

**Wiltshire Council**

**Southern Area Licensing Sub-Committee**

**10 September 2018**

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**Application for a Variation to a Premises Licence; The Bank Cocktail Lounge & Events, 18 High Street, Amesbury, Wiltshire, SP4 7DN**

**1. Purpose of Report**

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Bank Cocktail Lounge & Events, 18 High Street, Amesbury, Wiltshire, SP4 7DN made by Keystone Entertainment Limited.

**2. Background Information**

- 2.1 An application for a variation to a Premises Licence in respect of The Bank Cocktail Lounge & Events, 18 High Street, Amesbury, Wiltshire, SP4 7DN has been made by Keystone Entertainment Limited for which nine 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 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 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 16<sup>th</sup> July 2018 an application for a variation to a premises licence was received and accepted as a valid application.

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

1. Update the plans attached to the premises licence;
2. Amend two of the conditions on the licence, as follows:
  - **Condition 1 currently states:** The entrance of the building will be relocated to the side door on a Friday and Saturday night, and for major events.
  - **Amend to read:** The entrance of the building will be relocated to the side door at all times.
  - **Condition 2 currently states:** A minimum of four Door Supervisors will be provided from 22:00hrs on Thursdays, Fridays and Saturdays, until 30 minutes after close, to ensure the quiet dispersal of patrons, from the area.
  - **Amend to read:** A minimum of five Door Supervisors will be provided from 22:00hrs on Thursdays, Fridays and Saturdays, until 30 minutes after close, to ensure the quiet dispersal of patrons, from the area.
3. Remove one of the current conditions on the premises licence:
  - Amplified sound will be reduced in the main pub from 00:00hrs. (Noting that we (the applicant) are committed to keeping noise levels below 40 DBL in line with planning conditions.)
4. Amend the current hours for recorded music (Indoors) and opening hours as follows:
  - Thursday 08:00-02:00
  - Friday-Saturday 08:00-03:30
  - Bank Holidays & Christmas Eve 08:00-03:30/ New Year's Eve 08:00 to start of business the following day.
5. Amend the hours for sale of alcohol (ON & OFF Sales) as follows:
  - Sunday-Wednesday 12:00-00:00
  - Thursday 12:00-02:00
  - Friday-Saturday 12:00-03:30
  - Bank Holidays & Christmas Eve 12:00-03:30/ New Year's Eve 12:00 to start of business the following day.

2.7 A copy of the original application form is attached as **Appendix 1**. The updated plans are attached as **Appendix 2**.

2.9 During the consultation period, the applicant removed and amended part of the variation, as a result of concerns raised by Wiltshire Police. The **current** variation application therefore is as follows:

1. Update the plans attached to the premises licence;
2. Amend two of the conditions on the licence, as follows:
  - **Condition 1 currently states:** The entrance of the building will be relocated to the side door on a Friday and Saturday night, and for major events.
  - **Amend to read:** The entrance of the building will be relocated to the side door at all times.

- **Condition 2 currently states:** A minimum of four Door Supervisors will be provided from 22:00hrs on Thursdays, Fridays and Saturdays, until 30 minutes after close, to ensure the quiet dispersal of patrons, from the area.
  - **Amend to read:** A minimum of five Door Supervisors will be provided from 22:00hrs on Thursdays, Fridays and Saturdays, until 30 minutes after close, to ensure the quiet dispersal of patrons, from the area.
3. Remove one of the current conditions on the premises licence:
    - Amplified sound will be reduced in the main pub from 00:00hrs. (Noting that we (the applicant) are committed to keeping noise levels below 40 DBL in line with planning conditions.)
  4. Include non-standard timings for recorded music (indoors) to reflect the current non-standard timings for alcohol on the premises licence:
    - Bank Holidays & Christmas Eve 08:00-02:00/New Year's Eve 08:00 to start of business the following day.
  5. Reduce the current start time for the sale of alcohol (ON and OFF Sales), but not extend the terminal hour. The current start time on the premises licence is 08:00 Monday-Sunday, including non-standard timings:
    - The applicant wishes to amend to 12:00hrs Monday-Sunday and to include non-standard timings.
  6. Include an additional condition on the premises licence:
    - No entry or re-entry after 01:30hrs other than for use of the smoking area. (As agreed by Wiltshire Police Licensing and the Applicant)
- 2.10 The premise has held a premises licence since 21<sup>st</sup> February 2018. The new premises licence application was heard by the Southern Area Licensing Subcommittee on the 21<sup>st</sup> February 2018, who resolved to grant the application, with additional conditions. A copy of the current premises licence and plan is attached as **Appendix 3**. A copy of the decision notice is attached as **Appendix 4**.
- 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
<b>The George Hotel, High Street, Amesbury</b>	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 'Non Standard Timings' in the Supply of Alcohol.

	Sale of Alcohol (ON & OFF the premises)	<p>Sunday-Tuesday 10:00-00:00  Wednesday-Thursday 10:00-01:00  Friday-Saturday: 10:00-02:00</p> <p>New Year's Eve 10:00 until the start of trading on 1st January.  Christmas Eve &amp; 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.</p>
	Hours open to the public	<p>Sunday-Tuesday: 07:00-00:30  Wednesday-Thursday: 07:00-01:30  Friday-Saturday: 07:00-02:30</p> <p>In line with the hours mentioned under 'Non Standard Timings' in Supply of Alcohol plus an additional 30 minutes.</p>
<b>The Bell, Salisbury Street, Amesbury</b>	Late night refreshment	<p>Sunday-Tuesday: 23:00-00:00  Wednesday: 23:00-01:30  Thursday: 23:00-01:00  Friday-Saturday: 23:00-02:00</p> <p>New Year's Eve 2300 until 0500  Christmas Eve, Christmas Day, Boxing day, New Year's day, Spring &amp; 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</p>
	Alcohol sales (ON and OFF)	<p>Sunday-Tuesday: 09:00-00:00  Wednesday-Thursday: 09:00-01:00  Friday-Saturday: 09:00-02:00</p> <p>New Year's Eve 0900 until start of Business on 1<sup>st</sup> Christmas Eve, Christmas Day, Boxing day, New Year's day, Spring &amp; 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</p>
	Opening hours	<p>Sunday-Tuesday: 07:00-00:30  Wednesday-Thursday: 07:00-01:30  Friday-Saturday: 07:00-02:30</p> <p>New Year's Eve 0700 until start of Business on 1<sup>st</sup>. Christmas Eve, Christmas Day, Boxing day, New Year's day, Spring &amp; 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</p>

<b>The Kings Arms (including Rubies Nightclub)</b>	<u><b>Lounge Bar</b></u> 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><b>Lounge Bar</b></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><b>Lounge Bar</b></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><b>Lounge Bar</b></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><b>Lounge Bar</b></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><b>Nightclub</b></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><b>Nightclub</b></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><b>Nightclub</b></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

	<b>Nightclub</b> 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
	<b>Nightclub</b> 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.
	<b>Nightclub</b> 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.
<b>The New Inn, Amesbury</b>	Opening hours	Sunday-Tuesday: 08:00-23:30 Wednesday: 08:00-00:30 Thursday-Saturday: 08:00-02:30  Christmas Eve & Boxing Day until 02:30hrs. All Bank Holiday Mondays until 02:30hrs. New Year's Eve until commencement of business on 1st January.
	Exhibit Film Live Music Recorded Music Perform Dance Similar to any Music or Dance	Sunday: 12:00-23:00 Thursday-Saturday: 08:00-00:30  Non Standard Timings: As for 'Supply of Alcohol'
	Indoor Sports Event	Sunday-Tuesday: 10:30-23:00 Wednesday: 10:30-00:00 Thursday-Saturday: 10:30-02:00
	Late night refreshment	Wednesday: 23:00-00:00 Thursday-Saturday: 23:00-02:00
	Alcohol sales (ON and OFF)	Sunday: 12:00-23:00 Monday-Tuesday: 10:30-23:00 Wednesday: 10:30-00:00 Thursday-Saturday: 10:30-02:00  Non Standard Timings: Christmas Eve & Boxing Day until 02:00hrs. All Bank Holiday Mondays until 02:00hrs. New Year's Eve until commencement of business on 1st January.
<b>The Antrobus Arms Hotel, Church Street, Amesbury</b>	Opening hours	Monday-Sunday: 11:00-00:30  To extend closing times to 01:30 the following morning on the following days; Valentine's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the Fridays, Saturdays and Sundays preceding May, Spring and Summer Bank Holiday Mondays, May Bank Holiday

		Monday, Spring Bank Holiday Monday, Summer Bank Holiday Monday, Christmas Eve, Christmas Day, Boxing Day, 27 and 28 December and New Year's Eve.
	Live Music Recorded Music Similar to any Music or Dance	Monday-Sunday: 11:00-00:00  To extend closing times to 01:00hrs the following morning on the following days; Valentine's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the Fridays, Saturdays and Sundays preceding May, Spring and Summer Bank Holiday Mondays, May Bank Holiday Monday, Spring Bank Holiday Monday, Summer Bank Holiday Monday, Christmas Eve, Christmas Day, Boxing Day, 27 and 28 December and New Year's Eve. On the occasion of events such as private parties and functions.
	Late Night Refreshment	Monday-Sunday: 23:00-00:00  To extend closing times to 01:00hrs the following morning on the following days; Valentine's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the Fridays, Saturdays and Sundays preceding May, Spring and Summer Bank Holiday Mondays, May Bank Holiday Monday, Spring Bank Holiday Monday, Summer Bank Holiday Monday, Christmas Eve, Christmas Day, Boxing Day, 27 and 28 December and New Year's Eve. On the occasion of events such as private parties and functions.
	Alcohol sales (ON and OFF)	Monday-Sunday: 11:00-00:00  To extend closing times to 01:00hrs the following morning on the following days; Valentine's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, the Fridays, Saturdays and Sundays preceding May, Spring and Summer Bank Holiday Mondays, May Bank Holiday Monday, Spring Bank Holiday Monday, Summer Bank Holiday Monday, Christmas Eve, Christmas Day, Boxing Day, 27 and 28 December and New Year's Eve. On the occasion of events such as private parties and functions.

2.12 A variation of condition planning application is currently under consultation; planning permission, building control approval and licensing regimes are separated to avoid duplication and inefficiency. The planning and licensing

regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.<sup>1</sup>

### **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 eleven relevant representations have been received. However, in light of the amendments made to the application by the applicant, Amesbury Town Council and a local resident withdrew their representations. Therefore eight representations have been received from local residents and one representation from a responsible authority.

#### **3.3 Responsible Authorities**

- Environmental Health

#### **3.4 Interested Parties**

- Mrs Frances Madeley, 21A Salisbury Street, Amesbury
- Mr W & Mrs H Rogers, The Old Vicarage, Church Street, Amesbury
- Mr Brian Thompson, South Mill Lodge, South Mill Road, Amesbury
- Mr Adam Woods, 41 Church Street, Amesbury
- Mr Stephen Hedge, High Street, Amesbury
- Ms Mary Loughlin, Cold Harbour, Amesbury
- Ms Matina Batey, 12 Sloane Court, Amesbury
- Ms Rosemary Yaldren, 18 Queen Eleanor Court, Amesbury

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

3.6 The applicant has been provided with copies of each representation; during the consultation period the applicant responded in writing to those who had made representations. The response is attached as **Appendix 6**.

3.7 Attached as **Appendix 7** is a location plan of the premises.

### **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.

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<sup>1</sup> Revised Guidance issued under s.182 of the Licensing Act 2003, para 14.57



- 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: Hannah Hould  
Public Protection Officer (Licensing)  
Tel: 01722 434414

Date of report: 31<sup>st</sup> August 2018

### **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 Original application form**
- 2 Updated premises licence plans**
- 3 Current premises licence and plans**
- 4 Decision notice – hearing 21<sup>st</sup> February 2018**
- 5 Relevant representations**
- 6 Applicants response to representations**
- 7 Location plan of premises and other licensed premises in the vicinity**