

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

21 JANUARY 2020

Application for a Variation of a Premises Licence; THE BANK COCKTAIL LOUNGE & EVENTS, 18 HIGH STREET, AMESBURY, WILTSHIRE, SP4 7DN

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Bank Cocktail Lounge & Events, 18 High Street, Amesbury, SP4 7DN made by Keystone Entertainment Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Bank Cocktail Lounge & Events has been made by Keystone Entertainment Ltd for which seven relevant representation 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 2 December 2019 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The details of the variation applied for, are summarised below:
- To remove the current condition that states the entrance shall be relocated to the side door.

- To include a condition that the front entrance can be used when there is no recorded music or live music performed on the ground floor otherwise the side entrance must be used.
- To include a condition that the first floor be limited to background music only.
- To update floor plans (by removing a wall on the ground wall and moving the location of the bar on the first floor)

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

The premises has benefited from a premises licence issued under the Licensing Act 2003 since it was granted by the Licensing Sub-Committee at a hearing on 21 February 2018. An application to vary the premises licence in July 2018, resulted in a hearing being held by the Licensing Sub-Committee. The decision notice that was issued at this hearing led to the current conditions of the licence. Prior to February 2018 the premises was a bank.

On 3 December 2019 the licensing authority received an email from Wiltshire Police with photographs attached showing i) the front door of the premises in use and ii) an A board on footpath instructing customers to use the front entrance for “The Office” (the name given to the first floor) or the side entrance for “The Bank”. This is a breach of the current licence condition “*The entrance of the building will be located to the side door at all times*” and as such a warning letter was sent to Mr Muirhead, Director of Keystone Entertainment Ltd on 5 December 2019

Carla Adkins, Public Protection Officer – Licensing and Sarah Henry, Environmental Health Officer visited the premises on 9 October 2019 and found that the changes to the layout had already taken place. Carla Adkins advised Mr Muirhead at this point that an application to vary the licence should have been submitted prior to the changes taking place. At this point the licence holder was not asked to reinstate the wall or relocate the bar.

The current licence authorises the following:

Licensing Activities	Hours
Sale of Alcohol (on & off sales)	Sun – Wed 12.00 – 00.00 Thurs 12.00 – 01.00 Fri – Sat 12.00 – 02.00 <u>Non-standard timings</u> Bank Holidays/Christmas Eve 12.00 – 02.00 New Years Eve 12.00 to start of business the following day
Performance of plays (indoors) Performance of dance (indoors) Exhibition of films (indoors)	Daily 09.00 – 00.00

Live Music (indoors)	Sun – Wed 08.00 – 00.00 Thurs – Sat 08.00 – 01.00
Recorded Music (indoors)	Sun – Wed 08.00 – 00.00 Thurs 08.00 – 01.00 Fri – Sat 08.00 – 02.00
Hours open to the public	Sun – Wed 08.00 – 00.00 Thurs 08.00 – 01.00 Fri – Sat 08.00 – 02.00 <u>Non-standard timings</u> Bank Holidays/Christmas Eve 08.00 – 02.00 New Years Eve 08.00 to start of business the following day

The current premises licence and conditions including the current plan is attached as **Appendix 2 and 2a.**

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

Details of other licenced premises in the vicinity of the area are as follows:

Premises	Licensable Activity	Hours
The George Hotel, High Street	Alcohol Sales (on & off sales) Live and Recorded Music/Performance of Dance/Exhibition of Film/Indoor Sporting Events (all indoors)	Sun – Tues 10.00 – 00.00 Wed – Thurs 10.00 – 01.00 Fri – Sat 10.00 – 02.00
	Late night refreshment	Sun – Tues 23.00 – 00.30 Wed – Thurs 23.00 – 01.30 Fri – Sat 23.00 – 02.30
The New Inn, High Street	Alcohol Sales (on & off sales)	Sun 12.00 – 23.00 Mon-Tues 10.30 – 23.00 Wed 10.30 – 00.00 Thurs – Sat 10.30 – 02.00
	Live and Recorded Music/Performance of Dance/Exhibition of Film	Sun 12.00 – 23.00 Thur – Sat 08.00 – 00.30
	Indoor Sporting Events	Sun – Tues 10.30 – 23.00 Weds 10.30 – 00.00 Thurs – Sat 10.30 – 02.00
	Late Night Refreshment	Weds 23.00 – 00.00 Thur – Sat 23.00 – 02.00
Fairlawn Hotel, High Street	Alcohol sales (on & off Sales)	Sun 12.00 – 22.30 Mon – Sat 10.00 – 23.00
The Bell, Salisbury Street	Alcohol Sales (on & off sales)	Sun – Tues 09.00 – 00.00 Weds – Thurs 09.00 – 01.00 Fri – Sat 09.00 – 02.00
	Late Night Refreshment	Sun – Tues 23.00 – 00.00 Weds 23.00 – 01.30 Thurs 23.00 – 01.00 Fri-Sat 23.00 – 02.00

The Antrobus Arms Hotel	Alcohol Sales (on & off sales) Live/Recorded music (inside and outside)	Daily	10.00 – 00.00
	Late Night Refreshment	Daily	23.00 – 00.00
The Kings Arms, Church Street Lounge Bar	Alcohol Sales (on & off Sales) Exhibit Film/Live/Recorded Music/ Indoor Sports Event/ Perform Dance (all indoors)	Sun Mon – Tues Wed – Thur Fri – Sat	12:00 - 23:00 11:00 –23:00 11:00 - 01:00 11:00 - 02:00
	Late Night Refreshment	Mon - Tues Wed - Thur Fri – Sat	23:00 - 23:30 23:00 - 01:30 23:00 - 02:00
The Kings Arms, Church Street Night Club	Sale of Alcohol	Sun Mon - Tues Wed - Thur Fri – Sat	12:00 - 22:30 11:00 - 23:59 11:00 - 01:00 11:00 - 02:00
	Live/Recorded Music/Indoor Sports Event/Perform Dance	Mon - Tues Wed – Thur Fri - Sat	23:00 - 00:30 23:00 - 01:30 23:00 - 02:30
	Late Night Refreshment	Mon - Tues Wed – Thur Fri - Sat	23:00 - 00:30 23:00 - 01:30 23:00 - 02:30

A map of the premises in relation to other licensed premises in the vicinity is attached as **Appendix 4**

3. Consultation and Representations

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

3.3 During the consultation period seven relevant representations were received; five from local residents, one from a licensed premises and one from a responsible authority.

3.4 Responsible Authorities

- Environmental Health Officer - Wiltshire Council, Environmental Control and Protection

3.5 Interested Parties

- Mr Graham Aymes, 145 Countess Road, Amesbury, SP4 7AR
- Mr Steve Hedge, High Street, Amesbury, SP4 7ET
- Dominion Pubs and Bars Ltd, The George Hotel, High Street, Amesbury, SP4 7ET
- Mr Steven Kelly, 2 Beechwood Court, High Street, Amesbury, SP4 7DQ
- Mrs Mariah Hanson, 3 Beechwood Court, High Street, Amesbury, SP4 7DQ
- Mrs Frances Madeley, 21A Salisbury Street, Amesbury, SP4 7AW

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

Representation	Licensing Objective	Accepted	Comments
Mr G Aymes	Public Nuisance	Yes	Use of front door will result in noise being emitted from the building. Noise from people congregating outside the front door. Litter from people smoking outside the front door
Mr S Hedge	Public Nuisance Public Safety	Yes	Noise from entertainment other than music emitted from front door being open. Noise from people smoking outside the front door The front door opens over the footpath. The combination of the open door and people queuing to enter the building will result in pedestrians and wheelchair users having to move into the road to pass.
Poppleston Allen acting on behalf of Dominion Pubs and Bars Ltd (The George Hotel)	Public Nuisance Crime and disorder	Yes	People queuing at the front door and using it for access and egress into the building will increase noise from the premises and will disturb guests trying to sleep. Noise from people congregating outside the front door of the premises to smoke. Disorder already takes place outside with the use of the side entrance, this will move to the front of the building if the front door is allowed to be used.
Mr S Kelly	Public Nuisance	Yes	Noise levels will increase with use of the front door.
Mrs M Hanson	Public Nuisance Crime and disorder	Yes	Noise levels will increase with use of the front door Disorder already takes place outside with the use of the side entrance, this will move to the front of the building and closer to residents.
Mrs F Madeley	Public Nuisance	Yes	Litter from cigarette ends outside of the front door. Noise from people queueing and from entering and exiting the building
Environmental Health Officer	Public Nuisance	Yes	Use of the front door will increase noise to nearby residents

			Removal of the stud wall on the ground floor inside the premises will remove the acoustic buffer from the main dance floor to the dwellings on the side of the building.
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- 3.7 The relevant representations are attached as **Appendices 5a – 5i. 5d and 5e will be viewed in a closed session which is not open to the public and therefore will not form part of the public document.** 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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Date of report: 10 January 2020

Background Papers Used in the Preparation of this Report

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

Appendices

- 1 Application and plan
- 2 Current licence and conditions
- 2a Current plan
- 3 Location map of premises
- 4 Location map of premises in relation to other licensed premises in Amesbury
- 5a Representation - Mr Aymes
- 5b Representation - Mr Hedge
- 5c Representation - Dominion Pubs and Bars
- 5d FOR CLOSED SESSION – video footage and photograph submitted by Dominion Pubs and Bars
- 5e FOR CLOSED SESSION – photograph submitted by Dominion Pubs and Bars
- 5f Representation - Mr Kelly
- 5g Representation - Mrs Hanson
- 5h Representation – Mrs Madeley
- 5i Representation - Environmental Health Officer
- 6 Map of representations