

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 21 FEBRUARY 2018 AT ALAMEIN SUITE - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN 18 THE HIGH STREET, AMESBURY

Present:

Cllr Trevor Carbin, Cllr Graham Wright and Cllr Leo Randall (Substitute)

Also Present:

Mr Steve Cox – Representative of the Applicant
Mr Nathan Muirhead – Applicant
Mr Williams – Amesbury TC
Mr Osment – Amesbury TC
Mr Aymes – Resident
Mr Hedge - Resident
Lisa Moore, Democratic Services Officer
Asifa Ashraf, Legal Officer
Hannah Hould, Licensing Officer

1 **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.

Cllr Carbin in the Chair

2 **Apologies for Absence/Substitutions**

Apologies were received from Cllr Robert Yuill, who was substituted by Cllr Leo Randal.

3 **Procedure for the Meeting**

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" (Pages 1 – 6 of the Agenda refers).

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Keystone Entertainment Ltd for a Premises Licence at 18 High Street, Amesbury, SP4 7DN

The Licensing Officer, Hannah Hould, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

- No responsible authority had made a representation in objection.
- Additional door security had been agreed as part of the Environmental Health request.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Steve Cox on behalf of the Applicant (Nathan Muirhead) were:

- Appropriate practices would be in place to minimise the risks
- A public meeting had been held, they had listened to feedback and realised that it would be a challenge to have a nightclub.
- The applicant then changed the type of business to a multi-use facility.
- The focus would be on the cocktail bar element of the venue, the premises would not be dominated by loud music and a dance floor, there would be music but it would not be dominant.
- Purpose of the business was to bring together people to socialise, similar places included the Cathedral Hotel, and Yoyo bar.
- The whole proposal should be considered and not to dwell on the cocktail bar element or let it over shadow the rest of the facilities planned.
- Cocktail bar will be the main revenue maker.

Those who had made representations presented their views:

Mr Cox, local resident, lives 200m to proposed venue:

- He supported the application, as he felt it would help to protect home town by further business erosion.
- Town should encourage the right type of investment.
- On 16 December the Salisbury Journal advertised the vacant premises, there were no takers for Amesbury shops. To entice people they offered low rent but there was still no take up.
- Amesbury needs new blood and investment. Keystone are offering the chance to start that happening. Cocktail bar and musical entertainment offered here to attract tourists.
- Keystone are listening to the local community and changing their original proposal, sympathetic to the objections, but put in place a comprehensive list of actions to mitigate the concerns.
- As a family man, want children to grow up thinking Amesbury is a great place to live.

Questions from the Panel:

- When showing films, what size audience are we looking at? Answer: Fire regulations state no more than 150 seated.
- Was there a necessity for the cocktail bar for revenue, and how would late night drinking reduce the trend for shops shut in Amesbury? Answer: Our town needs to bring in more new investment. With the local military, and the increase in soldiers coming back to Amesbury, but also officers, they enjoy highbrow entertainment, bringing more people into the local community generally.
- Why do you want the licence to start at 8am? Answer: Other establishments have a similar flexibility, just there to accommodate extra events. Happy to review that if not appropriate.
- Will the under 13's come with an adult? You have said that if someone was 18 then they could not come for younger people events, what about 16-year olds? Answer: There would be no alcohol served if there were an event exclusively for under age people.
- Many of the objections talk about after closing time, what dispersal policies do you have? Answer: We would have door supervisors staying on up to 30 mins after closing to assist with this. Numbers dwindle at closing times.
- Would there be a smoking area? Answer: Yes there is a specific area shown on page 42, agenda item 6b, smoking area would be around the side corner, a L shaped, which would not be visible from neighbouring properties.
- Would there be anyone in the accommodation above? Answer: That would be a planning term. No one would reside in property.

Questions from those that had made representation:

- We struggle with the cocktail bar/night club distinction, in the planning application you show a DJ every Friday, we feel you are trying to pull the wool over our eyes. To us it is a night club. Answer: A DJ plays recorded music not live music. There are several other bars that have DJs it's the in thing, it sits with the cocktail bar theme that we are going for.
- Why do you need an 8am start, we do not see the need to start at that time? Answer: I would be happy to change this.
- With a DJ in this venue, would the music be played at a level that would allow conversation to be conducted. Answer: A noise assessment carried out established the level required, whether through a CD or by DJ it was the same. With the size of the dance floor, we would expect people to dance. There would be a noise limiter that cuts out if the noise is too loud.
- Had events calendar that was originally proposed, been modified now that this is a cocktail bar and how did Drum and Base (D&B) fit in to that? Answer: It was not a set schedule it was just an indicative list. A specific event could be put on to cater for D&B, but the cocktail bar would be on Friday's and Saturday's with the DJ. I would expect it to be slower and more lounge music style.
- What was the jurisdiction of your security staff in the street? Answer: They would have a responsibility for the removal off the premises, that is the benefit of the door watch scheme with the other venues
- Will there be any additional CCTV outside to monitor what goes on around your proposed establishment? Answer: Planning regulations - we proposed to have CCTV outside here and the New Inn.
- The Poll you submitted, how was this advertised. We knew nothing about it and I suspect the people who did know about it told each other. Did you advertise it? Answer: It went out to a 10k reach area, advertised on New Spotted Amesbury web site and the keystone web page. Tried to keep it neutral and advertised it down 2 streams.

Presentation from those that made Representations:

Cllr Williams – Amesbury TC

We were concerned about the past, no evidence yet for the future. Have done a lot of work over last few years to try and improve the night time economy. There are concerns with how things will progress with soldiers returning. This is difficult as I like some aspects of the application, but in this location, we have had a history of issues. Deeply concerned. Must support those we feel will be mostly affected.

Cllr Osment – Amesbury TC

We have been asked about putting in an additional taxi rank, as the delay and loitering of clientele will not decrease. The police have to take any arrested people to Melksham which has a 2 hr turn around. There were 2.5k of soldiers,

coming back over next few years to the Tidworth/Bulford area. There would also be a number of construction staff living in accommodation linked to A303 tunnel works.

Mr Aymes

A plan was submitted showing venues for evening entertainment and houses. That was incorrect, as there was substantially more housing in the area than was shown. Amesbury is now a residential area. The fact that there is evening entertainment is acceptable, people moved in thinking that was enough, now we are looking at additional venues for this. People should be able to live at night without the noise from this keeping them awake at night. Yes shops are closing, this is because of out of town shopping areas, the evening venue will not improve the shopping area.

Mr Hedge

Day time usage does not seem to present any problems, the concerns are around the evening events. The re-branding of the cocktail bar.

Questions from Panel –

- With regards to the night time economy, the Town Council mentioned previous history of disruption, what is the biggest factor that's changed? Answer: There is an ongoing problem, only have to look at the police presence dealing with that. There are regular disturbances. We got pub watch going and have introduced street pastors. Goes in peaks and troughs. Pay weekend can be bad.
- How did the current issues locally apply to the proposed venue? Answer: There had been some issues with the other establishments. They have adapted to make things better. Staggering their closure times from each other to assist the police in dealing with the outfall. Smokers in the street make a lot of noise, they will go in the street even with a dedicated smoking area.

There were no questions from the Applicant.

Closing submissions:

Those that made representations:

- The Town Council stands by what it had said. We are encouraged by the talk of a later start time. We would like to see an earlier close time too. If this goes ahead we would work with the applicant to do the best for the town. The large numbers it would attract would cause an issue to local resident.
- A 2am finish would not work well with late night disturbance.

Applicant:

- I am the director of the New Inn, where we regularly hit full capacity, we operate a one out and one in policy at those times.
- Some events can attract over 300 people.
- Had 2 police related incidents in the 2 years we have owned the new inn, comes from successful management and the schemes we put in place.
- Anti-social behaviour issues are typical of any large town with 5 establishments in it.
- The Police had no major incidents worthy of mentioning in January.
- We want to fulfil the demand and need for the daytime activity. There is room to work together with the community.
- The George hotel and the Antrobus have not objected they support this application.
- There has been little interest in the property, the owner cannot sell it and it could not become new homes.
- Lots of residents in the area not objected. Only 3 of 33 retirement accommodation made representations.
- The planning application offers more options than this process to explain in detail what we propose to do.
- 2 local taxi companies support this proposal.
- Competitor drinking establishments support this. It is welcomed due to the boost to the local economy.
- If we collaborate with the local community we have a second ancillary floor which could be used.
- A Noise management plan would cover any noise issues.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11.20am and reconvened at 12.15pm.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

“No legal advice was sought by the Sub committee members.”

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

That the Application for a Premises Licence at 18 High Street, Amesbury, SP4 7DN be granted with conditions as detailed below

- **CCTV cameras to be installed outside of the premises. Recordings to be kept for a minimum of 28 days and made available to Officers on request**
- **Prominent, clear and legible notices must be displayed notifying of the CCTV**
- **A noise limiting device (the specification and design to be agreed with Wiltshire Councils Environmental Control and Protection Service) shall be fitted so that all regulated entertainment is channelled through the device(s). The maximum noise levels shall be set in agreement with the Wiltshire Councils Environmental Control and Protection Service. The settings of the noise limiter(s) shall not be adjusted unless agreed by Wiltshire Councils Environmental Control and Protection Service and in the presence of the licence holder or their representative.**
- **Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.**
- **During under 18s events, No alcohol will be available.**

Reasons:

The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the licensing policy of Wiltshire Council.

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from the Applicant, the applicant's representative and 4 of the objectors who raised concerns about the application for the new premises. These concerns related primarily to the perceived public nuisance by patrons of the premises when leaving the premises.

The Sub Committee noted that although the parties raised concerns relating to public nuisance, crime and disorder and public safety, there was no evidence to support this as it was a new application. Also, no representations had been received from any of the responsible authorities and no other evidence relating to these concerns had been presented to the Sub Committee.

Appeals

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

- 7 **Appendix 1 - Application for a Premises Licence**
- 8 **Appendix 2 - Draft Noise Management Plan**
- 9 **Appendix 3 - Site Plan**
- 10 **Appendix 4 - Relevant Representations**
- 11 **Appendix 5 -Correspondence between the Applicant and a number of the representations**
- 12 **Appendix 6 - Amendment to Licence Conditions**
- 13 **Appendix 7 - Response of Environmental Health Officer**
- 14 **Appendix 8 - Location Plan of Premises**

(Duration of meeting: 10.30 am – 12.30pm)

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