

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

31ST MAY 2019

**Application for Review of a Premises Licence: @Home, 5 Bridge Street,
Salisbury, Wiltshire, SP1 2ND**

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of @Home, 5 Bridge Street, Salisbury, Wiltshire, SP1 2ND made by Wiltshire Police.

2. Background Information

- 2.1 An application for the Review of the premises licence for @Home, 5 Bridge Street, Salisbury has been made by Wiltshire Police. Following advertisement of the application three relevant representations have been received and forty four letters of support.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such 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 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 The current licence holder, @Home Salisbury Limited, was granted a premises licence for this premises, issued under the Licensing Act 2003 on 6th August 2018. The director of @Home Salisbury Limited, Miss Louella Adamson, has held the position of the designated premises supervisor (DPS) since 15th October 2018.
- 2.6 This premise has previously held a premises licence under the Licensing Act 2003 prior to Miss Adamson applying for a premises licence. The previous premises licence was surrendered on the 18th January 2018 by the licensee at that time.
- 2.7 A copy of the premises licence issued following the application to vary the DPS on 15th August 2018 is attached as **Appendix 1**, with the accompanying plans.
- 2.8 Since holding the position of DPS, Miss Adamson has applied for, and the Licensing Authority has acknowledged, five Temporary Events Notices for this premises to date. Each application was submitted to enable the applicant to extend the hours for licensable activities on the premises licence.
- 2.9 A noise complaint was received on 18th February 2019 in relation to music being played till 03:00hrs. The DPS, Miss Louella Adamson, had applied for an extension to the hours on the premises licence by way of a temporary events notice. Following discussions with the licensee regarding this complaint, a meeting was held with the Environmental Health Officer, Police Licensing and Wiltshire Council Licensing; Miss Adamson explained that she wished to apply for a variation to the current premises licence and was provided with the appropriate application form. During the meeting it was brought to the attention of all parties present, by Miss Adamson, that there was no noise limiter installed at the premises; this constituted a breach of the premises licence and consequently Miss Adamson was issued with a formal warning in relation to this breach. A copy of the formal warning letter is attached as **Appendix 2**.
- 2.10 On the 21st February 2019 an application to vary the current premises licence was received and accepted as a valid application. The details of the variation are as follows:
- To extend the current hours for the sale of alcohol and regulated entertainment Monday-Thursday 10:00-00:00 and Friday-Saturday 10:00-03:00.
 - To remove the members only event timings within the non-standard timings.

- 2.10 On the 5th April 2019, during the 28 day consultation period for the variation application, an application to review the current premises licence was submitted by Wiltshire Police. This application was accepted as a valid application; in light of the immediate concerns raised in relation to the licensing objectives, it was determined that it was in the public interest to put the variation application on hold, until the review consultation period was completed and the review application heard by the licensing sub-committee.
- 2.11 On the 26th April 2019 the Licensing Authority received an application for a late temporary events notice (TEN) for @Home, 5 Bridge Street, Salisbury. The details of the application were to extend the hours for the sale of alcohol and provision of regulated entertainment on May 3rd & 4th from 22:00hrs-02:40hrs. Wiltshire Police objected to this TEN on the grounds that they had no confidence in the ability of the applicant to support the four licensing objectives. As this was a late TEN, there is no right to a hearing and the applicant, Miss Adamson, was served with a counter notice.

3. Details of the Grounds for Review

- 3.1 The review of the licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the Licensing Objectives; The Prevention of Crime and Disorder, The Protection of Children from Harm and Public Safety. The grounds for review are:
- The Licence holder's failure to comply with conditions attached to their premise licence and to promote the licensing objectives under the Licensing Act 2003.
 - Significant incidents have taken place at the premises which relate to potential offences under the Licensing Act 2003. Wiltshire Police have no confidence in the ability of the management /licence holder to provide any demonstrable compliance with or promotion of the Licensing Objectives. In particular the prevention of crime and disorder, public safety and the protection of children from harm.
- 3.2 The application for review is attached as **Appendix 3(a)**. The evidence relied upon in support of the application is contained within **Appendix 3(b)**.

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, Bourne Hill, Salisbury. During the consultation period three relevant representations have been received from Wiltshire Councils Licensing Authority, Environmental Health and JD Weatherspoon's. Forty four letters of support have been received from members of the public. The letters of support have been made available to Wiltshire Police and the licence holder.
- 4.2 The relevant representations with their supporting documentation are attached as **Appendixes 4(a), 4(b) and 4(c)**.

4.3 During the consultation period the fire authority, a responsible authority under the Licensing Act, had correspondence with the licensee. The email correspondence is attached as **Appendix 5**.

4.4 A location map of the premises is attached as **Appendix 6**.

4.5 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.

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, the party that applied for the review and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

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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 Current Premises Licence**
- 2 Formal warning letter**
- 3(a) Application for a Review by Wiltshire Police**
- 3(b) Evidence to be relied upon by Wiltshire Police**
- 4(a) Licensing Authority representation**
- 4(b) Environmental Health representation**
- 4(c) JD Wetherspoon PLC representation**
- 5 Fire Authority correspondence**
- 6 Location map**