

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

Application for a Premises Licence; 18 High Street, Amesbury, Wiltshire, SP4 7DN

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of 18 High Street, Amesbury, Wiltshire, SP4 7DN made by Keystone Entertainment Limited.

2. Background Information

- 2.1 An application for a Premises Licence in respect of 18 High Street, Amesbury, Wiltshire, SP4 7DN has been made by Keystone Entertainment Limited for which twenty-five 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 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To grant the licence 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.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

- 2.5 On 27th December 2017 an application for a new premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Days	Timings
<u>Provision of regulated entertainment</u>		
Plays (Indoors)	Monday-Sunday	09:00-00:00
Films (Indoors)	Monday-Sunday	09:00-00:00
Live music (Indoors)	Sunday-Wednesday	08:00-00:00
	Thursday-Saturday	08:00-01:00
Recorded music (Indoors)	Sunday-Wednesday	08:00-00:00
	Thursday	08:00-01:00
	Friday-Saturday	08:00-02:00
Performance of dance (Indoors)	Monday-Sunday	09:00-00:00
Sale by retail of alcohol (ON and OFF Sales)	Sunday-Wednesday	08:00-00:00
	Thursday	08:00-01:00
	Friday-Saturday	08:00-02:00
Non standard timings for alcohol sales:	Bank Holidays	0800-0200
	Christmas Eve	0800-0200
	New Years Eve	0800 to start of business the following day

A copy of the application form is attached as **Appendix 1**. The applicant submitted a draft noise management plan; this is attached as **Appendix 2**. The site plan is attached as **Appendix 3**.

- 2.7 This premise has been operating as a bank and has not been licensed under the Licensing Act 2003 previously.
- 2.8 A planning application is currently under consideration; planning permission, building control approval and licensing regimes are separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.¹

3. Consultation and Representations

- 3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the

¹ Revised Guidance issued under s.182 of the Licensing Act 2003, para 14.57

day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period twenty-five relevant representations have been received from twenty-five local residents.

3.3 Representations Received

- Mr Adam & Mrs Lynn Woods, 41 Church Street, Amesbury
- Mr John Madeley, 21A Salisbury Street, Amesbury
- Ms Nicola Redfern, Fairways, Salisbury Street, Amesbury
- Mr Keith & Mrs Tracey Pullen, Fairlawn House, 42 High Street, Amesbury
- Mr Ian & Mrs Nicky Tennent, The Brambles, Smithfield Street, Amesbury
- Mr & Mrs W.R Carder, 8 Seymour Gardens, Salisbury Street, Amesbury
- Mrs Doreen Witt, 2 Seymour Gardens, Salisbury Street, Amesbury
- Amesbury Town Council, 2 Flower Court, Flower Lane, Amesbury
- Mrs Christina Perry, 44 Beaulieu Road, Amesbury
- Mrs Susan King, 44 Beamont Way, Amesbury
- Mr J Eatwell, 9 Seymour Gardens, Salisbury Street, Amesbury
- Mr Roger Roadnight, 3A Fairways Court, Salisbury Street, Amesbury
- Mr Denis Smeaton, 4 Stonehenge Road, Amesbury
- Mr Michael Ward, Les Cahouans, Torteval, Guernsey
- Mrs Frances Madeley, 21A Salisbury Street, Amesbury
- Mrs Yvonne Roadnight, 3A Fairways Court, Salisbury Street, Amesbury
- Mr Trevor Buckell, 27 Kitchener Road, Amesbury
- Mr Carl Burton, 3 Beechwood Court, High Street, Amesbury
- Mrs Davina Gordon, 50 Countess Road, Amesbury
- Ms Rosemary Yaldren, 7 Yewtree Close, Durrington
- Mr Nicolas Boisson, Flat 0/1, 33 Westbourne Gardens, Glasgow
- Mr Geoffrey Streatfeild, 3 Kilgour Road, London
- A Maudsley, 26 Fairfax Close, Amesbury
- Mr Graham Aymes, 145 Countess Road, Amesbury
- Hannah Kitchener, 4 Beechwood Court, High Street, Amesbury

3.4 The relevant representations are attached as **Appendix 4**.

3.5 The applicant has been provided with copies of each representation; during the consultation period correspondence took place between the applicant and a number of the representations. This correspondence is attached as **Appendix 5**.

3.6 No Responsible Authority has made a representation in connection with this application.

3.7 The applicant agreed to amend and enhance the door supervisor condition on the application, and add two further conditions for risk assessments linked to the management procedures and practices, and additionally to the agreement to searches as a condition of entry. Consequently Wiltshire Police confirmed

that they had no objection to this application. This agreement is attached as **Appendix 6**.

3.8 The Environmental Health Officer's response is attached as **Appendix 7**.

3.9 Attached as **Appendix 8** is a location plan of the premises.

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

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

6. Right of Appeal

6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

6.3 A Responsible Authority or any person 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 a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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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 Application form**
- 2 Draft noise management plan**
- 3 Site plan**
- 4 Relevant representations**
- 5 Applicants responses to representations**
- 6 Wiltshire Police correspondence**
- 7 Environmental Health Officers comment**
- 8 Location plan of premises**