

AGENDA SUPPLEMENT (1)

Meeting: Licensing Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Monday 17 October 2022

Time: 10.30 am

The Agenda for the above meeting was published on 7 October 2022. Additional documents are now available and are attached to this Agenda Supplement.

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

7 **Minutes of the Licensing Sub Committees (Pages 3 - 44)**

The following minutes of the meetings of the Southern Area Licensing Sub Committee are now available and attached:

26.01.22	Review of a Premises Licence – The New Inn, 10-16 High Street, Amesbury
31.03.22	Application for a Premises Licence – The New Inn, 10-16 High Street, Amesbury
06.09.22	Application for a Variation of a Premises Licence – The Chapel, 34 Milford Street, Salisbury

DATE OF PUBLICATION: 12 October 2022

This page is intentionally left blank

Southern Area Licensing Sub Committee

**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 26 JANUARY 2022 AT THE GUILDHALL, MARKET PLACE,
SALISBURY, WILTSHIRE, SP1 1JH.**

**Application made by Wiltshire Police, for a Review of the Premises Licence of
the New Inn, 10-16 High Street, Amesbury, Wiltshire, SP4 7DL**

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Nic Puntis

Also Present:

Sarah Marshall, Senior Solicitor, Legal
Carla Adkins, Licensing Officer, Public Protection
Lisa Alexander, Acting, Senior Democratic Services Officer
Leo Penry, Democratic Services Officer

Applicant – Wiltshire Police

Alistair Day – Police Licensing Officer
Sgt Steve Jolly
Insp Tina Osbourn

Responsible Authorities

Linda Holland, Licensing Manager, Wiltshire Council Licensing Authority
Vicky Brown, Senior Environmental Health Officer, Wiltshire Council Environmental
Protection and Control

Those that made Representation

Rep 1 - Salisbury Street, Amesbury
Rep 2 – Salisbury Street, Amesbury
Rep 3 – on behalf of Beech Court, Amesbury

10 **Election of Chairman**

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

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

11 **Apologies for Absence/Substitutions**

There were none.

12 **Procedure for the Meeting**

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 the possibility of being recorded, as the meeting could be recorded by the press or members of the public.

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" as detailed in the agenda pack.

13 **Chairman's Announcements**

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

14 **Declarations of Interest**

There were no interests declared.

15 **Exclusion of the Public**

The Police offered a viewing of the Police bodycam video footage but the Sub-Committee took the decision to decline this viewing, as it was content with the evidence provided publicly in the agenda pack. Therefore the Committee did not exclude the press and public from the meeting.

16 **Licensing Application**

Review Application by Wiltshire Police in respect of the New Inn, 10-16 High Street, Amesbury, Wiltshire SP4 7DL

Licensing Officer's Submission

The Sub Committee gave consideration to a report and appendices (published online) in which determination was sought for an application for a Review, presented by Carla Adkins (Public Protection Officer – Licensing) for which 12 relevant representations had been received. The application was for the following licensable activities:

It was noted by the Sub Committee that there were 3 options available to them:

- i) To modify the conditions of the licence.
- ii) To exclude a licensable activity from the scope of the licence.
- iii) To suspend the licence for a period not exceeding three months.

- iv) To revoke the licence.
- v) To determine that no steps are necessary.

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

On behalf of the Applicant (Wiltshire Police)

- Alistair Day – Police Licensing Officer
- Inspector Tina Osborn
- Sergeant Steve Jolly

Summary of the Applicant's submission:

- Premises License has now been transferred to Mr Ewer
- If the Sub Committee is happy with the evidence submitted so far, the Applicant would support an adjusted licence conditions.
- Premises is a late-night venue operating in a small-town centre with commercial and residential properties close by. The premises is accessed by one access point at front and a courtyard at the rear.
- Behind the premises is a fixed building which forms part of premises licence called the Stables which is used for music.
- There is a smaller fixed building called the Jager Bar which is not licensed.
- There is access to the carpark and then back on to the high street.
- The Applicant set out the current licensing times includes outdoor films and indoor sporting events. The last 3 months the applicant has worked with the premises to address local concerns.
- The applicant supports the licensee to promote the licensing objectives.
- Accepts there are concerns regarding over-intoxication, assaults, urinating & vomiting, drug activity and screaming and fighting.
- The Police now patrol the Amesbury Town centre.
- There is a negative impact on residents and
- The Police are working with licensed premises, taxi services and military to reduce the negative impact on residents.
- The Police offer encouragement and education on how to provide a safe environment inside and out.
- All other premises in centre of Amesbury have been offered advice and all have accepted the advice except the New Inn.
- Licensing Objectives are regularly breached.
- The Police have evidence of incidents occurring inside and out of the premises & can provide this for the Sub Committee
- Changes proposed by the Applicant:
 1. For alcohol sales to cease at 2200 and the premises to close at 2300
 2. The CCTV is not part of current licence – the Applicant would ask that this is installed and all staff trained in use.
 3. Management of noise levels in the Stable Room – opening hours to be brought back to 2300

4. The DPS must attend the local Pubwatch scheme for as long as that scheme exists.
5. The CCTV must cover all areas of the premises
6. Require at least 4 door staff to be present and increased to 6 for regulated entertainment functions
7. For the premises to employ a suitable acoustician to advise on the noise levels in the Stables
8. A Noise management plan to be produced and submitted
9. A management plan to deal with Live, unamplified and acoustic music –
10. For a written observation to be made by a member of staff with a noise limiter device
11. Noise limiter device to be placed in the main Stables –
12. A noise limiter device to be fitted in the premises for all regulated entertainment.

Questions from the Committee:

- How would the conditions prevent the return of the previous clientele?

Answer: A main factor to previous behaviour was that clientele were allowed to get over intoxicated.

- Would you say that the worse time for increased anti-social behaviour appeared to be between 24:00 – 03:00?

Answer: Yes, the premises closes at 02:00 at the weekend, we have engaged with all other premises in the town centre and the DPS and owner have worked hard to manage another premises well.

- Only two days ago the license was transferred to another person, the building owner.

Answer: Yes, The licensee is the building owner and does not intend to have a hand in running it, he will lease it out.

- You are asking us not to revoke the license but to apply more conditions. The Police were keen to see a new Manager for the premises, the present license in its current form would allow a return of what occurred.

Answer: They do not feel there is a need to revoke the license.

- The current DPS was the partner of Mr Muirhead and one bar staff was his sister, so they were still present in the running of the premises.

Answer: The Police need to look into this today they are convinced that it is an oversight. The DPS will surrender their DPS status.

- The opening times of the other premises in the area were noted. The George Hotel was able to open until 01:00, but chose to close earlier, Wetherspoons closed at 21:00 but was able to stay open till 01:00.

It was noted that the other 3 premises were well managed.

- What level of support was there from the Military Police, given the mix of civilian and military clientele?

Answer: The Police confirmed there had been a massive increase over the last 6 months. The Military Police had done a fantastic job engaging with the Police. Any Military personnel involved in an incident in the town will have the involvement of the Military Police, who are able to carry out random drugs and as a result, 5 or 6 soldiers had been dismissed from the service.

The Sub-Committee confirmed that they did not feel it was necessary to view the Police bodycam footage which was available, and would consider the case based on the written and verbal evidence provided in the Agenda pack and at the meeting.

Responsible Authorities

- Mrs Linda Holland, Licensing Manager, Wiltshire Council Licensing Authority
- Mrs Vicky Brown, Senior Environmental Health Officer, Wiltshire Council Environmental Protection and Control

Licensing Authority submission:

- There had been poor management and behaviours of customers at the premises.
- Aware there had now been a change of licensee and felt it was now more appropriate to apply additional conditions to the existing license to manage the issues which had occurred under the previous manager.
- The License holder had not sought to attend the hearing or address the issues that had been present.
- There had been a mismanagement of the premises, however felt that the premises could move forward if managed robustly by a new License holder.
- Appropriate hours of operation could be advised by Police
- Summary of additional conditions suggested:
 1. Staff training on Licensing Act 2007 and Best Practice, to be carried out on induction and to be ongoing. Records of training kept and maintained (available upon request to Police & Responsible Authorities).
 2. Written Management structure.
 3. Challenge 25 Policy in operation, including staff training, record keeping of training and scheme posters displayed.
 4. DPS or Licence Holder present during key trading times and any other periods that an event should take place (impacting on attendance).

5. Operation of an Incident/Refusals book (specification provided in full), recording prescribed details (available upon request to Police & Responsible Authorities).
 6. Fully maintained CCTV installed and operational, covering all entrances, trading areas and exits, with images stored for a minimum of 31 days (available upon request to Police & Responsible Authorities).
 7. Premises to belong to, attend and comply with the terms and practices of the local Pub Watch Scheme.
- Needed confidence that the next Licence holder would be reliable.
 - Politely suggest additional conditions be applied and that there was a review of the operating hours, to enable us to work with the new License holder to move this premises forward.
 - These changes could be applied for a period of time to enable these measures to take effect.
 - The illegality of the drugs associated with this premises would need to change. They would need a period to address the issues with the associated customers.

Questions by the Sub-Committee:

The new License Holder had not offered any mitigations, the additional conditions submitted were from Wiltshire Council's Best Practice model. Had there been any information from the new Licence Holder since he took over two days ago, to suggest how he would manage the premises?

Answer: No, and the previous DPS remained in place at the Premises.

Environmental Health Submission:

- Support the Police in their Review of this license.
- There had been a high level of involvement from the Environmental Health team over the last 4 years. The majority of the issues were noise complaints.
- They have concerns around noise and public nuisance.
- Music was the main factor of the noise associated with the New Inn, however there were other noise complaints, aside from that associated with music.
- They were involved prior to 2018 with noise complaints from third parties in Amesbury.
- Some complaints over the last 4 years related to festival events outside the premises.
- At times it appeared the management seemed to work, there were periods where there were less complaints, at other times there were a higher level of complaints.
- In spring 2020 during a covid lockdown, in July 2020, there was an application for a TEN for a music festival, which stated that they wanted to play music at 104dbs, which is extremely loud. They were surprised

that it had been included in the application considering the advice previously provided to the licence holder over the years.

- The weekend prior to the festival the premises played live music, colleagues witnessed quite loud music during covid restrictions. It was clear that advice was not being followed and had to forward that on to the Covid Compliance officer.
- There were periods that the noise coming from the premises was recorded at such a level that was able to be considered as a statutory noise disturbance.
- The 'Stables' was a building at the rear of the premises treated acoustically where a noise limiter was in place. On visiting the residents near the premises, music from the Stables could be heard. Upon checking the Stables, they found the doors to be wide open and the music coming out was very loud.
- In August 2021 there were plans to apply for a variation to the hours for use of the Stables area. They were advised a noise limiter would be needed and was told one was installed, however on inspection they had moved the one from the main pub into the Stables. Environmental Health are not satisfied with the location of installation of noise limiter. This was indicative of the way the noise management has been approached at the premises.
- They have received regular complaints from local residents.
- They support the Police application.
- To promote a more consistent approach in the future the inclusion of conditions and removal of the Live Music Act on the licence.
- Outside area limited to background music only before 23:00
- Outside drinking area not before 23:30
- DPS – Management of access of visitors on the premises.
- All windows and doors to be closed by 23:00
- Alternative wording for the noise limiter was suggested.
- Terminal hour for Regulated entertainment to be brought back to midnight.
- If the Stables continue to have regulated entertainment – a Noise Consultant should be employed and a report produced
- A Noise management plan to be submitted to Environmental Health officers for approval

Questions:

- There had been regular involvement by Environmental Health with the premises over last 4 years, how did that compare with other venues?

Answer: There were other premises where involvement was required, however, last summer 4 late night visits were required here, and there was ongoing continued need.

- Did you believe that if conditions were added that they would be adhered to and the premises would become trouble free?

Answer: If conditions adhered to, then yes it could be managed correctly

- Had there been any proactivity in your view?

Answer: At times there had been weeks or a month where there had been positive reports, however this was short term and the situation would decline. There was inconsistency.

- Did the premises structure and location lend itself to what was required to hold events?

Answer: More limited hours for music and regulated entertainment and a more proactive effort in getting professional advice to make the right decisions rather than relying on the Licensing Authority to guide them potentially yes. . The Stables had been professionally sound proofed. They have been operating in the main pub with karaoke nights for a very long time, providing the noise limiter was in place it was achievable. The Stables would need to be looked at, in terms of the type of insulation required before music could be played without negative affect.

Relevant Representations

- Rep 1 - local resident in objection to the application
- Rep 2 - local resident in objection to the application
- Rep 3 – Representative of Beechwood Court in objection to the application

Those that had made Relevant Representations submissions:

Rep 1:

- Target area for their customers was single males from the nearby army camps.
- The premises had long operating hours until 02:00 or 03:00 hrs.
- Residents who lived closest were mainly elderly
- On Friday and Saturday evenings there was regular chaos from the pub.
- After closing, it regularly took a long time to clear the streets
- Only some taxis would agree to take them back to the Base.
- They have videos and photos available to view
- During an incident in October there were 7 Police cars and 3 military cars
- Physical damage to property occurs regularly
- It is damaging to the local tourist industry and the George hotel suffers as it has to issue rebates to guests after problems and Trip Advisor shows problems were still current.
- The License should be modified to have the same hours as other town establishments.
- Improved management and other measures are not sustainable and do not work long term.

Rep 2:

- Some residents sorry they have not had their letters accepted or they are unable to attend today due to health issues.
- It is a treat to be able to use our living room and watch the TV, we have had our weekends ruined for several years from noise coming from New Inn
- Had revellers prancing from the New Inn until 02:00 – 03:00 hrs.
- They are regularly woken up and then find it difficult to get back to sleep
- They have regularly seen young men leaving the New Inn, then vomiting, urinating and swearing loudly in the streets.
- These acts are frightening for us and our grandchildren when staying with us.

Rep 3:

- I am representing the owners of Beechwood Court as they are unable to attend.
- The Residents are unhappy about being identified due to intimidation
- 3 of 5 residents moved out due to loud music, disturbance and antisocial behaviour in the High Street, noting that there had been issues of swearing, vomiting and even finding a used condom.
- There are concerns raised about the noise in the passageway
- Trading had only recently started up again, so they expect more complaints
- Not happy about the situation but put up with it as quality properties were hard to find.

Questions:

- Had the New Inn provided a telephone number to residents, to call if there were issues?

Answer: They were given a number and an email, both were ignored and the phone put down when they realised who I was.

Summaries:

Rep 1:

The Police say the other establishments were well managed, but there had been incidents.

The Sub-Committee retired to deliberate at 12.15hrs and reconvened at 13:45hrs.

Decision

The Senior Solicitor confirmed she gave relevant legal advice to the Sub-Committee on the Licensing Objectives and evidence

The Southern Area Licensing Sub-Committee (Sub-Committee) resolved to REVOKE the Premises License LN/000043211 in respect of the New Inn 10 – 16 High Street, Amesbury, Wiltshire, SP4 7DL.

Reasons for the Decision:

Reasons for the Decision:

The Sub-Committee determined that the Licence Holder had failed to comply with its

obligations in respect of the following licensing objectives; -

- i. The Prevention of Crime and Disorder
- ii. Public Safety
- iii. The Prevention of Public Nuisance

Whilst the Sub-Committee acknowledges the Premises Licence was transferred to the current Licence Holder on 24 January 2022, the Sub-Committee did not hear from the new Licence Holder about his intentions on addressing the issues of crime and disorder, public safety and prevention of public nuisance which had caused the Police to seek a review of the Premises Licence.

The Sub-Committee heard evidence from;

1. The Police as the Review Applicant regarding significant levels of crime and disorder both inside and outside of the premises and during and after opening hours, caused by Patrons of the premises and the failure of the previous Licence Holder to properly engage with the Police regarding the crime and disorder. The Sub-Committee did not consider it necessary to view the video evidence offered by the Police and it was noted from the Police that the current Designated Premises Supervisor (DPS) remains in place.

2. The Licensing Authority regarding the failure to promote the licensing objectives through the mis-management of the premises; anti-social behaviour by the patrons of the premises taking place during opening hours and after closing time, which was not appropriately managed by the previous licence holder and the high level of complaints received about both anti-social behaviour and noise of patrons attending the premises.

3. The Environmental Health Officer regarding the high levels of noise from music including music festivals taking place at the premises, raised voices of patrons attending the premises and the failure by the previous licence holder to manage the noise levels. No noise management plan has been submitted to Environmental Health by the current Licence Holder.

4. Three residents living nearby to the premises who had made representations regarding the adverse effect of the noise and general anti-social behaviour taking place both during the evenings and early hours of the morning after the premises had closed. The Sub-Committee was not presented with oral

evidence or information from the current Licence Holder on how they intended to manage the premises in the future. The current Licence Holder was informed of the date, time and location of the review hearing and their right to attend and be represented.

In reaching its decision, the Sub-Committee took account of and considered all of the documentary and oral evidence from the Wiltshire Police, the Licensing Authority, Environmental Health and the and the ten relevant representations received of which three also gave oral evidence to the Sub- Committee.

Conclusions

In view of the evidence heard, the Sub-Committee concluded that they could have no confidence in the ability of the current Licence Holder to adequately address the failings of the previous licence holder to promote the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance, given the previous history of the management of the premises. The Sub-Committee also concluded that the imposition of additional licence conditions, or the temporary suspension of the Licence would not result in the required changes and improvements necessary to promote the licensing objectives and that revocation of the licence was the only practical option and was one which was both proportionate and necessary to meet the licensing objectives.

The Sub-Committee considered that in the circumstances a fresh licence application was the best way to appropriately address all the issues concerning the serious antisocial behaviour, public nuisance and public safety and would give a new applicant an opportunity to demonstrate that they could positively and proactively promote the licensing objectives.

The Sub-Committee therefore concluded, on the basis of the evidence presented, that revocation of the licence that the only option available to it and that such revocation was reasonable, proportionate and necessary to promote the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

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 2018 issued under Section 182 of the Licensing Act 2003 and the Licensing Policy of Wiltshire Council.

Effective date of Decision

The parties were informed that this decision will not take effect until the end of the period within which an appeal can be made or, if such an appeal is made, until that appeal has been finally determined.

Right to Appeal

The parties were informed that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or 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. The decision of the Licensing Sub-Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee does not take effect until any appeal is heard and finally determined.

- 17 **Appendix 1 - Current Premises Licence**
- 18 **Appendix 2 - Amended Appendix to Application**
- 19 **Appendix 3 - Letter to Police**
- 20 **Appendix 4 - Police Response to Letter**
- 21 **Appendices 5, 5a, 5b & 5c - Application & Evidence for a Review by Wiltshire Police**
- 22 **Appendices 6a - 6l- Relevant Representations**
- 23 **Appendix 7 - Location Plan of Premises and surrounding area**
- 24 **Appendix 8 - Timeline of Applications - New Inn, Amesbury**
Additional Conditions provided at Hearing

(Duration of meeting: 11.00 am - 1.50 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

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

Police Proposed Conditions

The police ask that favourable consideration be given to the conditions of the premises licence being varied as follows:

Existing Conditions to Remain:

The outside area will be limited to background music only (not regulated entertainment), which will be inaudible beyond the perimeter of the premises. This will be limited to April to September inclusive. KEEP - Exception of 2 x 1 day music festivals a year?

The background music outside will cease at or before 23:00hrs. KEEP

The use of the external drinking area will cease at or before 23:30hrs. KEEP

Entrance and exit to the 'sound proofed' function room will always be via the acoustic lobby which has two sets of doors, so music does not escape. KEEP

Notices will be displayed reminding customers to respect neighbours and leave quietly. KEEP

The DPS (or nominee) will manage the exit of customers from the premises so as to prevent public nuisance. KEEP

All windows and doors closed from 23:30hrs. KEEP

A noise limiter will be provided to limit the sound from both live and recorded music to prevent public nuisance. Alternative wording- see below

New Controls

Alcohol sales to cease at 23:00 hrs

Premises to close at 23:30 hrs

CCTV to be installed and all staff to be fully trained in its' use and the supply of content to relevant authorities.

As it has been challenging to get consistently effective management of music noise levels in The Stables function room, we recommend that the terminal hour for regulated entertainment is brought back to 23:00.

DPS, or a representative to attend the local Pubwatch Scheme Meetings regularly for as long as that scheme should exist.

CCTV to be installed and all staff to be fully trained in both its' operation and process for supplying footage to relevant authorities. Cameras to cover the front entrance, the main bar, the courtyard, and The Stable Function Room interior and exterior.

4 x door staff to be present from 20:00 hrs until close on Thursday, Friday, and Saturday evenings. This to be increased to 6 for regulated entertainment functions.

The premises shall engage an acoustician to advise on suitable mitigation measures and demonstrate that they are able to carry out

the requested activities without causing a public nuisance. The acoustician shall produce a report to be submitted in writing to the Environmental Health Officer. This report must detail measures to control noise from all types of music and people noise. These mitigation measures must be incorporated into a noise management plan.

A Noise Management Plan (NMP) shall be submitted and agreed in writing by the Environmental Health Officer and implemented fully thereafter. The NMP shall include details of how all noise related issues will be managed including live, recorded, and unamplified music. Any changes to the NMP must be agreed in writing with the Environmental Health Officer. The agreed Noise Management Plan must be always adhered to.

The noise management plan must include:

Target sound levels at key monitoring points close to the boundary with residential premises to allow The New Inn to undertake their own validation monitoring during events to ensure that noise controls are working.

Written observations shall be made at agreed points on the premise's perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.

The Premises Licence Holder shall purchase and arrange for the installation of a noise limiting device in The Stables and the main pub, the specification and design to be agreed with the Environmental Health Officer. The device shall be fitted so that all regulated entertainment is channelled through the devices. The maximum noise levels shall be set in agreement with the Environmental Health Officer. The settings of the noise limiter(s) shall not be adjusted unless agreed by Environmental Health Officer and in the presence of the licence holder.

LA Proposed Conditions

LA seeking the following additional conditions:

- Staff training - Instruction, training and supervision on the Licensing Act 2003, and related best practice will be provided to all staff on induction and on an ongoing basis. Records of which will be maintained and made available to police or authorised local authority officers, on request. T
- A written management structure is in place setting out roles and responsibilities and all staff are fully conversant with who does what
- A Challenge 25 policy shall be operated. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy and this shall be recorded in training records and kept on the premises. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in the refusals book, identifying the member of staff who refused the sale.
- Challenge 25/ Age verification posters will be prominently displayed.
- The Designated Premises Supervisor, or a nominated Personal Licence Holder, will be present on the premises during key trading times Thursday, Friday, Saturday, Sunday and bank holidays - and during any other periods when an event is taking place, which may impact on attendance.
- The Premises shall operate an Incident/Refusals Book, and record the date, name, address, and reason why refused, such as Alcohol Levels or behavior. The Incident/Refusal Book shall be an A4 Hard backed 'page to a day' Diary and shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the business is open and trading and upon any reasonable request.
- CCTV equipment will be installed and fully maintained to cover all trading areas, entrances, and exits when the premises is open to the public. The CCTV will be of sufficient quality so as to produce images which will enable identification; images will be securely stored for a minimum of 31 days and are to be made available upon request, to any authorised officer of the Licensing Authority or Police
- The Premises will belong to the Pub watch scheme, where such a scheme exists, and any alternative network designed to promote the licensing objectives. A representative of the premise will attend, and the premises will comply with the terms of the Pub watch scheme regarding the exchange of information and the enforcement of banning procedures.

This page is intentionally left blank

E. H. Proposed Conditions

If members are minded not to revoke the licence, to bring about a more robust noise management they may wish to consider the following:

- 1) Live music act relaxations are removed from the licence so that conditions relating to music noise are applicable before 23:00.

Existing conditions

- The outside area will be limited to background music only (not regulated entertainment), which will be inaudible beyond the perimeter of the premises. This will be limited to April to September inclusive. *KEEP – Exception of 2 x 1 day music festivals a year*
 - The background music outside will cease at or before 23:00hrs. *KEEP*
 - The use of the external drinking area will cease at or before 23:30hrs. *KEEP*
 - Entrance and exit to the 'sound proofed' function room will always be via the acoustic lobby which has two sets of doors, so music does not escape. *KEEP*
 - Notices will be displayed reminding customers to respect neighbours and leave quietly. *KEEP*
 - The DPS (or nominee) will manage the exit of customers from the premises so as to prevent public nuisance. *KEEP*
 - All windows and doors closed from 23:30hrs. *KEEP*
 - A noise limiter will be provided to limit the sound from both live and recorded music to prevent public nuisance. Alternative wording– see below
- 2) As it has been challenging to get consistently effective management of music noise levels in The Stables I recommend the terminal hour for regulated entertainment is brought back to 23:30 or midnight.
 - 3) The premises shall engage an acoustician to advise on suitable mitigation measures and demonstrate that they are able to carry out the requested activities without causing a public nuisance. The acoustician shall produce a report to be submitted in writing to the Environmental Health Officer. This report must detail measures to control noise from all types of music and people noise. These mitigation measures must be incorporated into a noise management plan.
 - 4) *A Noise Management Plan (NMP) shall submitted and agreed in writing by the Environmental Health Officer and implemented fully thereafter. The NMP shall include details of how all noise related issues will be managed including live, recorded and unamplified music. Any changes to the NMP must be agreed in writing with the Environmental Health Officer. The agreed Noise Management Plan must be adhered to at all times.*

The noise management plan must include:

- target sound levels at key monitoring points close to the boundary with residential premises to allow The New Inn to undertake their own validation monitoring during events to ensure that noise controls are working.
 - written observations shall be made at agreed points on the premises perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.
- 5) *The Premises Licence Holder shall purchase and arrange for the installation of a noise limiting device in The Stables and the main pub, the specification and design to be agreed with the Environmental Health Officer. The device shall be fitted so that all regulated entertainment is channelled through the devices. The maximum noise levels shall be set in agreement with the Environmental Health Officer. The settings of the noise limiter(s) shall not be adjusted unless agreed by Environmental Health Officer and in the presence of the licence holder.*

- target sound levels at key monitoring points close to the boundary with residential premises to allow The New Inn to undertake their own validation monitoring during events to ensure that noise controls are working.
 - written observations shall be made at agreed points on the premises perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.
- 5) *The Premises Licence Holder shall purchase and arrange for the installation of a noise limiting device in The Stables and the main pub, the specification and design to be agreed with the Environmental Health Officer. The device shall be fitted so that all regulated entertainment is channelled through the devices. The maximum noise levels shall be set in agreement with the Environmental Health Officer. The settings of the noise limiter(s) shall not be adjusted unless agreed by Environmental Health Officer and in the presence of the licence holder.*

This page is intentionally left blank

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 31 MARCH 2022 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Application for a Premises Licence made by One Dream Amesbury Ltd with to the New Inn, 10-16 High Street, Amesbury, Wiltshire, SP4 7DL

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Kevin Daley

Also Present:

Carla Adkins – Public Protection, Licensing Officer
Lisa Alexander – Senior Democratic Services Officer
Sarah Marshall – Senior Solicitor, Legal Services
Stephen Brindley – Applicant
Damien Kuczera - Supporting the Applicant
Alastair Day, Licensing Officer, Wiltshire Police
Inspector Tina Osborn – Wiltshire Police
Rep 3 – Objection
Rep 4 – Objection
Rep 11 – Support
Rep 12 – Support
Rep 13 – Support

25 Election of Chairman

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

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

26 Apologies for Absence/Substitutions

Apologies were received from:

Cllr Tim Trimble, who was substituted by Cllr Kevin Daley.

27 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” as set out in the agenda.

28 **Chairman's Announcements**

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

29 **Declarations of Interest**

There were no interests declared.

30 **Licensing Application**

An application for a Premises Licence in respect of The New Inn, High Street, Amesbury has been made by One Dream Amesbury Ltd

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 Premises Licence, presented by Carla Adkins (Public Protection Officer – Licensing) for which 14 relevant representations had been received, 11 against and 3 in favour of the application. A Noise Management Plan had been uploaded to the online agenda as Supplement 1.

The application was for the following licensable activities:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (indoors)	11:00 – 23:00	Mon – Sat
Indoor sporting events	12:00 – 22:00	Sun
Live music (indoors and outdoors)		
Recorded music (indoors and outdoors)	11:00 – 23:00 11:00 – 01:00	Mon-Wed Thur

Outside music to cease at 23:00	11:00 – 02:00 11:00 – 22:30	Fri – Sat Sun
Provision of late night refreshment (indoors and outdoors)	23:00 – 01:00 23:00 – 02:00	Thur Fri - Sat
Sale by retail of alcohol (on site and off sales)	11:00 – 23:00 11:00 – 01:00 11:00 – 02:00 11:00 - 22:30	Mon - Wed Thur Fri- Sat Sun
Hours Open to the Public	11:00 – 23:30 11:00 – 01:30 11:00 – 02:30 11:00 - 23:00	Mon – Wed Thur Fri – Sat Sun

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

1. To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the designated premises supervisor.
4. To reject the application

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

On behalf of the Applicant

- Mr Stephen Brindley – One Dream Amesbury Ltd
- Damien Kuczera – Representing Applicant

Relevant Representations

- Rep 3 - local resident in objection to the application
- Rep 4 - local resident in objection to the application
- Rep 8 - local resident in objection to the application
- Rep 11 – local resident in support to the application
- Rep 12 - local resident in support to the application
- Rep 13 - local resident in support to the application

Responsible Authorities

- Alastair Day, Police Licensing Officer on behalf of Wiltshire Police

The Chair advised that the written representations included in the agenda pack, had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant, Mr Brindley, spoke in support of the application, highlighting the following points:

- The venue had been through a number of licensees over last few years and it was accepted that it had not been able to maintain the Licensing Objectives
- A Late Night license had previously been in operation
- Mr Brinley made it clear he would be unable to operate the venue without a Late-Night licence, noting that any other applicant would also be unable to make a success without it.
- He stated he had the support of the other managers of venues in the town.
- Customers would be unlikely to visit the New Inn without the Late Night License, after having a meal at the other pubs offering dining in the area.
- Table in report showed that other premises closed at 23:00, so to have a later closing time would spread out the closing times and dissipate those leaving through the Town.
- Procedures exist to allow new applicants to prove themselves and not be judged on the actions of previous licence holders.
- The arguments in objection were speculative
- He agreed to further concessions such as the removal of Live Music and the reduction of the Licensed Area premises.
- The Police would be welcomed at the premises
- He noted that it was a testament to how well-run other venues were, that there had been a reduction incidents since the previous license was removed in January 2022.
- There was no threat to Licensing Objectives
- The venue would be run responsibly and honestly by an experienced licensee.
- He had a strong operating model and additional measures
- Thirteen jobs would be provided - Supporting the economy, taxis and other restaurants
- The internal layout would change and he would remove promotions and live music from the offer, along with providing better management and security.

Sub Committee Member's questions

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

- The Carpark would be fenced off with increased security, ensuring it was only used by staff for parking. The applicant agreed that it could be taken out of the licensed area. The rear outside area would be retained within the licensed area.
- The capacity inside was 200 and the courtyard capacity was 200.
- There was a smoking area in the courtyard.
- No one would be able to access the car park with cigarettes or drinks, as there would be a fence where the current gate was.
- The main entrance would be as it currently was, with a single point of entry, which could be secured by a security team.
- The Applicant had emailed to propose the removal of the function room, advising that they did not require Live music and that background music would stop at 23:00hrs.
- The Noise Management Plan (NMP) at page 101 referenced the function room. The Applicant confirmed that the NMP would need to be edited to reflect the removal of the function room.
- The premises would play music from the duke box but confirmed that karaoke would not take place.
- Food service would run from 12:00 – 21:00hrs.
- The vision for the premises was to target a more mature clientele and he hoped to attract customers from other nearby food serving venues, for after meal drinks.

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:

- None

Responsible Authorities' submissions

Wiltshire Police, objected to the application on the grounds that the premises licence as applied for, would undermine the licensing objectives of, the prevention of crime and disorder, the prevention of public nuisance and that of public safety. Points raised included:

- They were not objecting to the application of the licence as a whole, however objected to some aspects of the operating schedule.
- A new person has been taken on since the New Inn closed its doors in January 2022.
- Reports of ASBO have reduced to zero
- The 7 calls had been received since 31 Dec 2021 from licensed premises were relating to minor matters. The worst incident was when a group of 18 were refused entry to a premises and became difficult.

Military & civilian Police arrived on the scene to provide appropriate support and public order .

- There had been a much-needed reprieve to the emergency services during the closure of the New Inn.
- A request for reduced hours was made.
- It was noted that Security staff could not be positioned along the stretch of street where people gathered after leaving.
- Other venues were well managed, and the Bell closed its doors by 00:00hrs.
- There was concern that a high proportion of the previous clientele would return to the Premises.
- It was suggested that the sale of alcohol would ideally cease at 23:00 hrs with there being opportunity to increase the hours after an initial 6 – 12 month trial period.

The Police Inspector supported the comments of the Police Licensing Officer, adding that there had been a positive impact on crime statistics across the whole of Amesbury community Policing area since the closure of the New Inn. The issuing of a Late Night License would likely see an increase in Crime and Disorder, and the Police asked that the hours be restricted to 23:00hrs and that a clear operating procedure be set out to satisfy Police concerns.

Sub Committee Members' questions

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

- In Amesbury, as part of the Pubwatch scheme, if someone is banned from one pub, then they are banned from all Amesbury pubs who take part in the scheme.
- The previous clientele had dispersed to Salisbury and Andover, where there had been reported issues.
- The Applicant noted that he would operate a zero tolerance policy on antisocial behaviour and over intoxication, as he did in his other premises where he also operated his own banning policy outside of any Pubwatch scheme.

Submissions from those who made relevant representations

Rep 8

- Requested the garden area be closed from 23:00hrs
- Object to any music live or recorded from the garden area

- Music every afternoon was unacceptable close to residential properties
- It was now not the peaceful retirement area that was expected

Rep 3

- There had been excessive people and music noise in the past until closure.
- The proposed hours of opening were not compatible to family venue or the residential area.
- They have had past experience of a premises with a Late Night closure
- There was a lack of transport for military clientele resulting in lingering of clientele until 03:00hrs.
- There were incidents of vomiting and urination around the town
- The George and The Bell closed by midnight because they have chosen to as their licenses permitted longer opening hours.
- There was no definition of what background music was
- There would be shouting over the background music which added to the overall noise level.
- There was no need for outside music live or recorded.
- Successful well organised pubs do not need music in gardens.

Rep 4

- Street disturbances had been minor since closure.
- Problems arose from mainly military clientele
- Trained security staff are not needed if it is a family pub
- Amesbury is suited as a tourist centre given local attractions, yet cannot exploit this or the new tourist centre because of the night-time economy
- Think restricted hours to 23:00 would be more suitable
- Accumulative effect, with more premises, there would be more people brought in drinking

Rep 12

- The management practices the applicant had in place at his other venue were commendable
- I am a client at the applicants other premises, the Kings Arms, which was very well run.
- Respect was given by the clientele and would continue in the New Inn
- To punish this applicant for the actions of the previous license holder would be unfair and immoral.
- Social media had shown that the majority of local people wanted to see the pub open again.
- The problems were not evident before the last licensee

Rep 13

- Support the application
- The population for the area had grown over the years vastly

- Amesbury had lost the Greyhound Pub as it had been changed to accommodation
- Military personnel were re-settling in the garrisons and needed somewhere to go
- It would be detrimental to the town if this pub did not stay open.
- The town was becoming notably diminished, where it used to be a vibrant town

Sub Committee Members' questions

The Sub-Committee had no questions.

Questions from the Applicant:

In response to questions from the Applicant, the following points of clarification were given:

- There would still be background music if the premises shut at 23:00.

Closing submissions from those who made relevant representations

- The night time economy has an impact on the daytime economy.
- Amesbury was not a garrison town

Closing submissions from Responsible Authorities

In their closing submission, Wiltshire Police highlighted the following:

- Since the closure of the New Inn, other pubs had seen an increase in trade and less incidents, as they were just better managed. If music was removed from the license, you would see a different type of clientele than before.

Applicant's closing submission

- The Applicant had measures in place to manage any issues.
- In terms of natural justice and fairness, the Applicant should be given a chance.

Points of Clarification Requested by the Sub Committee

No final points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 12:03 and retired with the Senior Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application and reconvened at 12:45.

The Senior Solicitor confirmed that she gave the Sub-Committee brief relevant legal advice on the licensing objectives and evidence.

Decision

The Southern Area Licensing Sub-Committee resolved to **GRANT** the Application for a Premises License, made by One Dream Amesbury Ltd in respect of the New Inn 10 – 16 High Street, Amesbury, Wiltshire, SP4 7DL to include the activity and timings as detailed below and subject to the following conditions:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (indoors)	11:00 – 23:00	Mon – Sat
Indoor sporting events	12:00 – 22:00	Sun
Recorded Music (Indoors and Outdoors)	11:00 – 23:00	Mon – Wed
	11:00 – 24:00	Thurs
	11:00 – 01:00	Fri – Sat
Outside music to cease at 23:00	11:00 – 22:30	Sun
Provision of late-night refreshment (Indoors only)	23:00 – 24:00	Thur
	23:00 – 01:00	Fri - Sat
Sale by retail of alcohol (On site and off sales)	11:00 – 23:00	Mon – Wed
	11:00 – 24:00	Thurs
	11:00 – 01:00	Fri – Sat
	11:00 – 22:30	Sun
Hours open to the public	11:00 – 23:30	Mon – Wed
	11:00 – 00:30	Thurs
	11:00 – 01:30	Fri – Sat
	11:00 – 22:30	Sun

Conditions:

1. The amended Licensed Area Plan (Supplement 1) is accepted subject to the removal of the car park area.
2. The Applicant to provide a designated telephone number to be made available to local residents and operational during opening hours.
3. A noise Management Plan (NMP) shall be submitted within 30 days of the licence being granted for agreement in writing by the Environmental Health Officer and implemented fully thereafter. The NMP shall include details of how all noise related issues will be managed. Any changes to the NMP must be agreed in writing with

the Environmental Health Officer. The agrees NMP must be adhered to at all times.

4. Within 30 days of the licence being granted, the Premises Licence holder shall purchase and arrange for the installation of a noise limiting device in the main pub, the specification and design to be agreed with the Environmental Health Officer.
5. The noise limiting device shall be fitted so that all regulated entertainment is channelled through the device. The maximum noise levels shall be set in agreement with the Environmental Health Officer. The setting of the noise limiter(s) shall not be adjusted unless agreed by the Environmental Health Officer and in the presence of the Licence holder. External noise levels shall not exceed normal conversation levels after 21:00 and be included within the NMP.

Right to Appeal

The parties were informed that the Premises Licence Holder and any Responsible Authority or 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. The decision of the Licensing Sub-Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee does not take effect until any appeal is heard and finally determined.

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.

- 31 **Appendix 1 - New Inn Application**
- 32 **Appendix 2 - Amesbury Premises Map**
- 33 **Appendices 3a - 3n - Representations**
- 34 **Appendix 4 - Maps of Representations**
- 35 **Appendix 5 - Conditions agreed with Environmental Protection & Control**
- 36 **Appendix 6 - Letter to respond to consultation period**
- 37 **Appendix 7 - Noise Management Plan - Proposed New Inn Updated**

(Duration of meeting: 11.00 am)

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

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

This page is intentionally left blank

Southern Area Licensing Sub Committee

**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

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 (Performance of Plays, Exhibition of Film, Live Music, Recorded Music, Performance of Dance)	Thursday –Saturday	08:00 –03:20
Late Night Refreshment	Thursday –Saturday	08:00 –03:20
Opening Times	Thursday -Saturday	08:00 –03:20

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

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk