without imposing any conditions to restrict the number of events and to ensure noise is robustly managed and controlled, would adversely impact on the amenity of nearby residents.

It is essential that a suitable Noise Management Plan to control the noise from live amplified music and patrons is be raised and approved by this department, and form part of any approval of this application.

Having discussed the application with the applicant, they have clarified their intention is to have approximately 12 outside amplified music events per year on a Sunday between 2pm and 5pm, weather permitting.

The likely 'season' for patrons to be sitting outside will be between mid April to early September (approximately 20 weeks). Due to the proximity of the nearby residential properties, and recent noise complaints in relation to amplified music being played in this location, I have suggested that outside amplified music is capped at 6 events per year, which equates to approximately 1 event for every 3 weeks. However the applicant wishes to maintain the option of holding 12 events, which equates to approx. one event every other weekend, per year.

I understand this application will be considered by the Licensing Committee and recommend that if the application were to be approved, the Live Music Act is disapplied for the outside space, and the following conditions are attached to the licence:

- Live amplified music held on the car park area is capped to 6 events per year
- Live amplified music events are only to take place between 2pm and 5pm, and cannot occur on consecutive days or consecutive weekends. Only one event can take place over bank holiday weekends.
- The outside space will be managed strictly in accordance with the submitted and approved Noise Management Plan.

If you have any queries on this, please feel free to contact me.

kind regards,

Trish Morse
Public Protection Officer (Environmental Control & Protection)

Please note I work part-time and my working days over the coming month are as follows:

Monday 31st May – Wednesday 2nd June
Wednesday 9th – Friday 11th June
Wednesday 16th – Friday 18th June
Wednesday 23rd – Friday 25th June
Monday 28th – Wednesday 30th June

Direct Phone number: 01380 826373

Team Phone number: 01722 438185

Internal MYTEL: 26373

E-mail: trish.morse@wiltshire.gov.uk or publicprotectionsouth@wiltshire.gov.uk

Address: The Council House, Bourne Hill, Salisbury, Wiltshire. SP1 3UZ

For current COVID-19 business and community advice please go to:

Business Support - <http://www.wiltshire.gov.uk/news/articles/covid-business>

Community Support - <http://www.wiltshire.gov.uk/news/articles/covid19-community-pack>

Government Advice - <https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response>

NHS - <https://www.nhs.uk/conditions/coronavirus-covid-19/>

website: www.wiltshire.gov.uk



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-----Original Message-----

From: [REDACTED] >

Sent: 13 May 2021 11:49

To: PublicprotectionNorth <PublicprotectionNorth@wiltshire.gov.uk>

Subject: Re: Licence Objection WK/202109006

My address is

The Chantry
34 high street
Warminster
Wiltshire
Ba12 9af

Do you need anything further to register my objection

Regards G Rattray

> On 13 May 2021, at 11:38, PublicprotectionNorth <PublicprotectionNorth@wiltshire.gov.uk> wrote:

>

> Good morning Mr Rattray

>

> Thank you for your email.

>

> Unfortunately, we are unable to accept your representation because of the following information is missing from your email.

>

> Please see the "How to make a representation" below:

>

> Representations must be made clearly in writing stating the reasons for objection:

>

> * They must relate to at least one of the four licensing objectives

> * It must be specific to the premises and the application

> * It must include your name and address

> * In relation to Licence variations it must only relate to the variation and not the existing licence

> * It must be submitted within the legal consultation period (this will be printed on the blue notices outside the premises and can also be found on our website)

>

> It is important that you provide as much evidence as possible when submitting your representation. Evidence is what you can demonstrate to be the case, not simply what you fear might happen.

>

> Full details are available on our website New premises licence

> applications - Wiltshire Council

>

> Kind regards

> Vikki

>

>

>

> Mrs Vikki Bilella
> Public Protection Officer -Technical Support Public Protection
> Services
>
> Tel: 01249 706555
> Email: publicprotectionnorth@wiltshire.gov.uk
> Web:
> -----Original Message-----
> From: Gary Rattray <[REDACTED]>
> Sent: 13 May 2021 11:32
> To: PublicprotectionNorth <PublicprotectionNorth@wiltshire.gov.uk>
> Subject: Licence Objection
>
>
> I would like to make an objection to an application to vary the
> licence for the Prestbury Sports bar in the close Warminster
>
> They wish to use the car park for live music This has happened during lockdown and was very loud
> and disturbing initially, a neighbour had it reduced to acoustic music which is still very intrusive on
> both weekend days and has driven me from my garden and is audible in my home .
> I believe the car park is not a suitable venue for drinking and music of any sort And once
> restrictions are lifted the business can return to its previous indoor format .
> The nature of the live music and sporting events leads to noise pollution from not just the event
> but also the audience and supporters and the football supporters in particular are very loud and can
> shout abusive language .
>
> I hope you can support me and decline the variation to this licence
>
> Regards G Rattray
>
>

Agenda Item 6f

From: [REDACTED]
To: [PublicprotectionNorth](#)
Subject: Prestbury Sports Bar application to vary the licence WK/202109006
Date: 13 May 2021 13:14:07

I object most strongly to the application by the Prestbury Sports Bar, The Close, Warminster for live amplified music and entertainment under the Application to Vary Premises Licence covered by the Licensing Act 2003, as displayed on the application lodged on line with yourselves.

The bar has already broken the law by repeatedly holding events with amplified music last year. Objections were made by me and other residents of the area to the Police and to Environmental Health on the numerous occasions this occurred last year. Only recently since the lock down restrictions were lifted, have they agreed to acoustic music only.

The confined nature of the car park in which the bar proposes to hold such events only serves to amplify the sound to such an extent that normal conversation was rendered impossible inside my home, even with the windows, shutters and blinds closed against the cacophonous, raucous noise. An unpleasant, enforced way of living made unbearable in the heat of the summer last year. During these 'performances' it was completely impossible to use my garden at The Chantry which adjoins the car park, due to the excessive noise pollution.

There were also occasions when I found 'guests' at the event urinating against the wall adjoining the historic walled garden behind The Chantry.

This is a residential area, with private homes, and a care home, less than ten metres from the proposed car park venue. Such selfish intrusion of residents' lives every weekend throughout the year is unacceptable.

Regards

Andrew Winter
Apartment 3
The Chantry
Warminster BA12 9AF

* It must include your name and address
*
*

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From: [REDACTED]
To: [Adkins, Carla](#)
Subject: Change of use to The Prestbury Sports Bar, The Close, Warminster.
Date: 25 May 2021 10:22:18

Dear Ms Adkins,

I wish to raise my objections to the change of use application at The Prestbury Sports Bar, under the heading of Prevention of Public Nuisance.

I own the land immediately adjacent to the area that the application details, and I am due to start building on this site which is immediately behind the Old Fire Station. This change if allowed to proceed would form a public nuisance to the residents of these new dwellings that have had planning permission for many years.

The reason I believe this would cause public nuisance to these residents and have a detrimental effect on them is due to the fact that these dwellings have been designed as starter homes and will more than likely house young children. The noise and disturbance generated if the application is allowed to proceed will cause significant disturbance and stress to the occupants of these dwellings, not to mention the other residential properties in the area, including Kyngeston Court which is a residential home for the elderly.

It is my understanding that the decibel level generated at The Prestbury Sports Bar, has to be at a certain level as not to cause public nuisance., if this is correct, I fail to see how the outside space being used for live music and outdoor drinking will meet this criteria?

Yours sincerely,

Adam Jones

Mr Adam Jones
3 Lower Marsh Road,
WARMINSTER
Wiltshire
BA12 9PB

[Adam Jones](#)

[REDACTED]
[REDACTED]

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Agenda Item 6h

From: [Varker, Jeffrey](#)
Sent: 04 June 2021 07:04
To: [Adkins, Carla](#)
Cc: [Greenwell Tracy](#)
Subject: RE: Application WK202109006 Prestbury Sports Bar

Good morning

The playing of loud music and the noise from crowds of people have already caused noise disturbance to several residents in dwellings on the side of our building adjacent to the sports bar. However residents have been tolerant of these disturbances because they have only happened on a few occasions. They are concerned that if a permanent licence is granted they will be disturbed every weekend and will be unable to sleep and listened to their TVs and radios. In addition, loud continuous noise can be very unsettling to residents with dementia.

Kind regards



Jeff Varker
Scheme Manager Kyngeston Court
Tel: 01985 216699 and 07483 946 045
anchorhanover.org.uk

Kyngeston Court, Warminster (Location Code 00739)
Anchorcall ID TG 108



From: Adkins, Carla <carla.adkins@wiltshire.gov.uk>
Sent: 03 June 2021 13:17
To: Varker, Jeffrey <Jeffrey.Varker@Anchor.org.uk>
Subject: RE: Application WK202109006 Prestbury Sports Bar

Good Afternoon Mr Varker,

Thank you for your email.

Please could you expand on your objection below to state which of the activities applied for will cause a nuisance and what you believe that nuisance will be.

Kind Regards,

Carla

Carla Adkins
Public Protection Officer (Licensing)

Wiltshire Council

DDI: 01249 706438
Internal: 21438

Web: www.wiltshire.gov.uk
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*In light of the Covid-19 situation, please could we request you now send all correspondence and applications via email to publicprotectionnorth@wiltshire.gov.uk. If you send paperwork in by post we are now **not able** to collect this, therefore we can not guarantee when this will be processed. This is due to Wiltshire Council supporting the flexible working and the safety of the staff to ensure service remains. If you have any issues, please call us on 01249 706555*

For current COVID-19 business and community advice please go to:

Business Support - <http://www.wiltshire.gov.uk/news/articles/covid-business>

Community Support - <http://www.wiltshire.gov.uk/news/articles/covid19-community-pack>

Government Advice - <https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response>

NHS - <https://www.nhs.uk/conditions/coronavirus-covid-19/>

For up to date Business Advice – please subscribe to the Council's weekly Business Newsletter [here](#). Please make sure you check the Business and Economy box.

From: Varker, Jeffrey <Jeffrey.Varker@Anchor.org.uk>
Sent: 02 June 2021 12:46
To: PublicprotectionNorth <PublicprotectionNorth@wiltshire.gov.uk>
Subject: Application WK202109006 Prestbury Sports Bar

Good afternoon

Reference the above application.

I would like my strenuous objection to the granting of this licence recorded. Kyngeston Court is owned by the Anchor Hanover Group and provides sheltered housing for elderly citizens and is adjacent to Prestbury Sports Bar. Such a permanent licence would create a public nuisance for the elderly residents of Kyngeston Court, many of whom suffer with dementia and mental health issues.

I am surprised that the council even gives consideration for such a licence close to a retirement location.

Kind regards



Jeff Varker
Scheme Manager Kyngeston Court
Tel: 01985 216699 and 07483 946 045
anchorhanover.org.uk

Kyngeston Court, Warminster (Location Code 00739)
Anchorcall ID TG 108



Anchor Hanover Group Registered Office: Suites A & B, The Heal's Building, 22-24 Torrington Place, London WC1E 7HJ. A charitable housing association registered as a society under the Co-operative and Community Benefit Societies Act 2014, No. 7843 and registered with the Regulator of Social Housing, No. LH4095. This email and any files transmitted with it are confidential. If you are not the intended recipient of this e-mail please contact the sender immediately, and permanently delete this e-mail. Do not use, disclose, copy, print or rely on the information contained in this e-mail or any attachment in any manner. The statements and opinions expressed in this message are those of the author and do not necessarily reflect those of Anchor Hanover Group. Anchor Hanover Group does not accept any responsibility for the author's views. Reasonable care has been taken to ensure this communication does not contain computer viruses, but no responsibility is accepted, and recipients are advised to undertake their own checks.

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Agenda Item 6i

42 Portway
Warminster
BA12 8QD
31 May 2021

The Licensing Section
Public Protection Services and Licensing,
Wiltshire Council
Monkton Park
Chippenham
SN15 1ER

Re WK202109006 – The Prestbury Sports Bar, The Close, Warminster

I am writing to object to the application by the Prestbury Sports Bar, Warminster, to vary the trading licence to make permanent the temporary relief granted by the Government to all such premises during the Covid pandemic.

I consider the request to allow the possibility of outdoor entertainment between the hours of noon and 8pm on every Saturday, Sunday and Bank Holiday Monday to be both unreasonable and to constitute a public nuisance and I base my objection on the following observations.

Last year the Prestbury Sports Bar had live entertainment throughout the summer on Sunday afternoons, starting at 2pm and continuing until as late as 5.30pm. It was amplified and could be heard throughout our house, and we are not adjacent to the premises. Needless to say it made being in the garden a very unpleasant experience.

The noise could also be heard at both ends of The Close - that end leading into Portway and at the other leading onto the High Street. At the Portway end of The Close there is a hospital with resident patients and at the mid point of The Close, adjacent to the area under consideration, a large Retirement Home. Other than these, this is a residential area. The Prestbury Sports Bar is surrounded by houses and flats some backing onto the premises therefore in very close proximity.

We have all suffered during the past year and, particularly for people who work all week, the quiet enjoyment of our outside spaces at the weekend is vital, as much for our mental and social wellbeing.

I therefore consider the application to have outside amplified music, no matter at what decibel, to be completely unreasonable and represents, as stated above, a PUBLIC NUISANCE.


Deirdre Greenwood


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Agenda Item 6j

42 Portway
Warminster
BA12 8QD
1 June, 2021

The Licensing Section
Public Protection Services,
Wiltshire Council
Chippenham SN15 1ER

Permit Application WK202109006 – Prestbury Sports Bar, Warminster

I wish to object to the application to make permanent the use of the carpark in front of the Prestbury Sports Bar for outdoor live music and alcohol consumption.

The Sports Bar has taken full advantage of the Covid Exemptions and has already used the carpark for amplified live music and alcohol consumption on many occasions so we are all too aware of how much of a public nuisance it can be for the neighbourhood. We have all borne the disruption with good grace as a means of assisting the bar to survive, but when life of the hospitality industry returns to normal, we would also like to get our normal life back and be able to use our gardens in peace. As considerate residents, we try to avoid cutting grass, use of noisy building tools and the like on weekends. What is the point of our restraint (and all the regulations on noise abatement) if we have to put up with poor quality amplified noise in its place?



 John Greenwood

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Agenda Item 6k

From: [REDACTED]
Sent: 06 June 2021 10:47
To: [PublicprotectionNorth](#); [Adkins, Carla](#)
Subject: 20210606 - Representation - WK / 202109006 – Prestbury Sports Bar
Attachments: 20210606 - Representation - WK 202109006 – Prestbury Sports Bar.pdf; 20210606 - Representation Form Wiltshire Council - Prestbury Sports Bar.pdf

Categories: Vikki

Please find attached our representation regarding the proposed licence variation for the Prestbury Sports Bar (WK / 202109006).

Yours sincerely

Angus and Kett McAfee

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	Prestbury Sports Bar (WK/202109006)
Your Name	Angus and Kett McAfee
Postal Address	16 The Close Warminster BA12 9AL
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

The prevention of public nuisance	(Please see attached representation and map)
The prevention of crime and disorder	
Public safety	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature  Date..... 24 May 2021

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

**Representation to Wiltshire Council
WK / 202109006 – Prestbury Sports Bar**

Preventing a Public Nuisance

We are objecting to this licence variation on the grounds of preventing a public nuisance. This application to extend the licenced area to include the car park will allow excessive and disruptively loud live music and sporting events that will be heard several streets away including The Close, Chantry Mews, Portway and North Row.

We believe the following factors are relevant to our representation:

Residential Area

Despite being on the edge of the town centre, the Prestbury Sports Bar is in an area surrounded by residential buildings, which includes Kyngeston Court that provides sheltered housing for elderly residents. The aerial photograph below (Figure 1) illustrates how close the bar sits to the surrounding properties. For clarity it does not highlight all the residential buildings on Portway, North Row or the High Street.



Figure 1

Complaints and Breach of Licence.

The Prestbury Sports Bar has already been in breach of the temporary COVID exemption regulations by regularly playing amplified music outside in their car park. As an example, this was

particularly disruptive during the sunny weekend 17-18 April that saw numerous complaints from neighbours, including us, to Public Protection North and resulted in a Licensing Officer having to visit the premises.

COVID Restrictions Easing.

Since Monday 17 May members of the public have been allowed back inside bars, cafes and restaurants and the government continues to indicate that England is on track for the further lifting of COVID restrictions. There is no requirement or justification for a permanent variation that extends the licenced area into the car park.

The application to extend their licence will allow them to broadcast non-amplified music and live sporting events to a crowd that will be significantly larger once the COVID social distancing restrictions are eased. The noise generated by singing or cheering football fans outside is equally disruptive to residents as music.

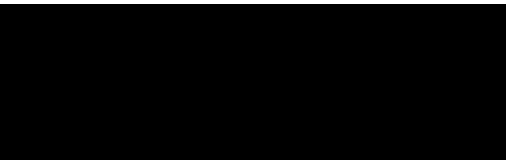
Inadequate Mitigation Measures


The mitigation measures that the owners propose are inadequate.

- 'Low volume entertainment checked with decibel reader - for example 70db same as cars in road'. This is a residential area where the noise from a passing car is only a momentary intrusion. Live outdoor music or a sporting event with a crowd is not the same as a passing car. The application does not specify whether their proposal is for non-amplified or amplified music. The amplified music that has been played in the Prestbury car park could be heard across half the town centre.
- 'Special events (the 'odd weekend')'. Last autumn these were regular, amplified music events taking place outside almost every weekend unless they were cancelled due to bad weather. They started up again as soon as the third lockdown was lifted and only stopped when the Licencing Officer called and visited after complaints from residents.

Summary

We would ask the Licencing Authority to consider whether this variation is necessary, justified and proportionate given the significant impact it will have on large numbers of residents every weekend. The Prestbury Sports Bar is surrounded by residential buildings and already has a licence to serve alcohol and play live music indoors. We believe that the easing of COVID restrictions means that there are no grounds to warrant a permanent variation to allow the sort of disruptive events that have taken place at times during the pandemic.


Angus and Kett McAfee
16 The Close
Warminster BA12 9AL



From: [REDACTED]
Sent: 07 June 2021 08:21
To: [PublicprotectionNorth](#)
Cc: [REDACTED]
Subject: Reference WK202109006

Categories: Vikki

Representation to Wiltshire Council
Reference: WK202109006 (Variation of Prestbury Sports Bar, The Close, Warminster, BA12 9AL)

From:
Philip Torjussen and Pamela Corrin
Chapel Cottage
9 North Row
Warminster
Wiltshire
BA12 9AD
Tel: [REDACTED]
Email: [REDACTED]

Dear Sir/Madam,

We are objecting to this licence variation on the grounds of it becoming a public nuisance. This application will allow excessive and annoyingly loud live music and sporting events that will be heard by us in our quiet property and garden in North Row, which is only a short distance from The Prestbury Sports Bar.

We live in a heavily populated residential area where a number of elderly and vulnerable people live. Last spring and summer, we had to put up with excessively loud music from the Prestbury Sports Bar that caused extreme anxiety at a time when we were shielding from our family and friends and welcomed the quiet and peacefulness of our garden as a way of combating a depressed state of mind. The excessive noise during the best part of every weekend was most unsatisfactory.

We would like to make various points relating to the four Licensing Objectives:

(a) General - Customers feel safer outside following Covid

I refer to the following review on the Trip Advisor website where a visitor to the Prestbury Bar in August 2020 stated:

“Music in a tatty car park no distancing or COVID precautions loud amplified with audience singing to call this back street bar second rate would be a compliment it’s a dive.

If you like a place to be rough then this might be for you.

Total disregard of any COVID rules also promoting karaoke ! And indoor events so avoid unless you want to spread COVID”

I would therefore doubt that the Licensee has any regard for the safety of its customers.

(b) Table service ensures regular security checks

It is clear from the Trip Advisor review that this has not happened in the past.

(c) Public safety

Again, there has clearly been no regard to public safety in the past.

(d) The prevention of public nuisance

The trip advisor reviews clearly states that the audience were encouraged to participate and by looking at some of the entertainment that has taken place in the past on YouTube, (<https://www.youtube.com/watch?v=eKmgYBHPKg> and <https://www.youtube.com/watch?v=eWRcKVZTRIs>), it clearly shows the amplified music that they wish to promote externally.

This cannot be compared to a moving car that drives slowly down The Close. In addition, if any audience is encouraged to sing along, then the volume of the noise is inevitably going to be louder.

This would be detrimental to the environment in which we, and many others, live. Weekends and bank holidays are generally the only time in which we can recuperate from our working environment, and I feel strongly that our mental health should be taken very seriously.

Summary

We would ask the Licensing authority to consider whether this is necessary, justified and proportionate given the significant impact it will have on the residents' health every weekend.

Covid restrictions have clearly been blatantly ignored in the past and the management have not been interested in the well-being of their customers. I hope that Wiltshire Council take a different view regarding the welfare of the local residents.

Yours faithfully

Philip Torjussen and Pamela Corrin

[Philip Torjussen](#)

Application

WR202109006

The Old Coach House
The Close
Warrington BA12 9AL
Wiltshire

07 JUN 2021

Dear Sir or Madam.

I have to strongly object to this application for the Prestbury Sports Bar.

It will not be fair to the residents of The Close to have to listen to music for all these hours, it would be loud at that.

Please do not consent to their application.

Thank you.

Ms Jeannie Broadway

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07 JUN 2021

15 The Close
Warminster
BA12 9AL

1st June 2021

Licensing Section
Public Protection Services
Wiltshire Council
Monkton Park
Chippenham
SN15 1ER

Dear Sirs,

**Prestbury Sports Bar, Application to vary Premises License LN/000010892
Reference WK202109006**

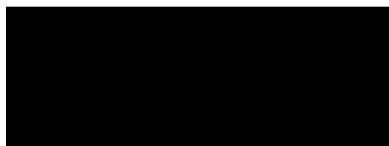
We live within earshot of the comings and goings of The Prestbury Sports Bar, which has, under the temporary relaxation of their Premises License, included the sound of outside live music. The prospect of this temporary relaxation becoming permanent fills us with horror. It would deny us the quiet enjoyment of our cottage and our small courtyard garden, especially at weekends.

Of the three people who live at No 15, one is a Registered Care Manager, with responsibility for staff and vulnerable people, who works long and unpredictable hours, whose weekends are precious, a chance to rest and recharge the batteries. Another is a chef working for Longleat Enterprises, long, irregular shifts, with the occasional weekend off. Those weekends too are precious. The third is an elderly adult deemed CEV during the last bout of shielding.

In their application to vary the license, the Presbury Sports Bar states that the noise from the music will be no more than a car passing. It is an interesting analogy. However, a car is here one moment and gone the next, whereas the music proposed will be constant from midday until eight o'clock in the evening, every Saturday and Sunday. In addition, there will be the disruption caused by the building and breaking down of the temporary stage, which in the past has led to a build up of traffic backing up to Portway.

We urge you to refuse this application. The Close is predominantly a residential area, apart from the dance studio, the Old Fire Station and the Presbury Sports Bar, whose combined commercial activities have, in the past, taken place indoors, with minimum disturbance to their neighbours,

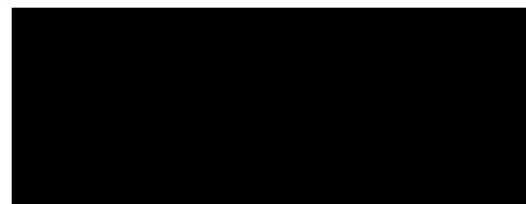
Faithfully,



Elaine Holloway



Jack Holloway



Peter Miles



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07 JUN 2021

Arthur Cuthbert

18 Kyngeston Court.The Close

Warminster. BA12 9AL

2nd June 2021

Application WK202109006

Dear Sir/or Madam

I have received a notice of intent from the **Prestbury Sports Bar** to apply for their Trading Licence to be extended. They wish to use its entire car park area for outside music and liquor consumption on every Saturday and Sunday of the year, plus Bank Holiday Mondays from Midday to 8pm, this does not seem possible as people seem to arrive after this. Although the application says the volume of the music will be kept low, I doubt this will happen as it hasn't happened yet.

I have lived in Kyngeston Court for approx 18 1/2 years, and I am 92 years old, I have been unable to get out for the past 18 months. My window looks on to this car park. I am not the only older person living in Kyngeston Court as it is premises meant for retirement people and older, we do not want all this noise going on when we are trying to get to sleep and we feel we are due some consideration about this matter.

Yours faithfully

A large black rectangular redaction box covering the signature area of the letter.

Albert Cuthbert

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27 PORTWAY
WARMINSTER
WILTSHIRE
BA 12 8QG.

09 JUN 2021

2/6/2021

APPLICATION WK 202109006

DEAR SIR OR MADAM,

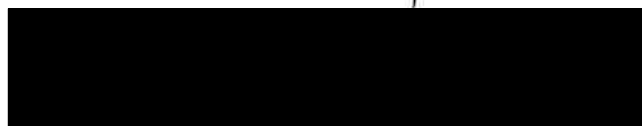
I WOULD LIKE TO OBJECT TO THE MUSIC
+ ALCOHOL LICENCE APPLIED FOR BY THE
PRESTBURY SPORTS BAR, THE CLOSE, WARMINSTER,
ON THE GROUNDS OF PUBLIC NUISANCE.

MUSIC (HOWEVER QUIET) WILL DISTURB MY RIGHT TO THE
PEACEFUL ENJOYMENT OF MY GARDEN, BY IMPOSING
AUDIBLE MUSIC WHICH I HAVE NOT CHOSEN TO LISTEN TO -
POSSIBLY EVERY SATURDAY, SUNDAY + BANK HOLIDAY
FROM 12 MIDDAY TO 8 PM.

LAST SUMMER WE HEARD THE MUSIC CLEARLY AND
IT DISTURBED THE PEACE.

I CHOOSE NOT TO PLAY THE RADIO OR MUSIC WHEN I SIT
IN MY GARDEN AS THIS WOULD BE INCONSIDERATE TO MY
NEIGHBOURS. THEREFORE I DON'T THINK THE PRESTBURY
SPORTS BAR SHOULD BE GRANTED A LICENCE TO HOST
OUTDOOR LIVE OR RECORDED MUSIC EVENTS WHICH
WOULD CAUSE A PUBLIC NUISANCE TO ALL THE LOCALS
LIVING NEARBY, WHO DO NOT WISH TO HEAR MUSIC
INFLECTED UPON THEM EVERY WEEKEND BY THE
PRESTBURY SPORTS BAR.

YOURS FAITHFULLY



MRS. ANDREA WORDSWORTH

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09 JUN 2021

25 Portway

Warminster BA12 8QG

Dear Licensing Section,

Ref: WK2021090006

Prestbury Sports Bar - Application to make permanent outdoor music venue.

We are writing to object to the change of licence application as above.

This area of the street is fully residential, and, in the past, the amplified outdoor music has been a disturbance at weekends and is unsociable to neighbours.

The area is very built up with properties and the noise travels easily.

We have little objection to outdoor activities, but do not wish any music to be amplified.

The indoor amplification is already a noise nuisance if the back doors are left open.

Kind regards

Mr Andrew and Mrs Gaynor Frostick, 25 Portway, Warminster

And also, on behalf of Mr William Peachment, 21 Portway, Warminster

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From: [Greenwell Tracy](#)
Sent: 04 June 2021 13:25
To: [Adkins, Carla](#)
Cc: [Varker, Jeffrey](#)
Subject: RE: Application WK202109006 Prestbury Sports Bar

Importance: High

Good afternoon Carla,

I would like to add my voice to the concern of Mr Varker on behalf of Anchor Hanover Group.

While I acknowledge that it's highly unlikely the applicant will be able to run an outside bar every weekend of the year due to weather conditions, I am concerned that on the occasions where this does take place, there will be additional late night noise which will affect our residents and there is the matter of urination on our premises which has taken place in the past.

Can the applicant guarantee that every safeguard will be put in place to insure that his customers do not trespass on to our premises, or remember to keep the noise down after a happy evening out?

Is there not some compromise so that the applicant can use the carpark area for these events on an occasional basis, and would then be able to put additional facilities in place in order to keep everyone happy.

Surely your applicant doesn't want to be in receipt of potentially, multiple complaints from Kyngeston Court?

I will be unable to be present for the hearing on the 6th July, but would be very grateful if you could keep Mr Varker and I updated on the outcome.



Kind regards

Tracy

Tracy Greenwell
Area Manager RSA03
Tel: 07467 353903
anchorhanover.org.uk



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From: [REDACTED]
Sent: 03 June 2021 20:35
To: [PublicprotectionNorth](#)
Subject: Comments on application : WK202109006 - Prestbury Sports Bar, Warminster

Dear Sirs

As residents of Warminster, whose house and garden is approximately 60 metres from the Prestbury Sports Bar, we would like to comment (and object) to the application made by Prestbury Sports Bar to vary its trading licence, to make permanent the temporary relief granted by the Government to all such premises during the Covid crisis.

For the last year, usually on Sunday afternoons when the weather has been clement, and we've wanted to sit out and enjoy our garden, that enjoyment has inevitably been spoilt by the Prestbury Sports Bar playing live and recorded music at a high volume between 1pm and 5pm, accompanied by shouting, chanting, and the sound of rowdy behaviour from the clientele. The application mentions a noise meter, but please be assured that for the last year there has either been no meter used or the readings have been ignored.

The application they have made appears to want to extend the temporary relief so instead of playing music outside on a Sunday between 1pm and 5pm (ish....) they will be able to play live music on Saturdays as well as Sundays, and for a longer period between 1pm to 8pm, on a permanent basis, with Bank Holiday Mondays thrown in for good measure. The justification appears to be that a small business benefit has accrued to the bar from the current Covid relief arrangements. This may be true, but any additional benefit which accrues to the bar from the requested extension completely ignores the detrimental effect of the noise on the many residents living within earshot of the bar, who work Monday to Friday and who will have their attempts to enjoy some quiet relaxation at the weekend ruined by the cacophony of noise coming from the bar.

Much of the shouting and chanting we have heard over the last year appears to have been associated with live sports coverage being shown by the bar, either with an outside screen or with the doors to the bar open, and we are concerned that if outside seating is allowed as requested, the chanting and shouting will become a daily and nightly occurrence, especially if sport is screened outside.

To understand just how many people are directly affected by the noise, the PrestburySports Bar car park is located pretty much centrally within the triangle of land enclosed by Portway, The Close, and the High Street. The sides of the triangle are 100 - 120 metres long, so every property bounding that triangle is within 60 metres of the car park, and the majority are much closer. That means that the residents of more than 25 residential properties and apartment blocks which back on to the triangle of land will suffer the worst of the noise due to the way the sound is contained, funnelled and reflected by those buildings on all sides. A similar number of residential properties on the other sides of those roads will also be affected to a lesser extent. It is worth noting that Kyngeston Court retirement apartments in the Close backs onto the triangle of land and is less than 40 metres from the car park, and Warminster Hospital sits about 80 metres away at the top end of the Close. Surely the many residents of both deserve the right to some peace and quiet ?

To be clear, the occasional noise coming from the Prestbury did not cause any issues for us until the advent of live music outside in the last year. Since then, sitting out in the garden on a sunny Sunday has turned into sitting indoors with the windows closed. There has to my knowledge been no attempt by the owners or management of the bar to respond to complaints made to date, nor has there been any consultation with local residents regarding their new proposals, which I think is indicative of their lack of consideration for local residents. To then propose increasing the time the music can be played from 4 hours on a Sunday to a total of 14 hours on a Saturday and Sunday, and for a further 7 hours on Bank Holiday Mondays is unreasonable and unacceptable.

The Prestbury Sports Bar is located in a primarily residential area, not in a large city surrounded by business premises, and it should be regulated appropriately.

Please acknowledge receipt of these comments by return e-mail.

Yours sincerely,
Christopher and Katherine May

Tavender House
38 Portway
Warminster
BA12 8QD

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	Prestbury Sports Bar (WK/202109006)
Your Name	Angus and Kett McAfee
Postal Address	16 The Close Warminster BA12 9AL
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? • A person who operates a business? • A person representing residents or businesses? ✓ • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	Yes

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

The prevention of public nuisance	Yes. Please see attached petition.
The prevention of crime and disorder	
Public safety	

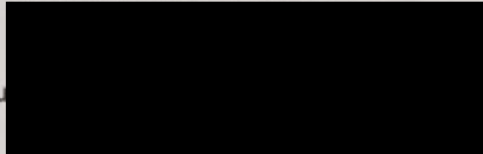
Please list below any suggested actions that you feel the applicant could take to address your concerns:

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature



Date..... 7 June 2021

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Representation by petition to Wiltshire Council
 WK / 202109006 – Prestbury Sports Bar

Preventing a Public Nuisance

We are objecting to this licence variation on the grounds of preventing a public nuisance. This application to extend the licenced area to include the car park will allow excessive and disruptively loud live music and sporting events that will be heard several streets away including The Close, Chantry Mews, Portway and North Row. I understand that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so my personal details will become public knowledge.
 Petition Instigator & Point of Contact: Mr & Mrs A McAfee, 16 The Close, Warrminster, BA12 9AL

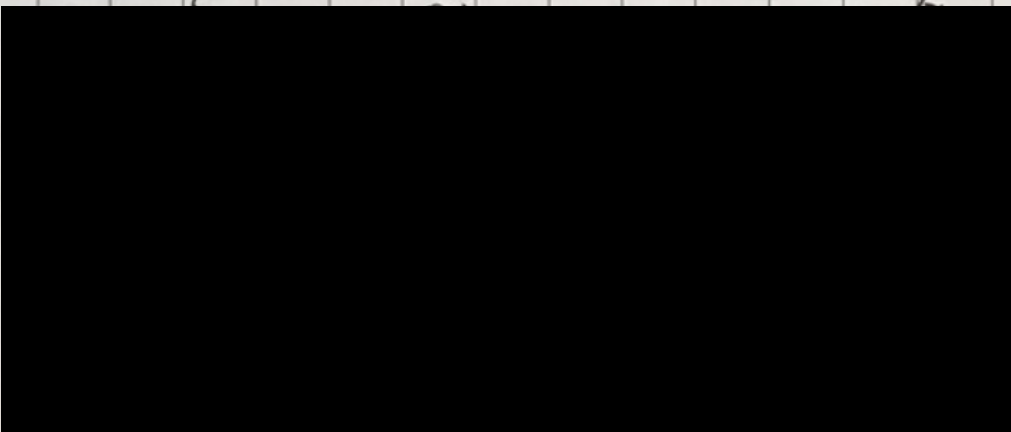
Serial	Name	Address	Signature
1.	STEPHANIE LEWIS	1 Chantry Mews, Warrminster, BA12 9AA	[Redacted]
2.	SARAH TERRY	4 NORTH ROW, WARRMINSTER BA12 9AD	[Redacted]
3.	MICHAEL TERRY	4 NORTH ROW, WARRMINSTER, BA12 9AD	[Redacted]
4.	CAROLINE PUGH	20 NORTH ROW, WARRMINSTER, BA12 9AD	[Redacted]
5.	BOB TENNETT,	22 NORTH ROW, BA12 9AD	[Redacted]
6.	Judie Beveridge	18 NORTH Row BA12 9AD	[Redacted]
7.	Bob Beveridge	18 NORTH Row BA12 9AD	[Redacted]
8.	PHILIP TORJUSSEN	CHAPEL COTTAGE NORTH Row BA12 9AD	[Redacted]
9.	PAMELA CORRIE	CHAPEL COTTAGE NORTH Row BA12 9AD	[Redacted]
10.	GARY RATTROY	THE CUPPERS NIGH STREET	[Redacted]
11.	ANDREW WINTREZ	FRAT 3, 34 NIGH STREET, THE CHANTRY	[Redacted]
12.	DAWN THOMAS	FRAT 1, 34 4TH STREET, BA12 9AF	[Redacted]
13.	Paul Russell	16 The Close Warrminster	[Redacted]

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Petition Instigator & Point of Contact: Mr & Mrs A McAfee, 16 The Close, Warminster, BA12 9AL

14.	X Mrs S.T. ARUSSTONE	THE OLD FORDS, PORTWAY, WARMINSTER BA12 9AL
15.	MR A.S. DOYLE	8 HIGH ST BA12 9AL
16.	Mrs. J Broadway	10 The Close BA12 9AL
17.	S. STOKEN	40 Portway BA12 8QD
18.	C. MAY	38 Portway BA12 8QD
19.	K. MAY	38 Portway BA12 8QD
20.	JOHN GREENWOOD	42 Portway BA12 8QD
21.	D. GREENWOOD	42 Portway BA12 8QD
22.	MS M. WOODS	23 PORTWAY BA12 8QG
23.	E. BODMAN	FLAT 20 KYNGESTON COURT BA12 9AL
24.	E.D. DICKINSON	FLAT 11 KYNGESTON COURT BA12 9AL
25.	ANDREW WINDGAST	27 PORTWAY BA12 8QG
26.	GAYNOR FROSHICK	25 Portway BA12 8QG



Representation by petition to Wiltshire Council
 WK / 202109006 - Prestbury Sports Bar

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Petition Instigator & Point of Contact: Mr & Mrs A McAfee, 16 The Close, Warmminster, BA12 9AL

27.	W. PEACHMER	21 PORTWAY WARMINSTER BA12 8QG
28.	A. FROSTICK	25 PORTWAY WARMINSTER BA12 8QG
29.	H. MCAFEE	16 THE CLOSE, WARMINSTER, BA12 9AL
30.	R. DAVIES	NO 9 KYNGESTON COURT, THE CLOSE, BA12 9AL
31.	W. SCOTT	NO 7 KYNGESTON COURT, THE CLOSE, BA12 9AL
32.	B. GUNNELL	NO 17, KYNGESTON COURT, THE CLOSE, BA12 9AL
33.	BEVERLY HUMPHRIES	NO 6 KYNGESTON COURT, THE CLOSE, BA12 9AL
34.	EDVA BODMAN	NO 29, KYNGESTON COURT, THE CLOSE, BA12 9AL
35.	M BRICKELL	NO 30, KYNGESTON COURT, THE CLOSE, BA12 9AL
36.	E. LEWIS	1 CHANTRY MEWS THE CLOSE, BA12 9AL
37.	J DISBROS	27 KYNGESTON COURT, THE CLOSE, BA12 9AL
38.	A CADOGAN	FLAT 4 KYNGESTON COURT BA12 9AL
39.	E. HACKER	FLAT 12 KYNGESTON COURT BA12 9AL

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40.	G W WILKINS	FLAT 19 KINGSBTON COURT THE CLOSE BA12 9AL	
41.	D CONTER	FLAT 22 KINGSTON COURT THE CLOSE BA12 9AL	
42.	S. McAFEE	16 THE CLOSE, WAKMINSTER, BA12 9AL	
43.	A. McAFEE	16 THE CLOSE, WAKMINSTER BA12 9AL	
44.			
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Map of representations

Map 1



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Key

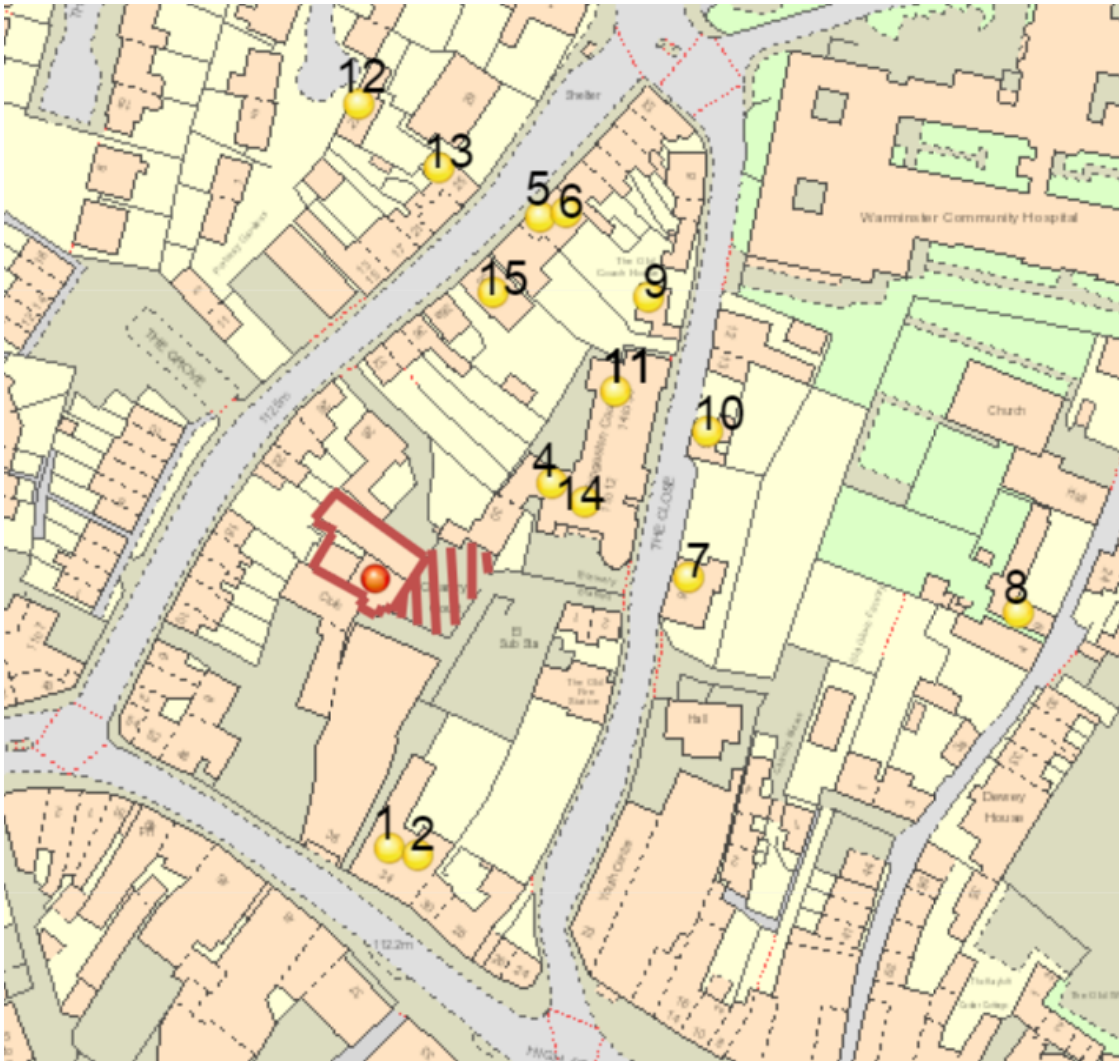


The Prestbury Sports Bar






Representations against the application

Map 2 – (Zoomed in from Map 1)



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- Key**
-  The Prestbury Sports Bar
 -  Area for proposed licence extension
 -  Representations against the application

Representations shown

1. Mr Gary Rattray, 34 High Street, Warminster, Wiltshire, BA12 9AF.
2. Mr Andrew Winter, Flat 3, 34 High Street, Warminster, Wiltshire, BA12 9AF.

3. Mr Adam Jones, 3 Lower Marsh Road, Warminster, Wiltshire, BA12 9PB*
4. Mr Jeff Varker, Kyngeston Court, The Close, Warminster, Wiltshire.
5. Mrs Deirdre Greenwood, 42 Portway, Warminster, Wiltshire, BA12 8QD.
6. Mr John Greenwood, 42 Portway, Warminster, Wiltshire, BA12 8QD.
7. Mr & Mrs McAfee, Lott House, 16 The Close, Warminster, Wiltshire, BA12 9AL.
8. Mr Philip Torjussen and Ms Pamela Corrin, 9 North Row, Warminster, Wiltshire, BA12 9AD.
9. Ms Jeannie Broadway, The Old Coach House, The Close, Warminster, Wiltshire, BA12 9AL.
10. Mr & Mrs Holloway and Mr Miles, 15 The Close, Warminster, Wiltshire, BA12 9AL.
11. Mr Arthur Cuthbert, 18 Kyngeston Court, The Close, Warminster, Wiltshire, BA12 9AL.
12. Mrs Andrea Wordsworth, 27 Portway, Warminster, Wiltshire, BA12 8QG.
13. Mr & Mrs Frostick 25 Portway, Warminster, Wiltshire, BA12 8QG and Mr William Peachment
14. Ms Tracy Greenwell, Kyngeston Court, The Close, Warminster, Wiltshire
15. Mr and Mrs May, Tavender House, 38 Portway, Warminster, Wiltshire, BA12 8QD.

*Mr Jones' representation location shown on Map 1 only

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