

DECISION NOTICE**Southern Area Licensing Sub-Committee**

**Application for a Variation of a Premises Licence; The Chapel
34 Milford Street, Salisbury SP1 2AP**

Decision made on 6 September 2022

Councillors:

Cllr Peter Hutton (Chairman), Cllr Trevor Carbin and Cllr Kevin Daley

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a variation to a Premises License made by Epic Bars (Salisbury) Ltd, in respect of The Chapel, 34 Milford Street, Salisbury, SP1 2AP, be granted together with the additional conditions as set out below:

To extend the hours of licensable activities as applied for:

Licensable Activity	Days	Times
Alcohol ON and OFF Sales	Thursday – Saturday	08:00 – 03:00
Regulated Entertainment (Performance of Plays, Exhibition of Film, Live Music, Recorded Music, Performance of Dance)	Thursday – Saturday	08:00 – 03:20
Late Night Refreshment	Thursday – Saturday	08:00 – 03:20
Opening Times	Thursday - Saturday	08:00 – 03:20

- 1) Amendment to the premises plan as set out in Appendix 1 of the application.
- 2) Removal of a condition in Annex 2b, Public Safety, and replacement with the following amended condition:
- 3) All alcoholic drinks in the premises will be served in PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans with the exception of all alcoholic bottled drinks. All spirit, wine and champagne bottles will be served to a VIP table or area only.

Other additional conditions:

4) That between the hours of 02:00 and 03:20 all drinks in glass containers are decanted or served in PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans.

5) That appropriate signage is displayed in the premises detailing the current policies and conditions concerning glass containers.

6) That current policies and conditions concerning the use of glass containers is provided to customers as part of the booking system.

Reasons:

In reaching its decision, the Sub-Committee took account of and considered all the relevant provisions of the Licensing Act 2003 (in particular Sections 4,18 and 35; the guidance issued under Section 182 of the Act.

The Sub-Committee considered the written evidence presented in the agenda and supplement 1, together with the oral evidence given at the hearing from the Applicant and the Applicant's Representatives as well as from the Police, who are the Responsible Authority.

The Sub-Committee noted that this was an application for a Variation to a Premises License, which requested an extension to the licensable activities, changes to a condition relating to the prohibition of serving drinks in glass receptacles, and changes to the premises plan.

The Sub-Committee noted the scope of experience held by the Applicant across the country in his other License Premises of a similar nature and the detailed Operational Manual, together with the CCTV, security staff and Staff Training Programmes which would support the Premises in upholding the Licensing Objectives.

The Sub-Committee noted the representation made by the Responsible Authority regarding the use of glass and their concerns around public safety, given the capability for a large capacity and the nature of the Premises but the Sub-Committee were satisfied with the Applicant's response and evidence and considered the Applicant had evidenced that the use of glass containers in the premises would not cause a danger to the people attending the premises. The Sub-Committee took the view that a condition requiring all drinks in glass containers would be served or decanted into PET, polycarbonate, shatter to safe, plastic, paper, toughened glass containers or cans between the hours of 0200 and 0300 would ensure that the licensing objectives in particular public safety would be upheld.

The Sub-Committee also noted that the Responsible Authority did not object to the extended opening times or the proposed changes to the Premises Plan and that both

parties confirmed that they had established a good working relationship in order to discuss the Responsible Authorities concerns regarding safety and reach a compromise.

The Sub-Committee recognised the efforts the Applicant had gone to in order to revitalise the premises and invest in the local economy.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

It should be noted that the Premises Licence Holder, any Responsible Authority(ies) and 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. 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.

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.