

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

21st March 2017

**Application for a Variation of a Premises Licence; The New Inn, High Street,
Amesbury, Wiltshire, SP4 7DL**

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The New Inn, High Street, Amesbury, Wiltshire, SP4 7DL made by Mrs Katharine Patrak and Mr Andrew Clarke.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The New Inn has been made by Mrs Katharine Patrak and Mr Andrew Clarke 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.
 - iii) To grant the application as applied for.
- 2.5 On 31st February 2017 an application for a variation of the existing premises licence, was received and accepted as a valid application.

2.6 The details of the variation applied for, are as follows:

- Extend hours for licensable activities as follows:
 - Live music: Thursday-Saturday: 08:00-01:00hrs
 - Recorded music: Thursday: 08:00-02:00 & Friday-Saturday 08:00-03:00
 - Late night refreshment: Friday-Saturday 23:00-02:30
 - Alcohol sales (ON sales): Friday-Saturday 10:30-02:30
 - Opening hours: Friday-Saturday 08:00-03:00

- Amend current licence condition to read 'No entry or re-entry after 02:00hrs'.

- Remove current condition 'the use of the external drinking area will cease at or before 23:30hrs.'

A copy of the application form is attached as **Appendix 1**. Please note, the applicant wishes for the application to apply to the whole premises (main pub area and function room), they do not wish for the hours and conditions to differ from area to area as originally stated in the application.

2.7 Since 24th November 2005, the premise has benefited from a Premises Licence issued under the Licensing Act 2003. The original licence authorised the following:

Licensable Activity	Hours
Indoor sporting event	Monday-Tuesday 20:00-23:00
Live music (Indoors)	Thursday-Saturday 08:00-23:00
Recorded music (Indoors)	Sunday 12:00-16:00
Late night refreshment	Wednesday 23:00-00:00 Thursday-Saturday 23:00-02:00
Sale of alcohol (ON and OFF Sales)	Monday-Tuesday 10:30-23:00 Wednesday 10:30-00:00 Thursday-Saturday 10:30-02:00 Sunday 12:00-23:00
Opening hours	Monday-Tuesday 08:00-23:30 Wednesday 08:00-00:30 Thursday-Saturday 08:00-02:30 Sunday 08:00-23:30

2.8 The Premises Licence was subsequently varied in November 2006. The details of the variation are as follows:

Amend/Include Licensable Activity	Amended/Include Hours
Films (Indoors)	Thursday-Saturday 08:00-00:30 Sunday 12:00-23:00
Indoor sporting event	Monday-Tuesday 10:30-23:00 Wednesday 10:30-00:00

	Thursday-Saturday 10:30-02:00 Sunday 10:30-23:00
Live music Recorded music Performance of dance Anything of a similar description to that falling with (e), (f) or (g) (Indoors)	Thursday 08:00-00:30 Friday-Saturday 08:00-00:30 Sunday 12:00-23:00
Sale of alcohol (ON and OFF Sales)	Add non standard timings: New Year's Eve until close January 1 st Christmas Eve & Boxing Day until 02:00 Bank Holiday Monday until 02:00
Opening hours	Add non standard timings: New Year's Eve until close January 1 st Christmas Eve & Boxing Day until 02:00 Bank Holiday Monday until 02:00

2.9 The current Premises Licence is attached as **Appendix 2**. The plan attached to the Premises Licence is attached as **Appendix 3**.

2.10 Attached as **Appendix 4** is a location plan of the premises.

2.11 Details of other premises operating in the late night economy, in the vicinity of the area are as follows:

Name	Licensable Activities	Hours
The George Hotel, High Street, Amesbury	Exhibit Film Indoor Sports Event Live Music Recorded Music Perform Dance Similar to any Music or Dance	Sunday-Tuesday: 10:00-00:00 Wednesday-Thursday: 10:00-01:00 Friday-Saturday: 10:00-02:00 In line with the hours mentioned under 'Non Standard Timings' in the Supply of Alcohol.
	Late night refreshment	Sunday-Tuesday: 23:00-00:30 Wednesday-Thursday: 23:00-01:30 Friday-Saturday: 23:00-02:30 In line with the hours mentioned under 'Non Standard Timings' in the Supply of Alcohol.
	Sale of Alcohol (ON & OFF the premises)	Sunday-Tuesday 10:00-00:00 Wednesday-Thursday 10:00-01:00 Friday-Saturday: 10:00-02:00 New Year's Eve 10:00 until the start of trading on 1st January. Christmas Eve & Boxing Day 10:00 until 02:30 the following day. On the Sunday preceding a Bank Holiday Monday 10:00 until 01:00 (Monday). Hotel residents may be supplied and consume alcohol on the

		premises at any time (24 hours) of the trading week.
	Hours open to the public	Sunday-Tuesday: 07:00-00:30 Wednesday-Thursday: 07:00-01:30 Friday-Saturday: 07:00-02:30 In line with the hours mentioned under 'Non Standard Timings' in Supply of Alcohol plus an additional 30 minutes.
The Bell, Salisbury Street, Amesbury	Late night refreshment	Sunday-Tuesday: 23:00-00:00 Wednesday: 23:00-01:30 Thursday: 23:00-01:00 Friday-Saturday: 23:00-02:00 New Year's Eve 2300 until 0500 Christmas Eve, Christmas Day, Boxing day, New Years day, Spring & August Bank Holiday, Maundy Thursday, Good Friday, Easter Saturday, Sunday and Monday and any other bank holidays and Sundays preceding a Bank Holiday 2300 - 0200
	Alcohol sales (ON and OFF)	Sunday-Tuesday: 09:00-00:00 Wednesday-Thursday: 09:00-01:00 Friday-Saturday: 09:00-02:00 New Year's Eve 0900 until start of Business on 1 st Christmas Eve, Christmas Day, Boxing day, New Years day, Spring & August Bank Holiday, Maundy Thursday, Good Friday, Easter Saturday, Sunday and Monday and any other bank holidays and Sundays preceding a Bank Holiday 0900- 0200
	Opening hours	Sunday-Tuesday: 07:00-00:30 Wednesday-Thursday: 07:00-01:30 Friday-Saturday: 07:00-02:30 New Year's Eve 0700 until start of Business on 1 st . Christmas Eve, Christmas Day, Boxing day, New Years day, Spring & August Bank Holiday, Maundy Thursday, Good Friday, Easter Saturday, Sunday and Monday and any other bank holidays and Sundays preceding a Bank Holiday 0700 - 0230
The Kings Arms (including Rubies Nightclub)	Lounge Bar Exhibit Film Live Music Recorded Music	Sunday: 12:00-23:00 Monday-Tuesday: 11:00-23:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00 Good Friday, Christmas Eve, Boxing Day & Sundays before Bank Holiday Monday until 02.00 New Year's Eve until start of business on 1st January

	<u>Lounge Bar</u> Indoor Sports Event Perform Dance Similar to any Music or Dance	Sunday: 12:00-23:00 Monday-Tuesday: 11:00-23:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00 Good Friday, Christmas Eve, Boxing Day & Sundays before Bank Holiday Monday until 02.00
	<u>Lounge Bar</u> Late night refreshment	Monday-Tuesday: 23:00-23:30 Wednesday-Thursday: 23:00-01:30 Friday-Saturday: 23:00-02:00 Good Friday, Christmas Eve, Boxing Day & Sundays before Bank Holiday Monday until 02.00. New Year's Eve until 5.00am
	<u>Lounge Bar</u> Alcohol sales (ON and OFF)	Sunday: 12:00-23:00 Monday-Tuesday: 11:00-23:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00 Good Friday, Christmas Eve, Boxing Day & Sundays before Bank Holiday Monday until 02.00. New Year's Eve until start of business on 1st January
	<u>Lounge Bar</u> Opening hours	Sunday: 12:00-23:30 Monday-Tuesday: 11:00-23:30 Wednesday-Thursday: 11:00-01:30 Friday-Saturday: 11:00-02:30 Good Friday, Christmas Eve, Boxing Day & Sundays before Bank Holiday Monday until 02.30. New Year's Eve until start of business on 1st January.
	<u>Nightclub</u> Exhibit film	Sunday: 12:00-22:30 Monday-Tuesday: 11:00-23:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00 As for supply for alcohol.
	<u>Nightclub</u> Live music Recorded music	Sunday: 12:00-22:30 Monday-Tuesday: 11:00-00:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00 As for supply for alcohol.
	<u>Nightclub</u> Indoor sports event Perform dance Similar to any music or dance	Sunday: 12:00-22:30 Monday-Tuesday: 11:00-00:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00
	<u>Nightclub</u> Late night refreshment	Monday-Tuesday: 23:00-00:30 Wednesday-Thursday: 23:00-01:30 Friday-Saturday: 23:00-02:30 As for supply of alcohol
	<u>Nightclub</u> Alcohol sales (ON and OFF)	Sunday: 12:00-22:30 Monday-Tuesday: 11:00-00:00 Wednesday-Thursday: 11:00-01:00 Friday-Saturday: 11:00-02:00

		Good Friday, Christmas Eve, Boxing Day & Sundays before Bank Holiday Monday until 02.00. New Year's Eve until start of business on 1st January.
	Nightclub Opening hours	Sunday: 12:00-23:00 Monday-Tuesday: 11:00-00:30 Wednesday-Thursday: 11:00-01:30 Friday-Saturday: 11:00-02:30 When the hours for 'Supply of alcohol' are extended, these hours are extended by thirty minutes.

3. Consultation and Representations

3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period four relevant representations have been received from one Responsible Authority and three Interested Parties. The Environmental Health Officer has subsequently withdrawn her representation, please see para 3.8.

3.2 Responsible Authorities

- Environmental Health Officer (withdrawn)

3.3 Interested Parties

- Mrs M Carder, 8 Seymour Gardens, Amesbury, SP4 7FA
- Mr K & Mrs T Pullen, Fairlawn Hotel, High Street, Amesbury, SP4 7DL
- S Jones, 4 Seymour Gardens, Amesbury, SP4 7FA

3.4 Mrs Carder's representation contained two other signatories in support of her objection.

3.5 S Jones' representation contained ten other signatories in support of her objection.

3.4 A summary of the representations made are detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Noise concerns, anti social behaviour	Public nuisance	Yes	-
Noise concerns, anti social behaviour, vandalism	Public nuisance, crime & disorder	Yes	-
Noise concerns, anti social behaviour	Public nuisance	Yes	-
Noise nuisance	Public nuisance	Yes	WITHDRAWN

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

- 3.6 During the consultation period the applicant liaised with the Police Licensing Officer. Following this discussion the applicant agreed to make the below amendments to the variation application:
- Hours the premises are open to the public on Thursday, Friday & Saturdays will be 0230hrs, not 0300hrs, with the other days remaining unchanged.
 - The hours above will apply to the Main Bar and the Function Room.
 - The external drinking & smoking area will remain available for smoking, however no drinks will be allowed in this area after Midnight.
 - There will be a minimum of 2 Door Supervisors on duty on Friday & Saturday nights, from 2230hrs, to monitor access and egress of customers and the external drinking & smoking area.
 - There will be a minimum of 3 Door Supervisors on duty, whenever the Function Room is being used.
 - The premises will be a member of the Pub watch Scheme.
 - Children will not be allowed in the bar after 2100hrs.
 - Plastic or Polycarbonate glasses will be used after midnight in the Function Room.
- 3.7 The email confirming the above changes is attached as **Appendix 6**. The applicant has also confirmed that the amendment from 03:00hrs to 02:30hrs also applies to the hours for recorded music on Friday and Saturdays.
- 3.8 Following the end of the consultation period, the applicant submitted a noise management plan as advised by the Environmental Health Officer; this document is attached as **Appendix 7**. This management plan alleviated the concerns of the officer and Environmental Health subsequently withdrew their representation.

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 Responsible Authorities and Interested Parties 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 the Applicant, Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of the other 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 Premises Licence Holder, the Responsible Authority 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.
- 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 will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Hannah Hould
Public Protection Officer (Licensing)

Date of report: 8th March 2017

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 Variation application form**
- 2 Current premises licence**
- 3 Plan attached to premises licence**
- 4 Location plan**
- 5 Relevant representations**
- 6 Confirmation of amendments to application**
- 7 Noise management plan**