

## Southern Area Licensing Sub Committee

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**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING  
HELD ON 6 SEPTEMBER 2022 AT THE ENTERPRISE NETWORK, 2 SALT LANE,  
SALISBURY, SP1 1DU.**

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

**Present:**

Cllr Trevor Carbin, Cllr Kevin Daley and Cllr Peter Hutton

**Also Present:**

Lisa Alexander, Senior Democratic Services Officer  
Katherine Edge, Public Protection Officer (Licensing)  
Sarah Marshall, Principal Solicitor

Mr Andrew Woods – Applicant / Epic Bars (Salisbury) Ltd  
Mr Nigel Blair – Solicitor for Applicant  
Mr Sean Cullen – Designated Premises Supervisor (DPS)

Inspector Tina Osborn, Wiltshire Police / Responsible Authority  
Alistair Day, Police Licensing Officer / Responsible Authority

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**44 Election of Chairman**

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

**Resolved:**

**To elect Councillor Peter Hutton as Chairman for this meeting only.**

**45 Apologies for Absence/Substitutions**

There were no apologies.

**46 Procedure for the Meeting**

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

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

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

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

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications"

#### 47 **Chairman's Announcements**

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

#### 48 **Declarations of Interest**

There were no interests declared.

#### 49 **Licensing Application Report**

##### **Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a Variation to a Premises License at The Chapel, 34 Milford Street, Salisbury, SP1 2AP, made Epic Bars (Salisbury) Ltd. The report was presented by Katherine Edge (Public Protection Officer – Licensing) for which 1 relevant representation had been received. The application was for the following variations:

- To extend the hours of Licensable activities (by 20 minutes)
- To amend the premises plan (provided as Appendix 1 to the agenda)
- To remove condition Annes 2b, Public Safety and to replace with an amended condition, as set out below:

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

The only exception to the above condition is: any special event including private parties, dinners, cocktail parties, balls and functions, and events in The Vestry, so long as there is adequate precaution by means of staff

members or barrier to exit and in accordance with the management plan, to disallow glass or glass bottles entering the public area as far as possible during standard club nights. Standard club nights may take place in other rooms alongside other events and functions which have been clearly risk assessed and documented.

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

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

1. To grant the licence as applied for.
2. To modify the conditions of the licence.
3. To reject the whole or part of the application.

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

#### **On behalf of the Applicant**

- Mr Andrew Woods – Applicant
- Mr Nigel Blair – Solicitor for Applicant
- Mr Sean Cullen – Designated Premises Supervisor (DPS)

#### **Responsible Authorities**

- Inspector Tina Osborn on behalf of Wiltshire Police
- Alistair Day – Police Licensing Officer

The Chair invited the Applicant to introduce their application.

#### **Applicant's submission**

The Applicant Mr Andrew Wood and his representatives Mr Nigel Blair (Solicitor) and Mr Sean Cullen (DPS) spoke in support of the application, highlighting the following points:

- The Police had no objection to the extension to the opening hours or the amendment to the Premises Plan.
- The request for a change to the conditions would be to permit the premises to serve guests with ready to drink bottled beer such as Corona, rather than to decant the bottled beer into a plastic vessel.
- In addition, the premises wished to be able to offer the guests bottled spirits or wine at the table to be decanted by them into a plastic vessel.
- The night club section, referred to as the Chapel, would have VIP booths, bookable by guests for the evening and served by a member of staff.
- The premises also hired welfare staff whose role included monitoring behaviour and identifying issues before they escalated.

- The Applicant had many years' experience in the hospitality business and currently owned 11-night clubs and 4 bars across the country with business partners. Collectively they held a vast experience as operators of late-night premises.
- In addition to the Guest Welfare Officer, there was Security Staff and CCTV in operation, to collectively monitor and act on the behaviour of guests.
- The Business had a thorough Operational Manual and provided training to staff in first aid and drug awareness.
- The Applicant had purchased Chapel from an independent operator, and he was investing in the region of £500k in refurbishments and changes to the layout.
- There would be Booth seating
- The Botanic, which used to be the Vestry bar, would now be marketed as an upmarket cocktail bar. This section was now finished and open.
- Two other Premises in Salisbury had similar late-night licenses, neither had a condition which prohibited glass.
- The Police reason for the objection to the removal of the condition prohibiting glass was due to the late-night hours and subsequent increased use of alcohol increasing the chances of glass being used in a dangerous way. However, if that argument was applied here, it should be consistently applied across all premises in Salisbury with a late-night license, and currently it was not.
- The Police argument asks for speculation on what might happen. However the High Court has confirmed in a judgment that speculation on what might happen could not be taken into account.
- The Wiltshire Councils Policy 6.2 refers to conditions being proportionate. There were no standard conditions.
- The Applicant did not feel that the condition was either proportionate or appropriate in the circumstances.
- The business had been taken on in May 2022 and had been managed since then by the DPS. The last few months had provided time for the Applicant to gain an understanding of the business and to plan suitable investment.
- After midnight the majority of the customers would have moved on to drinking spirit and mixers, resulting in very little glass out on the floor after that time.
- A big challenge was that when products were purchased in plastic bottles, it was very difficult to keep them cold and this also affected the taste.
- They had previously tried aluminium, but the British consumer did not favour this approach.
- The Applicant used a top-quality PET polycarbonate.
- Most people would not want to have their bottle of wine kept behind the bar once purchased.
- The Botanic Bar had a good quality of guests and staff.
- If there was a function the DPS would make the decision to decant all drinks into plastic.

### **Sub Committee Member's questions**

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

- The Committee would not hypothesise on what 'might happen'. There was a robust Review process in place if the licensing objectives were not followed.
- The application mentions that there was scope for the DPS to use his discretion as to whether or not to decant into plastic. discretion will be used as to whether a glass will be provided however, there would only be high quality PET vessels on site so no glasses would be used.
- Signs would be in place inside the premises noting 'No drinks on the dancefloor'. In addition staff would monitor this and remind guests of the rules if someone did take a glass on to the dancefloor.
- Guests would have access to all areas once inside and would not be restricted to one area, such as the booths.
- SIA security staff were employed as well as dedicated Welfare Officers.
- Training was carried out by the DPS and another person. All staff must complete a company training programme which includes knowledge of the Licensing Objectives and Drug Awareness training etc. All Customer Care staff are first aid trained.
- The security team consisted of some previously employed staff, some agency and in time some new members would be recruited by the DPS.
- There would be a selection of booths for people to book, which would be referred to as a 'defendable space'. Any bottles purchased in the booth must stay in the booth and guests would not be permitted to walk around with the bottles.
- A booth would on average be used by between 6 – 12 people.
- The Applicant was happy to use PET plastic glasses throughout. There was a FAQ on the website to inform guests of the rules.
- The booths and premises had adjustable lighting, with individual mood lighting in each booth and bright lighting for the toilets and reception areas.
- Part of the staff training included the Ask Angela campaign.
- The capacity for the whole premises would be impacted on by the refurbishment as the increase of booths meant that floor space was encroached on. Once the refurbishment was complete, as per the new Fire Regulations, the applicant would carry out a risk assessment and reduce the capacity figure as appropriate.
- The capacity of people on the dancefloor could not feasibly be regulated as it was not boxed in as a specific space, which enabled people to spread out across the entire premises.

### **Questions from those who made a relevant representation**

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

- The Vestry Bar would apply the same rules, so that bottled beverages could be drunk straight from the bottle rather than it being decanted in to a plastic vessel.

### **Responsible Authorities' submissions**

Inspector Osborn and Alistair Day:

- There was no objection to the 20 minute time extension, their objections were to the glass element of the application
- The Police had a healthy relationship with previous owners, who operated a strict no glass policy
- There are no previous records of assault with glass as dangerous weapon
- One of the Policing main objectives was the protection of life
- Almost 50% of all crime was alcohol related, with incidents rising over the last 12 months following the re-opening after the covid period.
- Confirmed that none of the incidents involved the use of glass as a weapon.
- Understand the enhancement of a night-time economy, however the client base would remain the same, with a mix of civilian and military younger males.
- Despite premises making the best efforts with door staff, customers would still end up drinking vast quantities of alcohol.
- Police officers were at risk of entering a potentially dangerous environment with the possibility of people being armed with glass.
- Eager to work with the new owners and propose if request to refuse glass be supported, the Police would continue to review the situation and support a request for dropping the no glass condition after a 12 month period if they were satisfied the venue was well operated

### **Sub Committee Members' questions**

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

- Late night staff currently dealt with any issues of late-night drinking around the city and there was a Public Spaces Protection Order in place for the city.
- The large scale, capacity capability and different demographic were given as reasons to apply a no-glass condition, as it was the largest venue in the city and operated as a nightclub.

### **Closing submissions from Responsible Authorities**

In their closing submission, Wiltshire Police highlighted the following:

- They have have started a relationship with the new owners, the objection to the removal of the no-glass condition was in relation to keeping people safe

## **Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- They would like the amended condition, there has not been any incidents at the venue in the past, so cannot see why a trial period would need to be applied.
- No part of the application would impact adversely on the licensing objectives.
- The Applicant was set to invest significant sums of money into the premises and would not do so if it was felt the premises could not be run in line with the licensing objectives.
- The operational manual was extremely thorough
- Signage would be made accessible on website and in the club

## **Points of Clarification Requested by the Sub Committee**

The following points were clarified for the Sub Committee:

- For planned events, could you clearly state what was expected in terms of the use of plastic receptacle in the premises and at events, to make it clear to customers before they get to the door.
- Dance floor safety - anything served in booths and standing tables in glass should remain on tables and would not be permitted to be taken on to the dancefloor.

The Sub Committee then adjourned at 11:50hrs and retired with the Principal Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12:30

The Senior Solicitor advised that she gave the following relevant legal advice to the Sub Committee on the licensing objectives and that speculative evidence on what may or may not happen at a premises may not be taken in to account by a licensing authority.

It was;

### **Resolved:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a variation to a Premises License made by Epic Bars (Salisbury) Ltd, in respect of The Chapel, 34 Milford Street, Salisbury, SP1 2AP, be granted together with the additional conditions as set out below:**

To extend the hours of licensable activities as applied for:

| Licensable Activity  | Days               | Times        |
|--|--------------------|--------------|
| Alcohol ON and OFF Sales   | Thursday –Saturday | 08:00 –03:00 |
| Regulated Entertainment<br>(Performance of Plays,<br>Exhibition of Film, Live<br>Music, Recorded Music,<br>Performance of Dance) | Thursday –Saturday | 08:00 –03:20 |
| Late Night Refreshment   | Thursday –Saturday | 08:00 –03:20 |
| Opening Times  | Thursday -Saturday | 08:00 –03:20 |

1. Amendment to the premises plan as set out in Appendix 1 of the application.
2. Removal of a condition in Annex 2b, Public Safety, and replacement with the following amended condition:
3. All alcoholic drinks in the premises will be served in PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans with the exception of all alcoholic bottled drinks. All spirit, wine and champagne bottles will be served to a VIP table or area only.

Other additional conditions:

4. That between the hours of 02:00 and 03:20 all drinks in glass containers are decanted or served in PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans.
5. That appropriate signage is displayed in the premises detailing the current policies and conditions concerning glass containers.
6. That current policies and conditions concerning the use of glass containers is provided to customers as part of the booking system.

Reasons:

In reaching its decision, the Sub-Committee took account of and considered all the relevant provisions of the Licensing Act 2003 (in particular Sections 4,18and 35; the guidance issued under Section 182 of the Act.

The Sub-Committee considered the written evidence presented in the agenda and supplement 1, together with the oral evidence given at the hearing from the Applicant and the Applicant's Representatives as well as from the Police, who are the Responsible Authority.

The Sub-Committee noted that this was an application for a Variation to a Premises License, which requested an extension to the licensable activities,

changes to a condition relating to the prohibition of serving drinks in glass receptacles, and changes to the premises plan.

The Sub-Committee noted the scope of experience held by the Applicant across the country in his other License Premises of a similar nature and the detailed Operational Manual, together with the CCTV, security staff and Staff Training Programmes which would support the Premises in upholding the Licensing Objectives.

The Sub-Committee noted the representation made by the Responsible Authority regarding the use of glass and their concerns around public safety, given the capability for a large capacity and the nature of the Premises but the Sub-Committee were satisfied with the Applicant's response and evidence and considered the Applicant had evidenced that the use of glass containers in the premises would not cause a danger to the people attending the premises. The Sub-Committee took the view that a condition requiring all drinks in glass containers would be served or decanted into PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans between the hours of 0200 and 0300 would ensure that the licensing objectives in particular public safety would be upheld.

The Sub-Committee also noted that the Responsible Authority did not object to the extended opening times or the proposed changes to the Premises Plan and that both parties confirmed that they had established a good working relationship in order to discuss the Responsible Authorities concerns regarding safety and reach a compromise.

The Sub-Committee recognised the efforts the Applicant had gone to in order to revitalise the premises and invest in the local economy.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003(in particular Sections 4 and 35); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

The parties were informed that the Premises Licence Holder, any 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. 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.

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

granted within the first 12 months except for the most compelling circumstances.

- 50 **Appendix 01 - Application**
- 51 **Appendix 02 - License**
- 52 **Appendix 03 - Premises Location Map**
- 53 **Appendix 04 - Representation**
- 54 **Appendix 05 - Meeting discussion**
- 55 **Appendix 06 - Correspondence**

(Duration of meeting: 10.30 am - 12.35 pm)

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

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