

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Report No

Date of Meeting	16 May 2011
Title of Report	Variation of Premises Licence; Kings Arms & Chapter House, 9-13 St John's Street, Salisbury, SP1 2SB
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.

Summary of Report

An application to vary a premises licence has been made for which there is a relevant representation.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to the representation.

In accordance with Section 35 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

Such steps are: - To modify the conditions of the licence or to reject the whole or part of the application.

Officer Recommendations

None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer	Mrs Debbie Mulvey Licensing Officer 01722 434234 debbie.mulvey@wiltshire.gov.uk			

1. Introduction

An application to vary a premises licence has been made for which there is a relevant representation.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to this representation.

In accordance with Section 35 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

2. Options and Options Appraisal

In accordance with Section 35 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

3. Background Information

The Kings Arms & Chapter House currently operates in accordance with a Premises Licence converted and varied from a Justices On/Off licence during the transitional period in 2005. **The current activities and times are listed in the table below.**

Activity	Day	Times
Live music	Friday	20:00 to 23:00
	Non Standard Timings	
	Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays	20:00 to 00:30
	New Year's Eve	20:00 to 01:30
	When booked as part of a private party eg: Birthday, wedding etc	16:00 to 23:00
Recorded music	Non Standard Timings	
	Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays	20:00 to 00:30
	New Year's Eve	20:00 to 01:30
	When booked as part of a private party eg: Birthday, wedding etc Maximum of 12 Discos per annum	16:00 to 23:00

Provision of facilities for dancing	Friday Saturday	20:00 to 23:00 16:00 to 23:00
	Non Standard Timings	
	Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays	20:00 to 00:30
	New Year's Eve	20:00 to 01:30
	When booked as part of a private party eg: Birthday, wedding etc	16:00 to 23:00
Alcohol on & off	Monday to Wednesday Thursday to Saturday Sunday	11:00 to 23:00 11:00 to midnight Noon to 22:30
	Non Standard Timings	
	Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays	20:00 to 00:30
	New Year's Eve	11:00 to 00:30

The premises are open Monday to Wednesday 06:30 to 23:30, Thursday to Saturday 06:30 to 00:30 and Sunday 07:30 to 23:00. Non Standard Timings Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday & all other Bank Holidays 06:30 to 01:30.

On 16 March 2011 an application to vary the Premises Licence was received.

The application was checked by the Licensing Officer, the application was accepted.

The application is to vary the existing hours for opening, sale of alcohol, live music, recorded music and the facilities for dancing.

It is also to add the performance of dance, anything of a similar description to that falling within (e), (f) or (g), making music, entertainment of a similar description to that falling within (i) or (j) and late night refreshment.

The varied activities and times applied for are listed in the table below:

Activity	Day	Times
Live music	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Recorded music	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Performance of dance	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Anything of a similar description to that falling within (e), (f) or (g)	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Provision of facilities for making music	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Provision of facilities for dancing	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Provision of facilities for entertainment of a similar description to that falling within (i) or (j)	Monday to Saturday Sunday	11:00 to 23:00 12:00 to 22:30
Late night refreshment	Monday to Wednesday Thursday to Saturday	23:00 to midnight 23:00 to 01:00
Supply of alcohol	Monday to Wednesday Thursday to Saturday Sunday	11:00 to midnight 11:00 to 01:00 11:00 to 22:30

Non standard timings for all regulated entertainment above are as follows:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday & all other Bank Holidays, plus the day preceding a Bank Holiday **20:00 to 00:30**. New Year's Eve **20:00 to 01:30**. When booked as part of a private party e.g.: birthday wedding etc. **16:00 to 23:00**.

Non standard timings for late night refreshment are as follows:

Christmas Eve, Christmas Day, Boxing Day, New Year's eve, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday plus all other Bank Holidays and the day preceding a Bank Holiday **23:00 to 01:00**. On the morning on which summertime begins, where the terminal hour is later than 01:00, the terminal hour shall be extended by one hour.

Non standard timings for supply of alcohol are as follows:

Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday plus all other Bank Holidays and the day preceding a Bank Holiday **11:00 to 01:00**. Christmas Eve & New Year's Eve **11:00 to 02:00**. On the morning on which summertime begins, where the terminal hour is later than 01:00, the terminal hour shall be extended by one hour.

Opening hours are as follows:

Monday to Wednesday **06:30 to 00:30** Thursday to Saturday **06:30 to 01:30**. There is no change to the opening hours on Sunday.

Non standard hours for opening hours are as follows:

Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday plus all other Bank Holidays and the day preceding a Bank Holiday **06:30**

to 01:30. Christmas Eve & New Year's Eve 06:30 to 02:30. On the morning on which summertime begins, where the terminal hour is later than 01:00, the terminal hour shall be extended by one hour.

The application seeks to increase regulated entertainment from one evening a week to seven, to increase the hours for the supply of alcohol and to add late night refreshment six nights a week.

On 13 April 2011 Mr Peter McMillan, Senior Environmental Officer, wrote to the applicant expressing concerns regarding the impact that the proposed regulated entertainment could have on people living nearby. He recommended that the applicant amend the application to include the following condition:

Windows and doors shall be kept closed while regulated entertainment is taking place except for access and egress.

The applicant amended the application to include the proposed condition above. Mr McMillan has not made a representation against the application

Regulated entertainment has previously been held at the premises, within the licensed hours, and according to our records no complaints from noise have been received.

4. Relevant Representations

During the consultation period one relevant representation was received from an interested party.

5. Legal Implications

It should be noted that both the premises licence holder and the interested parties may appeal the decision made by the licensing sub committee. The decision made by the Licensing sub committee however takes immediate effect.

The Premises Licence Holder and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

6. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none">• 1. Application to vary a premises licence under the Licensing Act 2003• 2. Map• 3. Current premises licence• 4. Copies of relevant representation
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• The Licensing Act 2003• The Licensing Act (Hearings) Regulations 2005• Guidance issued under sect 182 of the Licensing Act 2003

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		