

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

31 MARCH 2022

Application for a Premises Licence;
New Inn, High Street, Amesbury, Salisbury, Wiltshire, SP4 7DL

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of The New Inn, High Street, Amesbury, SP4 7DL made by One Dream Amesbury Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of The New Inn, High Street, Amesbury has been made by One Dream Amesbury Ltd for which 14 relevant representations have been received. Of the 14 representations 11 are against and 3 are in favour of the application.

- 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 7 February 2022 an application for a new premises licence at the New Inn, High Street, Amesbury was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (indoors)	11:00 – 23:00	Mon-Sat
Indoor sporting events	12:00 – 22:00	Sun
Live music (indoors and outdoors)		
Recorded music (indoors and outdoors)	11:00 – 23:00	Mon-Wed
Outside music to cease at 23:00	11:00 – 01:00	Thur
	11:00 – 02:00	Fri – Sat
	11:00 – 22:30	Sun
Provision of late night refreshment (indoors and outdoors)	23:00 – 01:00	Thur
	23:00 – 02:00	Fri - Sat
Sale by retail of alcohol (on site and off sales)	11:00 – 23:00	Mon - Wed
	11:00 – 01:00	Thur
	11:00 – 02:00	Fri- Sat
	11:00 - 22:30	Sun
Hours Open to the Public	11:00 – 23:30	Mon – Wed
	11:00 – 01:30	Thur
	11:00 – 02:30	Fri – Sat
	11:00 - 23:00	Sun

A copy of the application from One Dream Amesbury Ltd is attached as **Appendix 1.**

2.7 The previous premises licence at the New Inn which was granted under the Licensing Act 2003 on 24 November 2005 was subject to a review application called by Wiltshire Police which resulted in revocation of the premises licence on 26 January 2022. No licensable activities have taken place at the premises since this date.

2.8 Details of other licensed premises in the vicinity of the New Inn are as follows:

Premises	Licensable Activity	Hours
The George Hotel	Film, Indoor Sporting, Live Music, Recorded Music, Performance of Dance (all indoors)	10:00 – 00:00 Sun-Tues 10:00 – 01:00 Wed-Thur 10:00 – 02:00 Fri - Sat
	Late Night Refreshment (indoors)	23:00 - 00:30 Sun – Tues 23:00 – 01:30 Wed – Thur 23:00 – 02:30 Fri – Sat

	Alcohol Sales (on and off sales)	10:00 – 00:00 Sun – Tues 10:00 – 01:00 Wed-Thur 10:00 – 02:00 Fri - Sat
	Hrs open to the public	07:00 – 00:30 Sun – Tues 07:00 – 01:30 Wed-Thur 07:00 – 02:30 Fri - Sat
Kings Arms	<u>Lounge Bar</u> Film, Live Music, Recorded Music, Indoor Sporting Events, Performance of Dance (all indoors) Alcohol Sales (on and off sales)	11:00 – 23:00 Mon-Tue 11:00 – 01:00 Wed-Thur 11:00 – 02:00 Fri – Sat 12:00 – 23:00 Sun
	<u>Lounge Bar</u> Late Night Refreshment (indoors)	23:00 – 23:30 Mon-Tue 23:00 – 01:30 Wed-Thur 23:00 – 02:00 Fri – Sat
	<u>Lounge Bar</u> Hours open to the public	11:00 – 23:30 Mon-Tue 11:00 – 01:30 Wed-Thur 11:00 – 02:30 Fri – Sat 12:00 – 23:30 Sun
	<u>Nightclub</u> Film (indoors)	11:00 – 23:00 Mon-Tue 11:00 – 01:00 Wed-Thur 11:00 – 02:00 Fri – Sat 12:00 – 23:00 Sun
	<u>Nightclub</u> Live and Recorded Music (indoors) Indoor Sporting Events Sale of Alcohol (on and off sales)	11:00 – 23:59 Mon-Tue 11:00 – 01:00 Wed-Thur 11:00 – 02:00 Fri-Sat 12:00 – 22:30 Sun
	<u>Nightclub</u> Late Night Refreshment (indoors)	23:00 – 00:30 Mon-Tue 23:00 – 01:30 Wed-Thur 23:00 – 02:30 Fri-Sat
	<u>Nightclub</u> Hours open to the public	11:00 – 00:30 Mon-Tue 11:00 – 01:30 Wed-Thur 11:00 – 02:30 Fri-Sat 12:00 – 23:00 Sun
	The Bell	Alcohol Sales (on and off sales)
Late Night Refreshment (indoors and outdoors)		23:00 – 00:00 Sun-Tue 23:00 – 01:00 Wed – Thur 23:00 – 02:00 Fri-Sat
Hours Open to the public		07:00 – 00:30 Sun-Tue 07:00 – 01:30 Wed-Thur 07:00 – 02:30 Fri-Sat

The Antrobus Arms Hotel	Live and Recorded Music (indoors and outdoors) Alcohol Sales (on and off sales)	11:00 – 00:00 daily
	Late Night Refreshment (indoors and outdoors)	23:00 – 00:00 daily
	Hours open to the public	11:00 – 00:30 daily

Appendix 2 shows a map of the above premises.

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 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 14 relevant representations have been received from 13 local residents and one from a Responsible Authority.

3.3 Representations Received

In opposition:

- Rep 1 – Flower Lane, Amesbury
- Rep 2 – Seymour Gardens, Amesbury
- Rep 3 – Salisbury Street, Amesbury
- Rep 4 – Salisbury Street, Amesbury
- Rep 5 – Church Street, Amesbury
- Rep 6 – Seymour Gardens, Amesbury
- Rep 7 – Church Street, Amesbury
- Rep 8 – Queen Eleanor Court, Amesbury
- Rep 9 – London Road, Amesbury
- Rep 10 – Church Street, Amesbury

In favour:

- Rep 11 – Church Street, Amesbury
- Rep 12 – Leonard Cheshire Close, Amesbury
- Rep 13 – Raleigh Crescent, Amesbury

3.4 Responsible Authorities

- Wiltshire Police

3.5 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Comments
Wiltshire Police	Crime and Disorder Public Nuisance	Concerns raised over the proposed opening hours until 2.30am. Crime/anti-social behaviour increases after 11pm.
Rep 1	Public Nuisance	Opening after 11pm will increase anti-social behaviour (urine, vomit, broken glass in street from customers)
Rep 2	Public Nuisance	Music outside will cause a noise nuisance. Late opening will increase anti-social behaviour (urine and vomit from customers)
Rep 3	Public Nuisance Crime and Disorder	Music until 2am and opening hours until 2.30am will cause a noise nuisance to residents. Anti-social behaviour (urine, vomit and vandalism) from customers.
Rep 4	Public Nuisance	Late night opening and music outside will cause a noise nuisance. Late opening will increase anti-social behaviour (urine and vomit from customers)
Rep 5	Public Nuisance	Outside music and late opening hours will cause a noise nuisance to residents.
Rep 6	Public Nuisance	Outside music and late opening hours will cause a noise nuisance to residents.
Rep 7	Public Nuisance	Outside music and late opening hours will cause a noise nuisance to residents.
Rep 8	Public Nuisance	Outside music and late opening hours will cause a noise nuisance to residents.
Rep 9	Public Nuisance	Late Night opening will created a noise nuisance and anti-social behaviour from customers
Rep 10	Public Nuisance	Disturbance from music and anti-social behaviour will increase after midnight.
Rep 11	Ability to prevent Public Nuisance	Some Late noise should be expected in a town centre. Belief that applicant will be able to manage customer behaviour well.
Rep 12	Ability to prevent Public Nuisance	Applicant has experience of managing licensed premises. Belief that applicant will manage customer behaviour well
Rep 13	Ability to prevent Public Nuisance	Appropriate Security will be put in place to manage customer behaviour

3.6 The relevant representations are attached as **Appendix 3a – 3n**. Attached as **Appendix 4** is a map which shows the locations from where representations have been made.

3.7 During the consultation period, Vicky Brown, Senior Environmental Health Officer for Wiltshire Council's Environment Protection and Control Team contacted Mr Brindley, Director of One Dream Amesbury Ltd, with concerns over noise management and the proposed timings and activities applied for.

As a result of the conversation between Mrs Brown and Mr Brindley, Mr Brindley has agreed to remove the function room from the plan, remove live music from the application and limit the music in the courtyard to background music which will cease at 23:00hrs. Mr Brindley has also agreed to conditions relating to noise management being added to the licence should it be granted. The email exchange between Mrs Brown and Mr Brindley can be found at **Appendix 5**.

- 3.8 Mr Brindley has provided a response to the consultation in the form of a letter (**Appendix 6**) and proposed noise management plan (**Appendix 7**)

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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Date of report:

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 for a New Premises Licence**
- 2 Map of Amesbury Premises**
- 3a Representation - Wiltshire Police**
- 3b Representation 1**
- 3c Representation 2**
- 3d Representation 3**
- 3e Representation 4**
- 3f Representation 5**
- 3g Representation 6**
- 3h Representation 7**
- 3i Representation 8**
- 3j Representation 9**
- 3k Representation 10**
- 3l Representation 11**
- 3m Representation 12**
- 3n Representation 13**
- 4 Map of Representations**
- 5 Conditions agreed between Environmental Health Officer and Applicant**
- 6 Letter of response from Applicant**
- 7 Proposed Noise Management Plan from Applicant**