

DECISION NOTICE

Southern Area Licensing Sub-Committee

Application made by Environmental Health, for a Review of the Premises Licence of a Premises Licence in respect of The Cuckoo Inn, Hamptworth, Salisbury SP5 2DU

Councillors: Cllr Kevin Daley, Cllr Tim Trimble and Cllr Robert Yuill

Decision:

At its meeting held on 7 November 2022, the Southern Area Licensing Sub-Committee (Sub-Committee) has resolved to Modify the License and to included the timings detailed below and subject to the following conditions ;

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Indoor Sports Event Similar to any Music or Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	22:30		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30					
	May Beer Festival: Three days (Fri, Sat & Sun) from 12:00 - 23.00					
	Christmas Eve 1200 - 0030					
Indoor Live Music Similar to Making Music/Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	22:30		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		

	Outdoors	Friday Saturday	11.00 11.00	21.00 21.00		
Non-Standard Timings & Seasonal Variations	May Beer Festival: Three days (Fri, Sat & Sun) from 12:00- 22.30 September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs Christmas Eve 1200 – 0030					
Recorded Music Perform Dance Facilities for dancing Facilities for music	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
	Outdoors	Friday Saturday	11:00 11:00	21:00 21:00		
Non-Standard Timings & Seasonal Variations	May Beer Festival: Three days (Fri, Sat & Sun) from 12:00- 22.30 September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs Christmas Eve 1200 - 0030					
Late Night Refresh	Indoors and Outdoors	Sunday				
		Monday	23:00	23:00		
		Tuesday	23:00	23:00		
		Wednesday	23:00	23:00		
		Thursday	23:00	23:00		

		Friday	23:00	23:00		
		Saturday	23:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three days (Fri, Sat & Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 - 0030</p>					
Alcohol Sales	ON and OFF Sales	Sunday	11:00	23:00		
		Monday	11:00	23:00		
		Tuesday	11:00	23:00		
		Wednesday	11:00	23:00		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three Days (Fri, Sat & Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 -0030 New Year's Eve – 12.00 to 00.00 and 1st Jan 00.00 to 01.30.</p>					
Hrs premises open to public	whole premises	Sunday	11:00	23:30		
		Monday	11:00	23:30		
		Tuesday	11:00	23:30		
		Wednesday	11:00	23:30		
		Thursday	11:00	23:30		
		Friday	11:00	23:30		
		Saturday	11:00	23:00		

Non-Standard Timings & Seasonal Variations	Good Friday 12:00 – 23.00 hrs Christmas Day 12:00 - 15:00 hrs Christmas Day 19:00 - 22:30 hrs Christmas Eve 11.00 - 01.00 hrs New Year's Eve Until start of business on 02.00 1st January All other Bank Holidays to close 23:30
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- 1. The provisions of the Live Music Act 2012 be disappplied to this premises**
- 2. The current DPS Nikolaos Amplianitis be removed**
- 3. The two Beer Festivals permitted to be held at the premises (one in May and one in September) and a maximum of up to an additional 3 events permitted to take place at the premises through the months of June, July and August but those events not to be scheduled on consecutive days or weekends.**
- 4. A Noise Management Plan must be submitted and agreed by the Licensing Authority by 4 December 2022. Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. Any future changes to the Noise Management Plan must be agreed in writing by the Licensing Authority.**
- 5. To give the Parish Council notice of any event and to display a notice outside of the premises, at least 14 days before the event date.**
- 6. A telephone Number for complaints to be provided to the Parish Council and available online and outside of the premises at all times and to be answerable during all operational hours.**
- 7. A log of any complaint or incident to be kept and made available to the Licensing Officer/Environmental Health Officer upon request.**

Informative – A Cordoned off section in parking field around the premises boundary with residents to be provided for vehicles attending events at the premises.

Reasons for Decision:

In reaching its decision, the Sub-Committee took account of and heard and considered all of the documentary and oral evidence from the Licensing Authority, Environmental Health, the Owner / License Holder's representative and the parties that had made a Relevant Representation.

The Sub-Committee noted from Environmental Health that several attempts had been made to meet with and advise the DPS on the conditions of the premises Licence.

The Sub-Committee noted the history to the Premises, in that it had previously been operated and held music and beer festival type events under previous ownerships. It was also noted that the current owner had been operating since April 2022, when he had taken the premises on after a period of closure due to the Pandemic. It was clearly stated that the intention of the Owner was to replicate the offer which had been previously available under previous owners.

The Sub-Committee considered the evidence presented by Environmental Health and those that made Relevant Representations, relating to the level of noise emanating from the premises during scheduled events, the differences between various genres of music and specifically the impact of bands and performance styles of artists playing extreme styles of rock, including explicit lyrics.

The Sub-Committee considered, the inexperience of both the current DPS and the Owner and the Owner's representative in managing a Licenced Premises and the resulting failure to establish a strong understanding of the conditions on the License and of the Licensing Objectives, prior to opening. Further noting the differences between managing non licensed premises and licensed.

The Sub-Committee noted the conflict between the local residents and the DPS and other patrons at the premises which had risen to a degree of tension between the parties.

The Sub-Committee noted that the premises location was situated in a quiet rural area, which had a low level of general background noise, and that any additional noise in such a location would have a significant impact on the residential properties closest to it.

The Sub-Committee considered that the removal of the current DPS would appropriately address issues concerning the poor management of the premises in upholding the Licensing Objectives and would give the opportunity for a new more experienced DPS to demonstrate that they could positively and proactively promote the Licensing Objectives.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18, 51 and 52); the Licensing Act 2003 (Hearings) Regulations 2005, the four Licensing Objectives; the revised guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties attending the hearing were informed they have the right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.