

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

5th October 2017

Application for a Review of a Premises Licence: Queens Arms, Ivy Street, Salisbury, SP1 2AY

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY made by Wiltshire Council's Public Protection Team.

2. Background Information

- 2.1 An application for a review of a Premises Licence in respect of Queens Arms, Ivy Street, Salisbury, SP1 2AY has been made made by Patricia Morse, Public Protection Team, for which 3 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 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps as it considers necessary for the promotion of the licensing objectives.

- 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 exclude a licensable activity from the scope of the licence.
- iii) To suspend the licence for a period not exceeding three months.
- iv) To revoke the licence.
- v) To determine that no steps are necessary.

Government Guidance issued under s.182 of the Licensing Act 2003 states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

- 2.5 Following a hearing which took place on 10 August /2005 the original premises licence for the Queen's Arms was granted under the Licensing Act 2003 on 11th October 2005. Since this date there have been several changes to the premises licence and the current copy is attached as **Appendix 1**. The current licence allows the following licensable activities :-

Licensable Activity	Hours
Indoor Sporting Events Recorded Music(Indoors) Anything Similar(Indoors) Provision of facilities for making music(Indoors) Provision of Facilities for Dancing(Indoors)	Monday – Sunday 1000 – 2300
Live Music (Indoors)	Monday – Sunday 1000 - 2200
Late Night Refreshment (Indoors)	Sunday – Wednesday 2300 – 0030 Thursday – Saturday 2300 - 0230
Sale or Supply of alcohol On & Off the Premises	Sunday – Wednesday 0700 -0000 Thursday –Saturday 0700 – 0200
Opening Hours	Sunday – Wednesday 0700 -0030 Thursday – Saturday 0700 -0230

- 2.6 On 27th February 2016 a noise abatement notice was served on the Designated Premises Supervisor (DPS), Mr Adrian Sainsbury following complaints received from several members of the Public regarding amplified music being played in the Barn Area of the Premises. This notice was appealed by Mr Sainsbury and was heard at Salisbury Magistrates Court on 11th May 2016 where the notice was upheld.
- 2.7 After the Abatement Notice was served, an application to vary the Premises Licence was made on 15th March 2016 to allow Live music to take place in the Barn area As a result of several objections a Hearing date was set but the application was withdrawn before the hearing took place.
- 2.8 A further Variation application was made on 8th September 2016. The variation was to include the Barn area on the premises licence. The licence was granted on 11th October 2016 with the following conditions:-

- Live Music will not be played in the Barn area.
- Discos will not take place in the Barn area
- Live Sporting Events will not be shown in the Barn Area
- The Barn Area will not be permitted to operate after 2300
- Numbers will be limited in the Barn Area to 40 persons.
- Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. All aspects of the Noise Management Plan will be adhered to.
- Any changes to the noise management plan must be agreed in writing by the Licensing Authority and EHO before any changes to the Noise management plan are made.

2.9 The Noise Management Plan mentioned above is attached as **Appendix 2**.

2.10 Following the grant of the variation a number of complaints continued to be received with regards to music from the Premises

2.11 The current layout of the premises is attached as **Appendix 3** with a location plan attached as **Appendix 4**.

3. Details of the Grounds for Review

3.1 The review of the licence has been requested on the grounds that the management of the premises has been conducted in such a manner as to prejudice the licensing objectives. Although the DPS has changed the same people are running the business. The grounds for review are:-

- Failure of the premise to comply with the licence conditions attached to the licence, in particular the Noise Management Plan which details how to appropriately manage, monitor and control levels of amplified music played inside the premises.
- Failure to promote the licensing objective of prevention of public nuisance
- Lack of confidence in the robust management of this premise.

3.2 The application for review is attached as **Appendix 5**. The evidence relied upon in support of the application is contained within **Appendix 6**.

4. Consultation and Representations

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, County Hall. During the consultation period no relevant

representations were received from the responsible authorities and 3 relevant representation have been received from members of the public.

- Mr William & Mrs Nesta Jones, 10 Ivy Street, Salisbury, SP1 2AY
- Ms Dorothy Gurd, 14 Antelope Court, Brown Street, Salisbury, SP1 2AR
- Ms Lisa Rivers, 11, Antelope Court, Brown street, Salisbury, SP1 2AR

The relevant representations are attached as **Appendix 7**.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

5. Legal Implications

5.1 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.

5.2 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.

5.3 At the hearing all those Responsible Authorities and Interested Parties 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.

6. Officer Recommendations

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

7.1 It should be noted that the Premises Licence Holder and those who have made relevant 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.

7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not come into effect until the end of the period for appealing the decision, or until any appeal is heard and any decision made by the Magistrates Court.

7.3 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.

Report Author: Ian Garrod

Ian Garrod, Public Protection Officer (Licensing)

Date of report: 21/09/2017

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 Premises licence**
- 2 Noise management Plan**
- 3 Current Layout of premises**
- 4 Location plans**
- 5 Application for review**
- 6 Evidence submitted by Public Protection Team**
- 7 Relevant representations**