

AGENDA

Meeting: Southern Area Licensing Sub Committee
Place: The Enterprise Network, Salisbury Old Fire Station, Salt Lane, Salisbury SP1 1DU
Date: Thursday 5 October 2017
Time: 10.00 am
Matter: Review of a Premises Licence: Queens Arms, Ivy Street, Salisbury, SP1 2AY

Please direct any enquiries on this Agenda to Lisa Moore Democratic Services, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.moore@wiltshire.gov.uk

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

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

Membership:

Cllr Trevor Carbin
Cllr Jose Green

Cllr Mike Hewitt
Cllr Robert Yuill (Substitute)

Substitutes:

Cllr Robert Yuill

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Election of Chairman**

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

2 **Apologies for Absence/Substitutions**

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

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

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

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

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

6 **Licensing Application** *(Pages 13 - 18)*

To determine an application for a Review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY made by Wiltshire Council's Public Protection Team.

6a **Appendix 1 - Premises Licence** *(Pages 19 - 32)*

6b **Appendix 2 - Noise Management Plan** *(Pages 33 - 34)*

6c **Appendix 3 - Current Layout of Premises** *(Pages 35 - 36)*

6d **Appendix 4 - Location Plans** *(Pages 37 - 38)*

6e **Appendix 5 - Application for Review** *(Pages 39 - 46)*

- 6f **Appendix 6 - Evidence Submitted by Public Protection** (*Pages 47 - 180*)

- 6g **Appendix 7 - Relevant Representations** (*Pages 181 - 186*)

- 7 **Hearing Report** (*Pages 187 - 192*)

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

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

2 Definitions

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

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

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

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

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

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

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

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

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

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously

made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person/s or their representative who have made a Relevant Representation.

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

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

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

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

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

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

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

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;

- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - a refuse to permit them to return;
 - b permit them to return only on such conditions as the Committee may specify;
 - c in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a number of people who have made a Relevant Representation who have attended the Hearing to make the same

representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made a Relevant Representation.

5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

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

5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:

5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:

- a the options available to it;
- b the considerations that are relevant in reaching its decision.

5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:

- a presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
- b confirming key information and answer pertinent questions; and
- c calling witnesses in support of the Application (see paragraph 4.3).

A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:

- a the grounds of the representation to the Application; and
- b any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation; and
- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.

6 Questioning of Submissions

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

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who has made a Relevant Representation's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

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

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

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.

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

10 Closing Submissions

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

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Review Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson invites the Sub Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or any person who has made a Relevant Representation and the Premises Licence Holder and/or their representative to introduce themselves.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report and outlines the application.
6. The Review Applicant and/or their representative address the Sub Committee to present their case.
7. Questions to the Review Applicant by Members of the Sub Committee, any Responsible Authorities and/or any person's who have made a Relevant Representation and the Premises Licence Holder.
8. Responsible Authorities and/or any person/s who have made a Relevant Representation address the Sub Committee.
9. Questions to any of the Responsible Authorities and/or any person's who have made a Relevant Representation by Members of the Sub Committee, the Review Applicant and the Premises Licence Holder.
10. The Premises Licence Holder and/or their representative address the Sub Committee to present their case.
11. Questions to the Premises Licence Holder by Members of the Sub Committee, any Responsible Authorities and/or any person/s who have made a Relevant Representation and the Review Applicant.
12. Summing up by the Responsible Authorities and/or any person's who have made Relevant Representations.
13. Summing up by the Premises Licence Holder.
14. Summing up by the Review Applicant.
15. The Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
16. The Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
17. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

5th October 2017

Application for a Review of a Premises Licence: Queens Arms, Ivy Street, Salisbury, SP1 2AY

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY made by Wiltshire Council's Public Protection Team.

2. Background Information

- 2.1 An application for a review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY has been made made by Patricia Morse, Public Protection Team, for which 3 relevant representations have 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 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps as it considers necessary for the promotion of the licensing objectives.

- 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 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.

Government Guidance issued under s.182 of the Licensing Act 2003 states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

- 2.5 Following a hearing which took place on 10 August /2005 the original premises licence for the Queen's Arms was granted under the Licensing Act 2003 on 11th October 2005. Since this date there have been several changes to the premises licence and the current copy is attached as **Appendix 1**. The current licence allows the following licensable activities :-

Licensable Activity	Hours
Indoor Sporting Events Recorded Music(Indoors) Anything Similar(Indoors) Provision of facilities for making music(Indoors) Provision of Facilities for Dancing(Indoors)	Monday – Sunday 1000 – 2300
Live Music (Indoors)	Monday – Sunday 1000 - 2200
Late Night Refreshment (Indoors)	Sunday – Wednesday 2300 – 0030 Thursday – Saturday 2300 - 0230
Sale or Supply of alcohol On & Off the Premises	Sunday – Wednesday 0700 -0000 Thursday –Saturday 0700 – 0200
Opening Hours	Sunday – Wednesday 0700 -0030 Thursday – Saturday 0700 -0230

- 2.6 On 27th February 2016 a noise abatement notice was served on the Designated Premises Supervisor (DPS), Mr Adrian Sainsbury following complaints received from several members of the Public regarding amplified music being played in the Barn Area of the Premises. This notice was appealed by Mr Sainsbury and was heard at Salisbury Magistrates Court on 11th May 2016 where the notice was upheld.
- 2.7 After the Abatement Notice was served, an application to vary the Premises Licence was made on 15th March 2016 to allow Live music to take place in the Barn area As a result of several objections a Hearing date was set but the application was withdrawn before the hearing took place.
- 2.8 A further Variation application was made on 8th September 2016. The variation was to include the Barn area on the premises licence. The licence was granted on 11th October 2016 with the following conditions:-

- Live Music will not be played in the Barn area.
- Discos will not take place in the Barn area
- Live Sporting Events will not be shown in the Barn Area
- The Barn Area will not be permitted to operate after 2300
- Numbers will be limited in the Barn Area to 40 persons.
- Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. All aspects of the Noise Management Plan will be adhered to.
- Any changes to the noise management plan must be agreed in writing by the Licensing Authority and EHO before any changes to the Noise management plan are made.

2.9 The Noise Management Plan mentioned above is attached as **Appendix 2**.

2.10 Following the grant of the variation a number of complaints continued to be received with regards to music from the Premises

2.11 The current layout of the premises is attached as **Appendix 3** with a location plan attached as **Appendix 4**.

3. Details of the Grounds for Review

3.1 The review of the licence has been requested on the grounds that the management of the premises has been conducted in such a manner as to prejudice the licensing objectives. Although the DPS has changed the same people are running the business. The grounds for review are:-

- Failure of the premise to comply with the licence conditions attached to the licence, in particular the Noise Management Plan which details how to appropriately manage, monitor and control levels of amplified music played inside the premises.
- Failure to promote the licensing objective of prevention of public nuisance
- Lack of confidence in the robust management of this premise.

3.2 The application for review is attached as **Appendix 5**. The evidence relied upon in support of the application is contained within **Appendix 6**.

4. Consultation and Representations

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, County Hall. During the consultation period no relevant

representations were received from the responsible authorities and 3 relevant representation have been received from members of the public.

- Mr William & Mrs Nesta Jones, 10 Ivy Street, Salisbury, SP1 2AY
- Ms Dorothy Gurd, 14 Antelope Court, Brown Street, Salisbury, SP1 2AR
- Ms Lisa Rivers, 11, Antelope Court, Brown street, Salisbury, SP1 2AR

The relevant representations are attached as **Appendix 7**.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

5. Legal Implications

5.1 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.

5.2 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.

5.3 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.

6. Officer Recommendations

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

7.1 It should be noted that the Premises Licence Holder and those who have made relevant 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.

7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not come into effect until the end of the period for appealing the decision, or until any appeal is heard and any decision made by the Magistrates Court.

7.3 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.

Report Author: Ian Garrod

Ian Garrod, Public Protection Officer (Licensing)

Date of report: 21/09/2017

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 Licensing Policy**

Appendices

- 1 Premises licence**
- 2 Noise management Plan**
- 3 Current Layout of premises**
- 4 Location plans**
- 5 Application for review**
- 6 Evidence submitted by Public Protection Team**
- 7 Relevant representations**

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PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Hrs premises open to public	The whole Premises	Sunday	07:00	00:30		
		Monday	07:00	00:30		
		Tuesday	07:00	00:30		
		Wednesday	07:00	00:30		
		Thursday	07:00	02:30		
		Friday	07:00	02:30		
		Saturday	07:00	02:30		
Non Standard Timings & Seasonal Variations	New Years Eve up to 0230 January 2					
Indoor Sports Event Live Music Recorded Music Similar to any Music or Dance Facilities for music Facilities for dancing	Indoors	Sunday	10:00	23:00		
		Monday	10:00	23:00		
		Tuesday	10:00	23:00		
		Wednesday	10:00	23:00		
		Thursday	10:00	23:00		
		Friday	10:00	23:00		
		Saturday	10:00	23:00		
Non Standard Timings & Seasonal Variations	UP to 0200 on 1 January					
Late Night Refresh	Indoors	Sunday	23:00	00:30		
		Monday	23:00	00:30		
		Tuesday	23:00	00:30		
		Wednesday	23:00	00:30		
		Thursday	23:00	02:30		
		Friday	23:00	02:30		
		Saturday	23:00	02:30		
Non Standard Timings & Seasonal Variations	New Years Eve up to 0230 January 2 These hours do not apply to the sale or supply of alcohol persons residing at the Premises or their private friends					

Alcohol Sales	ON and OFF Sales	Sunday	07:00	00:00		
		Monday	07:00	00:00		
		Tuesday	07:00	00:00		
		Wednesday	07:00	00:00		
		Thursday	07:00	02:00		
		Friday	07:00	02:00		
		Saturday	07:00	02:00		
Non Standard Timings & Seasonal Variations	New Years Eve up to 0200 January 2 These hours do not apply to the sale or supply of alcohol persons residing at the Premises or their private friends					

Licence Commencement Date

11th October 2005

Licensing Officer

Current Licence Date

8th August 2017

Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol

1. Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:-
- (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Irresponsible Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or.
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);.

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

Free Tap Water

1. The responsible person must ensure that free potable tap water is provided on request to customers where it is reasonably available. *(This means that responsible persons at all premises must ensure customers are provided with potable (drinking) water for free if they ask for it.)*

Age Verification Policy

1.
 - (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - i. a holographic mark, or.
 - ii. an ultraviolet feature.

Drink Volume Measures

1. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
2. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and.
3. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Permitted Price

1.
 - (a) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (b) For the purposes of the condition set out in paragraph 1—
 - A. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - B. “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - C. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - D. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - E. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
2. Where the permitted price given by Paragraph B of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
3. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph B of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

- i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2A – CONVERTED CONDITIONS

- None

ANNEX 2B – OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- Noise levels will be controlled by the Designated Premises Supervisor (or nominee) after 23:00hrs to prevent nuisance to neighbours.
- Live Music will not be played in the Barn area.
- Discos will not take place in the Barn area
- Live Sporting Events will not be shown in the Barn Area
- The Barn Area will not be permitted to operate after 2300
- Numbers will be limited in the Barn Area to 40 persons.
- Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. All aspects of the Noise Management Plan will be adhered to.
- Any changes to the noise management plan must be agreed in writing by the Licensing Authority and EHO before any changes to the Noise management plan are made..
- During events held at the premises windows and doors at the premises shall be kept closed except for access and egress.

PUBLIC SAFETY

- Indoor sporting events shall be limited to those normally described as pub games.

PROTECTION OF CHILDREN FROM HARM

- Approved photographic proof of age will be required to be shown by anyone seeking to purchase alcohol who appears to be under 21 years of age.

PREVENTION OF CRIME AND DISORDER

- Instruction, training and supervision on the Licensing Act 2003, drug awareness and related best practise will be provided to all staff during induction and on an ongoing basis. Records of which will be maintained.
- The DPS (or nominee) will be an active member of the local Pubwatch Scheme, so long as it exists.

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING

- None

ANNEX 4 – PLANS

Attached Separately
Dated: 29.09.2016

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Hrs premises open to public	The whole Premises	Sunday	07:00	00:30		
		Monday	07:00	00:30		
		Tuesday	07:00	00:30		
		Wednesday	07:00	00:30		
		Thursday	07:00	02:30		
		Friday	07:00	02:30		
		Saturday	07:00	02:30		
Non Standard Timings & Seasonal Variations	New Years Eve up to 0230 January 2					
Indoor Sports Event Live Music Recorded Music Similar to any Music or Dance Facilities for music Facilities for dancing	Indoors	Sunday	10:00	23:00		
		Monday	10:00	23:00		
		Tuesday	10:00	23:00		
		Wednesday	10:00	23:00		
		Thursday	10:00	23:00		
		Friday	10:00	23:00		
		Saturday	10:00	23:00		
Non Standard Timings & Seasonal Variations	UP to 0200 on 1 January					
Late Night Refresh	Indoors	Sunday	23:00	00:30		
		Monday	23:00	00:30		
		Tuesday	23:00	00:30		
		Wednesday	23:00	00:30		
		Thursday	23:00	02:30		
		Friday	23:00	02:30		
		Saturday	23:00	02:30		
Non Standard Timings & Seasonal Variations	New Years Eve up to 0230 January 2 These hours do not apply to the sale or supply of alcohol persons residing at the Premises or their private friends					

Alcohol Sales	ON and OFF Sales	Sunday	07:00	00:00		
		Monday	07:00	00:00		
		Tuesday	07:00	00:00		
		Wednesday	07:00	00:00		
		Thursday	07:00	02:00		
		Friday	07:00	02:00		
		Saturday	07:00	02:00		
Non Standard Timings & Seasonal Variations	New Years Eve up to 0200 January 2 These hours do not apply to the sale or supply of alcohol persons residing at the Premises or their private friends					

Licence Commencement Date

11th October 2005

Licensing Officer

Current Licence Date

8th August 2017

Licensing Officer

Queens Arms, Ivy Street, Salisbury.

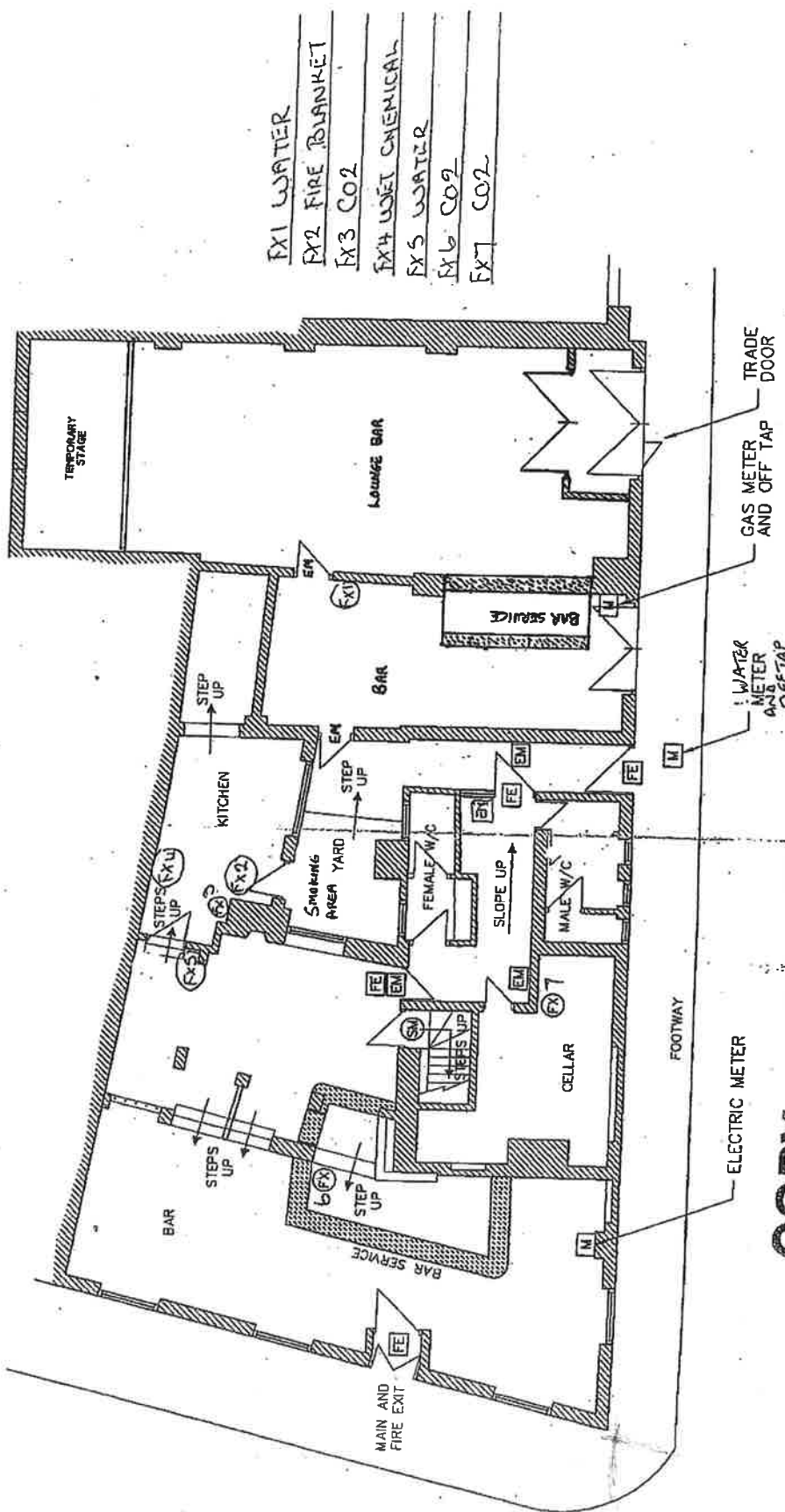
NOISE MANAGEMENT PLAN

- ✓ During any events involving live or amplified music (other than low level background music), all windows will be kept closed. External doors will also be kept closed, except where necessary for access and egress, i.e. the doors will not be secured open and will be fitted with self-closers if necessary.
- ✓ Speakers will not be positioned outside at any times.
- ✓ Noise from music and voices emanating from the premises between 23:00 – 09:00 will be inaudible at the boundary of the nearest residential premises.
- ✓ Regulated entertainment will not take place more frequently than twice in any week within the existing lounge Bar area and will not be permitted at all in the area known as The Barn.
- ✓ The doors/windows at Ground level around the main bar area will be kept closed to reduce noise impact on residential properties. This will be monitored by Manager/supervisor at all times.
- ✓ The licensee or nominated representative will receive and respond to any complaints made throughout the duration of all music events, in accordance with the company's noise management policy (see attached copy).
- ✓ The cooking extraction system will be switched off when not required.
- ✓ The disposal of empty bottles into outdoor storage receptacles will not take place between 19:00 – 07:00.
- ✓ Arrangements will be put in place to ensure that waste collection contractors do not collect refuse between 19:00 – 07:00.
- ✓ Arrangements will be put in place to ensure that deliveries of consumables will not take place between the hours of 19:00 – 07:00.
- ✓ So as to minimise disturbance to local residents late at night staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises.
- ✓ At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.

QUEENS ARMS, IVY STREET, SALISBURY

COMPONENT Noise Management Plan- Measures in place/to be taken

<p>Inside Music Noise</p>	<p>Good Management control to keep doors & windows closed and control of hours & volumes with a reduced volume for the last period of activity. Consideration will be given to the location of speakers, if they can be placed on rubber to absorb/prevent noise ingress within building structure and any impact on neighbours. No live music or Disco's to be permitted in the Barn Area. Bass elements of music to be minimised and monitored as these are noticeable outside.</p>
<p>Deliveries and Collections</p>	<p>Arrangements will be put in place to ensure that waste collection contractors do not collect refuse between 19.00 – 07.00. Arrangements will be put in place to ensure that consumables will not take place between the hours of 19.00 – 07.00.</p>
<p>Smoking Areas</p>	<p>External areas will be monitored and cleaned regularly and signage will be used to request that patrons respect neighbours and cause minimal noise. The Smoking area is located in the Yard Area. No smoking will be permitted in Brown Street and the entry/exit doors located in Brown Street will not be used . Access to the Barn area will be from Ivy Street. All external areas of the property will be monitored by staff to ensure that noise is controlled and anyone smoking in Ivy Street will be asked to consider neighbours and pedestrians. Signs are displayed in the bar area asking customers to consider neighbours when entering or leaving the premises.</p>
<p>Customers and car park/dispersal</p>	<p>Particularly Disruptive customers will be warned and an exclusion policy introduced. Customers will be requested to refrain from loud or anti social behaviour and management will monitor people leaving the premises to prevent loitering and chatting. A good relationship has been forged with a responsible licensed taxi/private hire operator with customers encouraged to contact this operator whilst within the premises and encouraging drivers to come to the door to collect passengers rather than sound their horn.</p>



- FX1 WATER
- FX2 FIRE BLANKET
- FX3 CO2
- FX4 USEL CHEMICAL
- FX5 WATER
- FX6 CO2
- FX7 CO2

KEY
 FE FIRE EXIT
 FX FIRE EXTINGUISHER'S MARKED 1-7
 SM SMOKE ALARM
 EM EMERGENCY LIGHTING EXIT SIGNS
 M METER
 ↑ UPWARD DIRECTION OF STEPS/SLOPE

COPY

THE QUEENS ARMS PUBLIC HOUSE
 9 IVY STREET
 SALISBURY
 WILTSHIRE
 SP1 3TH

SCALE 1:100
 DATE: 25/02/16

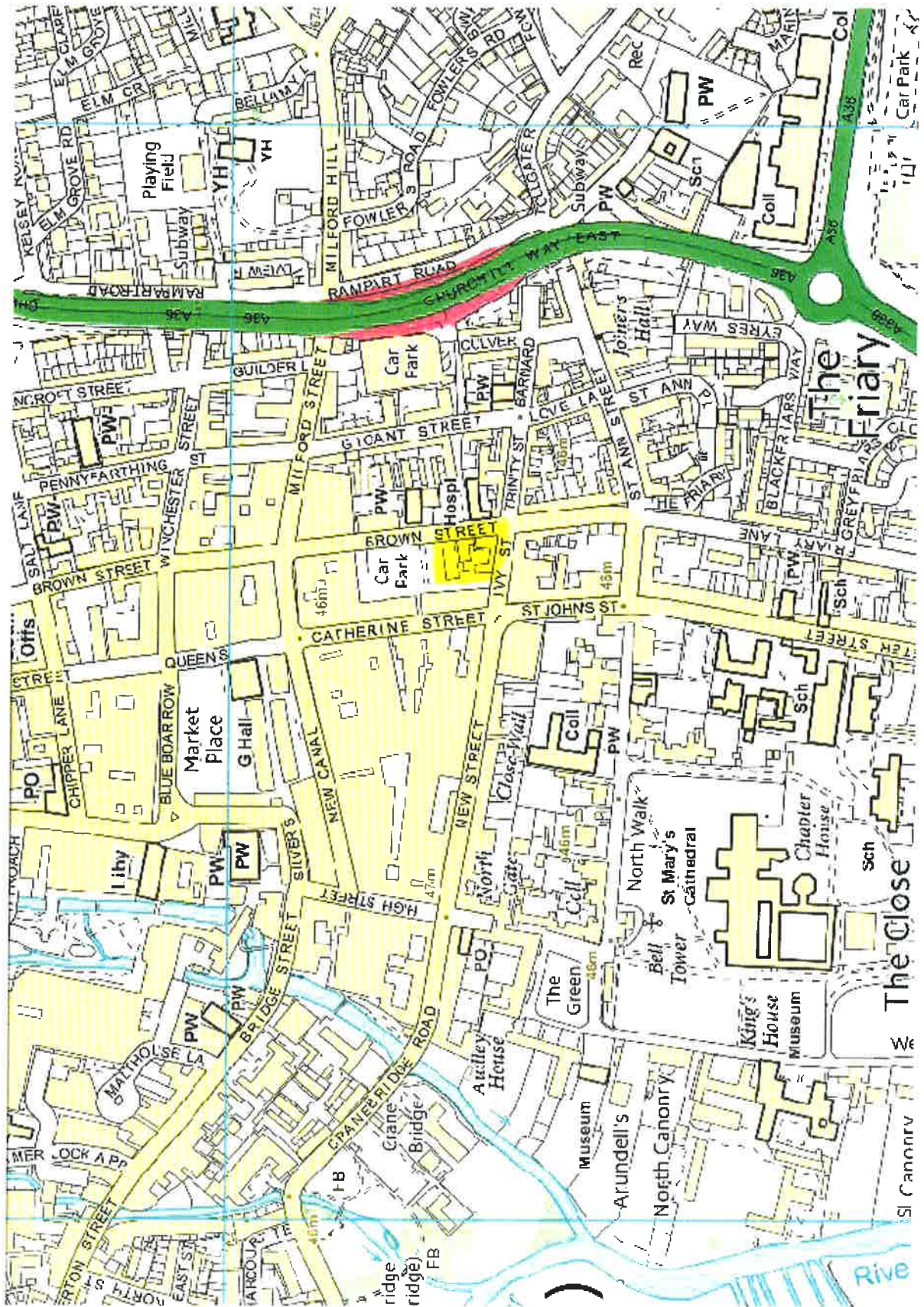
LICENSING AUTHORITY
 CERTIFIED COPY *Jan Spurd*
 DATE 29/9/2016

Drq No. AT001-01 Sht 1 of 2 A3

3

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Map of Salisbury city centre. Highlighted area indicated location of Queens Arms Public House, Ivy Street, Salisbury



Licensed Premises in the area of Queens Arms



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Wiltshire Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Queens Arm Public House, Ivy Street,	
Post town Salisbury	Post code (if known) SP1 2AY

Name of premises licence holder or club holding club premises certificate (if known) Christopher Brown
--

Number of premises licence or club premises certificate (if known) LN/000042241

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Control and Protection Team Public Protection Wiltshire Council Bourne Hill Salisbury SP1 3UZ
Telephone number (if any) 01380 826373
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The grounds for review relate to the failure of the premise to comply with the licence conditions attached to the Licence, in particular the Noise Management Plan which details how to appropriately manage, monitor and control levels of amplified music played inside the premises.

In February 2016 a Statutory Noise Abatement Notice was served upon Adrian Sainsbury the Designated Premises Supervisor in respect of amplified music. This authority is still continuing to receive complaints regarding noise from loud amplified music being played in the premises.

During June and July 2017 the Premise Licence Holder and Designated Premises Supervisor roles changed a number of times, but issues with noise disturbance continued. This leads the Public Protection Team to have lack of confidence in the robust management of this premise.

An investigation into the complaints during 2017 has confirmed the existence of a public nuisance and breach of the Statutory Noise Abatement Notice and it is the opinion of the Public Protection Team that the public nuisance licensing objective is not being met.

Please provide as much information as possible to support the application
(please read guidance note 2)

In February 2016 the Queens Arms changed hands and commenced using the barn at the rear of the premises as a 'live music venue'. Amplified music was played between midday and 11pm over two consecutive days resulting in a significant number of complaints being made to Wiltshire Council Public Protection Team. Nearby residents reported that loud amplified music was unduly affecting them in their homes.

Music was advertised to take place the following weekend. Wiltshire Council Officers attended the location during the music events to carry out an investigation and it was determined that the noise from amplified music did amount to a Statutory Noise Nuisance as well as a public nuisance. On 26th February 2017 a Section 80 Statutory Noise Abatement Notice was served on Adrian Sainsbury as the Designated Premises Supervisor of the Queens Arms Public House. The abatement notice required him to abate the nuisance and prohibit recurrence at properties within 50m of the Queens Arms, Ivy Street.

NEP Investments are the owners of the building. At the time notice was served NEP Investments were also the Premises Licence Holders. Adrian Sainsbury and Chris Brown had a joint tenancy agreement for the property, and Adrian Sainsbury was the Designated Premises Supervisor. Sandra Oattes was employed as the bar manager.

The Noise Abatement Notice was subsequently appealed in March 2016, and upheld in court and remains in force.

Since service of the notice, amplified music has not been played in the barn, but has continued to be played in the main bar area of the premise. Amplified music is usually played between about 8pm and 11pm on Friday, Saturday and Sundays in accordance with the premises licence, however there have been occasions when amplified music has continued beyond 11pm.

In January 2017 a complaint was received by Public Protection regarding amplified music. A joint visit to the premises was carried out by Trish Morse, Public Protection and Ian Garrod, Licensing Officer. The complaint was discussed in detail with Adrian Sainsbury and Sandra Oattes and a follow up letter was sent to Mr Sainsbury to confirm the details of the conversation.

Further complaints were made in March, April, May, June and July 2017. A letter was sent to Adrian Sainsbury about complaints in March and April 2017. At the end of April, Trish Morse contacted NEP Investments as the PLH to notify them of further complaints and was asked to refer all complaints to Adrian Sainsbury. A message was left on Mr Sainsbury's voicemail however Mr Sainsbury did not return the call.

The Licensing Officer also contacted or visited the premise on the following dates: 21st March, 27th April, 11th May, 19th May, 21st June and 28th June

During this period of time, Wiltshire Council Out of Hours officers attended the location to witness noise from amplified music on 29th April, 27th May and 10th June 2017. On each occasion the officer witnessed a public nuisance and breach of the Noise Abatement Notice both outside on the street, as well as inside the complainants homes. Officers were able to identify the songs being sung/ played in the complainants homes.

In addition to complaints about amplified music, residents have also complained about noise from patrons of the premises who congregate outside the front of the

premise to smoke. This was also witnessed by an officer on 29th April 2017. Police were called to an incident outside the premise on 10th May 2017 when a fight took place.

On 23rd June 2017, Adrian Sainsbury left his position as DPS. Section 80 Statutory Noise Abatement Notices were then served upon NEP Investments as the Premises Licence Holders, and Sandra Oattes the newly appointed Designated Premises Licence Holder.

At the beginning of July 2017, NEP Investments submitted paperwork to transfer the Premises Licence jointly to Sandra Oattes and Chris Brown.

On 17th July 2017, Sandra Oattes and NEP Investments (as owners of the property) were notified of two further complaints. Sandra Oattes notified this authority on the same day that she had left the employ of the premise and would be removing herself as Premises Licence Holder and DPS.

On 21st July 2017 a S80 Statutory Noise Abatement Notice was served upon Chris Brown the new Premises Licence Holder.

On the same day Mr Brown advised Wiltshire Council following the departure of Sandra Oattes, Adrian Sainsbury would be re-instated as DPS for a short period of time.

Consideration has been given to what is the most appropriate course of action to effectively manage and respond to complaints about this premise, however the quick succession of changes in management for PLH and DPS of the premise have made it very challenging to prosecute for breach of notice.

Noise Abatement Notices have now been served on everyone having an interest in the property. Further breaches of the notices will be considered for prosecution.

As the Licenced Premise has demonstrated a disregard for the law in terms of breach of the Statutory Noise Abatement Notice and very poor noise management practices over a considerable period of time, review of the licence to disapply the Live Music Act 2012 and addition of further conditions would seem appropriate.

The Licensing Sub Committee may also wish consider a period of suspension of the Premises Licence to enable the premises to address the management issues, review the Noise Management Plan and implement any newly imposed conditions.

I recommend below additional or amended conditions:

1. Live Music Act 2012 disapplied

Monitoring:

2. Installation of CCTV inside & outside the premises. Recordings to be kept for a miminum of 28 days and made available to officers on request.

3. Outside area to the front and side of the premise to be checked hourly between the hours of 8pm and closing. Any patrons using these areas are either be moved on away from the premise, or asked to use the designated smoking shelter. Written records of all checks to be recorded and made available to local authority officers on request.

4. No glassess or drinks permitted outside.

5. Smoking to be restricted to the designated smoking area in the court yard.

Noise:

6. Installation of Noise Limiter device which must be used for all amplified music performed on site.

7. Amplified music events to be limited to two events per calendar month.

8. Noise levels will be controlled by the Designated Premises Supervisor (or nominee) at all times.

9. Noise management plan to be reviewed and updated. Any changes to be agreed in writing with the Licensing Authority and Wiltshire Council Public Protection.

10. DPS or Personal Licence Holder to be on site at all times during events which include amplified music.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 9th August 2017

Capacity Public Protection Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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RECEIVED

The Licensing Officer
Licensing Department
Wiltshire Council
Monkton Park
Chippenham
SN15 1ER

29 AUG 2017
PUBLIC PROTECTION

Mr and Mrs W. Jones
10 Ivy Street
Salisbury
SP1 2AY

**Re: Review of Premises Licence Section 51 Licensing Act 2003:
Queen's Arms Public House, Ivy Street, Salisbury, SP1 2AY**

Dear Licensing Officer

I am writing as a resident of Ivy Street, Salisbury to express my opinion regarding the review of the licensing for the Queen's Arms Public House, Salisbury.

My wife and I have lived at our current address since 1977 but we are concerned that in the past 18 months the level of noise from the Queen's Arms, mainly due to loud music, loading and unloading of music equipment for live bands and from its customers' anti-social behaviour (especially disturbing to our peace of mind and perceived safety) in the street outside the pub and in the pub's smoking area is now beyond the normal level of tolerance for such premises, particularly when this occurs after traditional licensing hours (after 11 p.m.). I believe this is in breach of the 'Noise Management Plan' as detailed in Wiltshire Council's Public Notice.

My wife and I are both in our late seventies and have found the noise and disturbance from the Queen's Arms' music and from its customers so disruptive to our ability to sleep or even to enjoy an evening's television viewing, that I have considered having additional triple-glazing installed – a decision due to the expense that I have not taken lightly.

We enjoy having our young grandchildren to stay; however, the level of noise and disruption from the excessively loud music and anti-social behaviour has become of concern as we would not want to expose them to this.

We are not adverse to the pub's customers enjoying their social evening within normal noise and behavioural levels and would urge the Council to consider what is appropriate in our residential environment when reviewing the Queen's Arms' licence.

Many thanks for your consideration.

Mr William Jones and Mrs Nesta Jones

[Redacted signature block]

Telephone: [Redacted] Daughter's (Marie Jones') email: [Redacted]

14 Antelope Court
Brown Street
Salisbury
Wilts SP1 2AR

Tel: 

RECEIVED

05 SEP 2017

PUBLIC PROTECTION

Dear Sir / Madam

Re: The Queen's Arms Public House, Ivy Street, Salisbury

I write regarding the notices displayed in the windows of the above Public House.

When the first complaints were dealt with in 2016 I was one of the local residents who wrote at length regarding the noise and anti-social behaviour at the pub.

At that time the proprietor and staff ignored all requests from local residents for the noise to be reduced and for the behaviour of the customers to be controlled. All reasonable requests were met by abuse from both customers and the bar staff.

Fortunately the Abatement Order at that time at least stopped loud music being played in the 'Barn' area of the pub, but it continued in the bar on the Ivy Street side of the premises. There has been no change in the attitude of Mr Sainsbury or his staff despite his plea in the local paper that he wanted to just play 'nice music in the afternoon', and nothing more.

The noise continues and loud, foul mouthed customers, many of whom are drunk, spill into the road drinking arguing, until late in the evening. This, combined with the loud Juke Box music, the live Bands etc, make some evenings in this area unbearable. It doesn't stop at 11pm either. The loud Juke Box continues to play and even when Bands have ended playing, they then make a considerable noise in the street when loading their equipment etc, up to and sometimes after midnight.

Around 'closing time' and afterwards I have to endure drunken, swearing customers banging on my front door and ringing the bell. My front door is in Brown Street near to the double doors of the Queens Arms (which used to be garage doors and which lead into the 'Barn' area). Although this has reduced somewhat since the ban on using the Barn for music, it is still a problem, mostly at weekends or when a band is playing and a large crowd spills out onto the road.

In conclusion I can say that little has changed in the period since the Abatement Order was issued. The staff have no consideration for the lives and rights of other residents and evidence suggests that requests, official or otherwise to behave in an acceptable manner will continue to be ignored. Mr Sainsbury's reputation for treating the needs of others with contempt and doing as he pleases, is proved here and after many years of like behaviour with other businesses in the city I cannot see he will change.

I therefore ask that the Licensing Department take careful note of all objections to his License continuing and support the requests from the local residents for their right to a peaceful and reasonable co-existence with the Queens Arms. There were no problems when Mr Evans was the landlord and there should be none now


Ms. Dorothy Gurd

RECEIVED
05 SEP 2017
PUBLIC PROTECTION

The Licensing Officer
Licensing Dept
Wilt Council
Monkton Rd
Chippingham, Wilt
SN15 1ER

Flat 11 Antelope Ct
Brown St
Salisbury
SP1 2AR

4/9/17

Re: Review of the Premises Licence
Queen Arms Public House
Ivy St
Salisbury
SP1 2AY

I write as a neighbour of the Queen Arms pub, where there has been ongoing nuisance due to noise levels. Since my previous communication & steps taken by the council, this has comprised v. loud recorded music, often with accompanying rowdy singing from customers. The volume in the back garden & also indoors with the patio doors open can be louder than I would choose to listen to my own music. This affects how we can enjoy the garden, & music or TV of our own choosing ^{or none}. If continuing into the night it also affects sleep which has further consequences for my health conditions.

p1 of 2

7

I hope these issues can be resolved by this Review of
the Licence.

With thanks for your help,

Yours,

A black rectangular redaction mark covering the signature of the sender.

Ms Lisa Rivers

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

5th October 2017

Application for a Review of a Premises Licence: Queens Arms, Ivy Street, Salisbury, SP1 2AY

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY made by Wiltshire Council's Public Protection Team.

2. Background Information

- 2.1 An application for a review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY has been made made by Patricia Morse, Public Protection Team, for which 3 relevant representations have 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 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps as it considers necessary for the promotion of the licensing objectives.

- 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 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.

Government Guidance issued under s.182 of the Licensing Act 2003 states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

- 2.5 Following a hearing which took place on 10 August /2005 the original premises licence for the Queen's Arms was granted under the Licensing Act 2003 on 11th October 2005. Since this date there have been several changes to the premises licence and the current copy is attached as **Appendix 1**. The current licence allows the following licensable activities :-

Licensable Activity	Hours
Indoor Sporting Events Recorded Music(Indoors) Anything Similar(Indoors) Provision of facilities for making music(Indoors) Provision of Facilities for Dancing(Indoors)	Monday – Sunday 1000 – 2300
Live Music (Indoors)	Monday – Sunday 1000 - 2200
Late Night Refreshment (Indoors)	Sunday – Wednesday 2300 – 0030 Thursday – Saturday 2300 - 0230
Sale or Supply of alcohol On & Off the Premises	Sunday – Wednesday 0700 -0000 Thursday –Saturday 0700 – 0200
Opening Hours	Sunday – Wednesday 0700 -0030 Thursday – Saturday 0700 -0230

- 2.6 On 27th February 2016 a noise abatement notice was served on the Designated Premises Supervisor (DPS), Mr Adrian Sainsbury following complaints received from several members of the Public regarding amplified music being played in the Barn Area of the Premises. This notice was appealed by Mr Sainsbury and was heard at Salisbury Magistrates Court on 11th May 2016 where the notice was upheld.
- 2.7 After the Abatement Notice was served, an application to vary the Premises Licence was made on 15th March 2016 to allow Live music to take place in the Barn area As a result of several objections a Hearing date was set but the application was withdrawn before the hearing took place.
- 2.8 A further Variation application was made on 8th September 2016. The variation was to include the Barn area on the premises licence. The licence was granted on 11th October 2016 with the following conditions:-

- Live Music will not be played in the Barn area.
- Discos will not take place in the Barn area
- Live Sporting Events will not be shown in the Barn Area
- The Barn Area will not be permitted to operate after 2300
- Numbers will be limited in the Barn Area to 40 persons.
- Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. All aspects of the Noise Management Plan will be adhered to.
- Any changes to the noise management plan must be agreed in writing by the Licensing Authority and EHO before any changes to the Noise management plan are made.

2.9 The Noise Management Plan mentioned above is attached as **Appendix 2**.

2.10 Following the grant of the variation a number of complaints continued to be received with regards to music from the Premises

2.11 The current layout of the premises is attached as **Appendix 3** with a location plan attached as **Appendix 4**.

3. Details of the Grounds for Review

3.1 The review of the licence has been requested on the grounds that the management of the premises has been conducted in such a manner as to prejudice the licensing objectives. Although the DPS has changed the same people are running the business. The grounds for review are:-

- Failure of the premise to comply with the licence conditions attached to the licence, in particular the Noise Management Plan which details how to appropriately manage, monitor and control levels of amplified music played inside the premises.
- Failure to promote the licensing objective of prevention of public nuisance
- Lack of confidence in the robust management of this premise.

3.2 The application for review is attached as **Appendix 5**. The evidence relied upon in support of the application is contained within **Appendix 6**.

4. Consultation and Representations

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, County Hall. During the consultation period no relevant

representations were received from the responsible authorities and 3 relevant representation have been received from members of the public.

- Mr William & Mrs Nesta Jones, 10 Ivy Street, Salisbury, SP1 2AY
- Ms Dorothy Gurd, 14 Antelope Court, Brown Street, Salisbury, SP1 2AR
- Ms Lisa Rivers, 11, Antelope Court, Brown street, Salisbury, SP1 2AR

The relevant representations are attached as **Appendix 7**.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

5. Legal Implications

5.1 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.

5.2 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.

5.3 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.

6. Officer Recommendations

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

7.1 It should be noted that the Premises Licence Holder and those who have made relevant 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.

7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not come into effect until the end of the period for appealing the decision, or until any appeal is heard and any decision made by the Magistrates Court.

7.3 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.

Report Author: Ian Garrod

Ian Garrod, Public Protection Officer (Licensing)

Date of report: 21/09/2017

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 Licensing Policy**

Appendices

- 1 Premises licence**
- 2 Noise management Plan**
- 3 Current Layout of premises**
- 4 Location plans**
- 5 Application for review**
- 6 Evidence submitted by Public Protection Team**
- 7 Relevant representations**

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