

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

MEETING DATE 27th April 2016

Application for a variation to a Premises Licence; Queens Arms, Ivy Street, Salisbury, Wiltshire, SP1 2AY

1. Purpose of Report

- 1.1 To determine an application for a variation to a Premises Licence at Queens Arms, Ivy Street, Salisbury, Wiltshire, SP1 2AY made by NEP Investments Ltd

2. Background Information

- 2.1 An application for a variation to a Premises licence at Queens Arms, Ivy Street, Salisbury, Wiltshire, SP1 2AY made by NEP Investments Ltd for which four relevant representations have 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 35 (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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 4th March 2016 an application for a variation to a Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Change the licensed area internally	No change	No Change

A copy of the Premises Licence is attached as **Appendix 1**, application from The Queens Arms, Ivy Street, Salisbury, Wiltshire, SP1 2AY is attached as **Appendix 2**.

2.7 During the Consultation Period amendments were made to both the application and the Plans as a result of the Statutory Noise Abatement Notice being in Place that had been served. **Appendix 2a** page 2 of the updated variation received 4th March sheet **Appendix 2b** is the updated plan received 4th March. **Appendix 2c** page 2 of the final updated variation received 15th March **Appendix 2d** is the final updated plan received 15th March.

2.8 Prior to the submission of the variation application as a result of a second week of excess noise caused by Live Bands playing in a Music Concert at the Premises in the Barn/Lounge area which was covered by the existing Premises Licence, the Environmental Health team from Wiltshire Council Issued a Statutory Noise Nuisance Abatement Notice on 27th February 2016 **Appendix 3**

2.9 The other premises which are licensed for sales of alcohol within the vicinity of the application address are detailed as follows:

Premises	Licensed Hours for On-sales of Alcohol	Days	No. On Plan
Le Rai Dor	0800 – 0000 0800 - 0200	Sunday – Wednesday Thursday - Saturday	1
Cloisters	0800 – 0000 0800 - 0100	Sunday - Thursday Friday & Saturday	2
Mercure White Hart Hotel	0800 – 0000 0800 - 0200	Sunday – Wednesday Thursday - Saturday	3
Wig & Quill	1000 – 0000 1000 - 0200	Sunday – Wednesday Thursday - Saturday	4
Kandi Lounge	1200 – 0000 1200 - 0300	Sunday – Wednesday Thursday - Saturday	5
Music Box	1200 – 0000 0800 - 0240	Sunday Monday - Saturday	6

2.10 A map showing the locations of the above premises is attached as **Appendix 4**.

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 four relevant representations have been accepted from interested parties.

3.3 Representations Received

- Ms. Dorothy Gurd
- Mr. David Kerley
- Mrs. Denise Kerley
- Ms. Lisa Rivers

3.4 During the consultation period the Statutory Noise Nuisance Order Abatement Notice was considered to be in place it has now been appealed and as a result is suspended until the hearing at Magistrates Court

3.5 Live Music is already part of the Licensable Activities on the Premises Licence and no request was included to vary these timings or locations permitted.

3.6 The representations have raised concerns following the Premises Customers using the exit into Brown Street which where it then became a smoking area where drinking was also taking place on the Street. As the Premises is Licensed for late Night Food that it may remain open until 0230 as shown on the Premises Licence. As the doors had not previously been used for access and egress this also caused an increase in noise in the Car Park at the side of Antelope Court which was described as excessive by the person making the representation. There also comments with regards to the problems the Live music caused when the concerts were held in the Barn/Lounge area.

3.7 Responsible Authorities

No Responsible Authority has made a representation in connection with this application. Although the Environmental Health team did not object due to the Statutory Noise Order Abatement Notice being in place it was only ascertained after the date of closure for representations that the Order had been appealed and was therefore suspended until a hearing at Magistrates Court

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

Representation	Licensing Objective	Accepted	Comments
Smoking and Drinking on the street, excess noise on leaving the Premises, Issues with Live Music	Prevention of Public Nuisance	Yes	All representations

3.9 The relevant representations are attached as **Appendix 5**.

- 3.10 **Appendix 6** shows a detailed plan of the area.
- 3.11 To allay resident's concerns the applicant has agreed to include the following conditions on the Premises Licence:-
- There is a dedicated smoking area for the premises which is the outside courtyard in the middle of the property. This area will also be used by people using the restaurant. **Appendix 7** is a plan showing the smoking area.
 - Access and egress to the restaurant area will be through the pub, there are no plans to use the barn entrance.
 - The restaurant intended closing time will be 23.00.
 - There are already steps in place to control noise levels after 23.00hrs by the DPS or nominee. These steps prevent anybody from smoking outside the premises after 23:00hrs and leaving via the front door in a quiet and orderly manner, internal noise is to a minimum level after 23:00hrs.(this is already a Condition on the Premises Licence)
 - that there would be no playing of live music at the rear of the property until such times as the Environmental Health Department are satisfied with the DPS operator that the rear has been sound proofed and sound tested to a standard set by the appropriate authority with confirmation to this effect and approved by the Environmental Health Department once works have been carried out.
- 3.12 At the time of writing the report the applicant has agreed to remove Live Music from the Barn/Lounge Area as above but not recorded music.
- 3.14 **Appendix 8** shows details of e-mails sent by PLH outlining the agreement to the conditions and that the Barn/Lounge area will be a Restaurant.
- 3.15 Those making the representations have been informed of what the Applicant has offered but they have not withdrawn their representations.
- 3.16 The first hearing for the appeal to the Statutory Noise Abatement Notice is due to be heard at Salisbury Magistrates Court on Monday 25th April 2016.

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.

Report Author:

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Date of report 19th April 2016

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**
- 2 Variation of Premises Licence Application form and Plan**
 - a) Updated variation 4th March 2016**
 - b) Updated Plan 4th March 2016,**
 - c) Final updated variation 15th March 2016,**
 - d) Final updated Plan 15th March 2016**
- 3 Statutory Noise Nuisance Order issued by Wiltshire Council**
- 4 Map showing locations of other On Sale Premises**
- 5 Relevant representations**
- 6 Detailed plan of the area**
- 7 Plan with location of Smoking area**
- 8**
 - a) E-mail dated 4th April**
 - b) E-mail dated 8th April**