

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

DATE 24th August 2021

Application for a Premises Licence;
Keystone Managements Ltd
Queen Elizabeth Gardens, Mill Road, Salisbury SP2 7RZ

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Queen Elizabeth Gardens, Mill Road, Salisbury made by a member of public.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Queen Elizabeth Gardens has been made by Keystone Managements Ltd for which one relevant representation has 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 30th July 2021 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		Timings	Days
<u>Provision of regulated entertainment</u>			
Live music Recorded music	Outdoors	11:00hrs – 22:00hrs	Saturday
Sale by retail of alcohol	ON Sales	11:00hrs – 22:00hrs	Saturday

A copy of the application from Keystone Managements Ltd is attached as **Appendix 1**.

2.7 This is a new application, so no relevant background information needs to be borne in mind.

2.8 Salisbury City Council currently have a premises licence for Queen Elizabeth Gardens. The licence is for Live Music, Recorded Music, Performance of Dance and Play and Facilities for Dancing. Friday – Saturday 09:00hrs – 22:00hrs, Sunday 11:00hrs – 20:00hrs. Regulated entertainment shall not take place on more than eight days in any twelve-month period. The licence was first issue in January 2011. The licence excludes the sale of alcohol.

2.9 The Live Music Act 2012 provides the following exemptions in relation to live music:

Live music: no licence permission is required for:

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- A performance of amplified live music between 08.00 and 23.00 on any day provided that the audience does not exceed 500 on premises authorised to sell alcohol for consumption on those premises,

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- If the music is amplified, it takes place before an audience of no more than 500 people; and
- The music takes place between 08.00 and 23.00 on the same day.

The Live Music Act 2012 is attached as **Appendix 5**

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 one relevant representations have been received from one local resident. None were received from Responsible Authorities.

Additional conditions have been discussed and added to the application by the relevant authorities with the agreement of the applicant. These are –

- To provide at least 35 days' notice for a secondary date should the first date not be able to go ahead.
- Adherence to the Noise Management Plan

3.3 Representations Received

- Mr G Denvir

3.4 Responsible Authorities

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

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

Representation	Licensing Objective
Mr G Denvir	The Prevention of a Public Nuisance

3.6 The relevant representation is attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations from where representations have been made.

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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Report Author: Katherine Edge
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Date of report: 9th August 2021

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 Premises Licence Application**
- 1a Revised Plan**
- 2 Representation**
- 3 Location Map**
- 4 Email Correspondence**
- 5 Live Music Act 2012**