

Wiltshire Council

Where everybody matters

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Wiltshire Police Licensing Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The New Inn 10-16 High Street	
Post town Amesbury	Post code (if known) SP4 7DL

Name of premises licence holder or club holding club premises certificate (if known)
Keystone Public Houses Ltd

Number of premises licence or club premises certificate (if known)
LN/000043211

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Wiltshire Police, Bourne Hill Police Station, Bourne Hill, Salisbury, Wiltshire, SP1 3UZ	
Telephone number (if any)	01225256457
E-mail address (optional)	Alastair.Day@wiltshire.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The grounds for review are as follows:

This application to review the premise licence issued to the New Inn, High Street, Amesbury, Wiltshire, SP4 7DL, relates to the Premises Licence Holders inability and/or failure to promote the licensing objectives under the Licensing Act 2003 and failure to comply with certain conditions attached to the premises licence.

Furthermore, there is an apparent lack of management and individual responsibility which has resulted in the over-sales of alcohol, serving persons who are drunk and allowing known drug users and drug dealers onto the premises.

Wiltshire Police are in receipt of an application for a Variation to the Premises Licence to be granted under the provision of the Licensing Act 2003 and Wiltshire Police have submitted an objection to that variation application on the grounds that if it were to be granted, it would undermine the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety.

Wiltshire Police have no confidence in the ability of the management/premises licence holder to uphold the licensing objectives, most notably those highlighted above.

Please provide as much information as possible to support the application (please read guidance note 3)

Please See Appendix 1 attached

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them - N/A

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Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....Alastair M DAY.....

Date

.....30/11/21.....

Capacity

.....Wiltshire Police Licensing Officer (South)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)
Bourne Hill Police Station, Bourne Hill

Post town Salisbury

Post Code

SP1 3UZ

Telephone number 01225 256457 (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Alastair.Day@wiltshire. police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Amesbury town centre consists of a number of small businesses and residents (80% residential) and contains 4 main licensed premises within the areas of Salisbury Street and High Street.

Over an extended period of time and now certainly since the re-opening of licensed premises on the 19/7/21 there has been a very high number of complaints from members of the public concerning things such as loud music, urinating/vomiting on residents property and in residents doorways and multiple reports of fighting/disorder in both of those streets.

Two of the licensed premises, namely The Bell Inn and The George Hotel close at 23:59. The Bell has been observed to always close dead on time, but The George Hotel often closes early, sometimes as early as 21:00 hrs.

The remaining two main licensed premises, namely The New Inn and The Kings Arms stay open until 02:30 hrs on a Thursday, Friday and Saturday night and it is between the hours of 23:59 - 02:30 on those days where almost all the incidents take place.

Historically there has always been a considerable number of drink/drug related incidents in this small town but since 19/7/21 there has been 17 (to date) reports made to the police concerning The New Inn either directly i.e. at or inside the premises or very nearby that can be attributed to over-intoxicated clientele who've come from the premises. This includes incidents of disorder/fighting in both large and small groups, assaults of various degrees of severity and over-intoxication. It is also felt that drug use and drug dealing is a regular occurrence at the premises.

Large numbers of over-intoxicated clientele are often observed to be leaving the New Inn between the hours of 02:00 - 02:30 hrs on Thursday, Friday and Saturday nights.

The subject of over-intoxication has been discussed numerous times over the last few months either directly with the DPS, Mr Nathan MUIRHEAD or discussed in open forum at local Pubwatch meetings where, more often than not, a representative from the pub has been in attendance. All Pub watch members are fully aware of the issue of over-intoxication in the town and the misery it brings to residents. Again, it must be emphasised that the over-intoxication is observed to be taking place between the hours of 23:59 - 03:00 hrs.

During recent discussions, Mr MUIRHEAD has displayed a level of ignorance towards the issues caused by over-intoxication and has appeared unconvinced/disbelieving of what has been described to him by Police Licensing Officer, Mr Alastair DAY.

The observations are that the New Inn is the main source of the over-intoxication in the town, despite the many discussions between police licensing, the DPS and other representatives from the pub.

Additionally, there has been a high number of complaints regarding loud music coming from the pub causing considerable public nuisance

to the residents of Salisbury Street and the surrounding areas. This nuisance is on-going despite several months of engagement with both Wiltshire Council Environmental Health Officer (Vicky BROWN) and Police Licensing Officer (Alastair DAY). In respect of these on-going complaints Mr MUIRHEAD was directed to produce a noise management plan (NMP) and install sound limiting equipment within The Stables part of the premises. This equipment was inspected several months ago by aforementioned Vicky BROWN and Alastair DAY and the volume was set at a level that, at that time could not be heard by local residents with their windows open and that limit was locked into the equipment and the password only known to police and council authorities. Both live and recorded music must be plumbed into that equipment so that the sound level does not exceed the level that was set. However, on a recent visit and meeting at the pub, that equipment had been removed from The Stables part of the pub and replaced with different equipment from inside the pub, the sound limiter on which was observed to working intermittently and was easily adjustable. The removal of the original equipment is viewed by the police as a deliberate attempt to circumnavigate the sound level that was agreed and written into the NMP.

The latest complaint regarding noise from music emanating from the pub is from the weekend of 19/21 November 2021, many months after engagement started with responsible authorities.

Mr MUIRHEAD recently applied to vary the conditions of his current licence to include the use of a part of the pub called The Jaeger Bar and to extend the use of the area known as The Courtyard. Following the submission of that application it was noted by licensing staff that his current licence contains a condition that the use of the courtyard shall cease at or before 23:30 hrs. The Courtyard has historically been in continual use for several years up until 02:00 hrs on a Thursday, Friday and Saturday evening but the condition hadn't been enforced as, due to an oversight it hadn't been spotted. Mr MUIRHEAD was arguably aware of this condition but has continually used the courtyard after 23:30 hrs for many years. However, this condition was immediately pointed out to him and he was directed by both Council Licensing Officer (Carla ADKINS) and PLO Alastair DAY that the use of the courtyard after 23:30 hrs must cease with immediate effect until such times as a variation to that condition had been agreed. Mr MUIRHEAD initially argued that he didn't feel that this condition could be enforced, and it was again reiterated to him that it would be from thereon in.

However, during the evening of Saturday the 13/11/21 PLO Alastair DAY spoke to Mr MUIRHEAD at The New Inn and the focus of that discussion was on the use of courtyard and the fact that its' use should cease at or before 23:30 hrs that evening. Mr MUIRHEAD agreed that this was the case. He was also informed that another visit would be made after that time to ensure compliance.

Mr DAY returned to the pub at 01:00 hrs in company with a police officer and both observed the courtyard in full use with the area

containing approximately 50-60 people, several of whom were consuming alcohol. This observation went on for approximately 10 mins before a member of the door staff was asked to find Mr MUIRHEAD who was in The Stables building. During this short period several very intoxicated persons were also observed to leave the premises as well.

The matter was pointed out to Mr MUIRHEAD and he was notified that it would be reported to Wiltshire Council Licensing as a clear breach of his premises licence conditions.

Following that visit, Mr DAY returned to the premises at a little after 02:00 hrs on the morning of 14/11/21 to observe clientele leaving the pub and it could be clearly seen that many were over-intoxicated. In particular, 2 females came out of the courtyard gate and into the pub car park in a very intoxicated state and went on to cause a considerable public order incident in the street. These females had been present in the pub during the visit at 22:00 hrs 13/11. It would be fair to describe their level of intoxication as being way past a score of 10 on scale of 1 to 10.

This incident caused a high level of public nuisance, so much so that the Manager of The George Hotel opposite came out into the street to complain and he was followed by paying residents in the hotel who'd been awoken by all of the screaming and shouting and police presence.

Mr MUIRHEAD was able to observe the whole incident as he was present in the car park at the time.

Subsequently to these incidents, Mr MUIRHEAD was issued with a formal warning in respect of both breaching a condition of his premises licence (use of the courtyard) and a breach of S.141 of the Licensing Act 2003, serving alcohol to a person who is drunk.

It is acknowledged that not all the issues in Amesbury are caused solely by over-intoxication and that some incidents can be attributed to the illegal use of drugs and several dealers have been identified and arrested.

During the evening of 3/10/21 one of those identified dealers was arrested directly outside The New Inn and was found to be in possession of several hundred pounds in cash and over 8 grams of the class B drug, ketamine. It was confirmed by door staff at the New Inn that this drug dealer had been inside the pub for several hours. There is police intelligence available that illustrates a clear personal link between this dealer and a former member of the New Inn door staff and the police suspect that this member of staff was facilitating drug dealing within the premises and that person was employed by the pub at this time but has since been dismissed over another matter.

On the 9/11/21, a female was found in Salisbury Street in what can only be described as a stupefied state. Thankfully she was accompanied by her boyfriend. She had previously been in The Bell and it was staff there who called the police. Subsequent enquiries have revealed that she had been in The New Inn from approximately 19:30 - 22:30 and that her boyfriend had consumed 14 or 15 double rums and she herself

had consumed approximately 12 alcoholic drinks. She was in a very vulnerable state and ended up being taken to hospital where blood samples have been taken for toxicology.

Following the events of 13/14 Nov '21 a meeting was arranged at the premises for the 17/11/21 to discuss these matters. Present at that meeting was the licence holder and his partner, the Local police commander Inspector Tina OSBORN, PLO Alastair DAY and Wiltshire Council Environmental health Officer Vicky BROWN. During this meeting the licence holder and his partner were specifically asked about measures that they have in place to deter drug users and/or drug dealers coming into the premises. The answer that was given was that if they didn't let drug users/drug dealers into the premises then they wouldn't have any customers! This has caused grave concerns for the police in that it now presents a real possibility that the licence holder may knowingly be allowing drug use/dealing to take place on the premises?

Further to that meeting an incident took place at the premises in the early hours of the morning of 26/11/21 whereby customers are seen to be leaving the premises in a very intoxicated state, one of whom was subsequently arrested for being drunk & disorderly. Other customers, also highly intoxicated are seen to leave the premises and head into Salisbury Street where they start shouting and swearing loudly and then verbally abuse police officers who are trying to deal with the earlier detainee. This is another illustration that the licence holder seems incapable of upholding the licensing objectives and continues to over serve alcohol to customers despite the high level of engagement, explanation and encouragement that has taken place over the last 12 months.

Engagement with residents and a local residents committee highlights the level of misery that they have put up with for a very long period of time and a large percentage of their vitriol is directed at this particular premises, the New Inn.

The current licensee, Mr Nathan MUIRHEAD has run another venue in the town centre previously and this premises was also subject to a review.

Police body worn video footage is stored on police systems and can be made available for viewing.

Properly redacted incidents reported to the police and subsequently logged will be presented in appendix style along with records of complaints from local residents.

Wiltshire Police are seeking Revocation of the Premise Licence, as there is no confidence in the ability of the management to provide any demonstrable compliance with or promotion of the Licensing Objectives, together with Licensing Act Offences.

