

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE REVIEW HEARING HELD ON 7 NOVEMBER 2022 AT THE ENTERPRISE NETWORK, (THE OLD FIRE STATION) 2 SALT LANE, SALISBURY, SP1 1DU IN RESPECT OF THE CUCKOO INN, HAMPTWORTH, SALISBURY

Present:

Sub Committee Members

Cllr Kevin Daley, Cllr Tim Trimble, Cllr Robert Yuill

Wiltshire Council Officers

Lisa Alexander, Senior Democratic Services Officer

Sarah Marshall, Principal Solicitor

Katherine Edge, Public Protection Officer (Licensing)

Applicant

Katherine Fowler, Environmental Health Officer

Licence Holder's Representatives

Mr Sasha Moussaieff - Director Eagle Point Unlimited / Leaseholder

Mr Nikolaos Amlianitis – Designated Premises Supervisor (DPS)

Relevant Representations:

Rep 1 - Resident

Rep 2 - Resident

Rep 5 - Resident

Rep 6 - Resident

Rep 7 – Cllr Zoe Clewer

Rep 8 – Resident

Other / Public Attendance

Local Residents / Parish Council

Trish Morse, Senior Public Protection Officer (Observing)

Linda Holland – Licensing Manager (Observing)

Gary Tomsett Environmental Control Team Leader (Observing)

Mike Edgar – Senior Solicitor Wiltshire Council (Observing)

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

3 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" as set out in the Agenda.

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

An application for the Review of the premises licence for The Cuckoo Inn, Hamptworth, Salisbury SP5 2DU has been made by Wiltshire Councils Environmental Control and Protection.

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a Review, presented by Katherine Edge (Public Protection Officer – Licensing) for which 8 relevant representations had been received.

It was noted by the Sub Committee that there were five options available to them:

- 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

The following parties attended the hearing and took part in it:

On behalf of the Applicant – Environmental Health

- Katherine Fowler, Environmental Health Officer

Relevant Representations

- Rep 1 - local residents in objection to the application
- Rep 2 - local residents in support of the application
- Rep 3 – not in attendance – letter read by Rep 2
- Rep 5 - local residents in support of the application
- Rep 6 - local residents in support of the application
- Rep 7 – Cllr Zoe Clewer, Wiltshire Council Divisional Member
- Rep 8 - local residents in support of the application

On behalf of the Licence Holder

- Mr Sasha Moussaieff – Lease Holder & Director of Eagle point Unlimited
- Mr Nikolaos Amlianitis – Designated Premises Supervisor (DPS)

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant Katherine Fowler, Environmental Health Officer, noted that a Review of the licence had been requested due to conduct which had resulted in a failure to uphold one of the licensing objectives, namely, the Prevention of Public Nuisance. Further points raised included:

- A failure to comply with conditions attached to the premise licence, in particular the Noise Management Plan
- A lack of confidence in the management of noise monitoring following outside events in July and Sep
- The proximity of residents and the impact of rock/harsh music on them
- The Premises had consulted a licensing solicitor and a noise consultant
- A lack of confidence in the ability to manage future events in accordance with the conditions on the license and to uphold the Licensing Objectives.

- A request to restrict the number of events annually to two Beer Festivals (May and September) with no amplified music on Sundays (Music outside to be restricted to 22:30hrs)
- With scope for a maximum of four further events with amplified music, with a maximum of one per month (Music outside to be restricted to 21:00hrs)

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

- Noise readings were taken by Environmental Health in July and September 2022 following complaints.
- Music was played loudly after advice had been provided by Environmental Health regarding the types of music to avoid.
- There was a very low level of background noise in the rural area, making it easier to hear any noise in addition to the standard background noise. Music with a heavy beat and specifically the lyrics of the songs were audible at the nearby premises.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- Music would be measured by means of Subjective Measuring due to being outside. If inside, ordinarily a noise limiter would be recommended. The noise consultant had provided training to the DPS and Lease Holder on how to carry out subjective monitoring.
- Noise level should be so that the lyrics were not heard at the residential properties. The license holder would be responsible for the subjective decision.
- The Manager/DPS had previously been advised to restrict the frequency of events and use bands that were softer and quieter.

Licence Holder submissions

The Leaseholder/Manager, Mr Sasha Moussaieff and the DPS, Mr Nikolaos Amlianitis raised the following points:

- They offered to amend the license and to follow the recommendations, to avoid a requirement for a hearing
- The premises has been open 7 months and had engaged with members of the public since day 1 (March 18).
- They felt that the hearing was premature given the amount of work they had done to engage with the locals
- When the premises was taken on, they met with local residents to discuss how best to run the premises in an attempt to be in keeping with the previous owners. They were not previously aware of the festivals.
- The DPS confirmed he was very experienced at running businesses

- The main objector had been most encouraging about having beer festivals.
- There had been mistakes and a lot of resources had been spent on trying to rectify these.
- The premises operated an open door policy
- The Leaseholder visited a residents house on day of the next festival. He could hear the music, however on reading the decibel level, it was below what was permitted, but he agrees it was still audible.
- The nearest resident had bought his property next to the premises when music events have been going on for many years.
- They are in agreement regarding having a reduced music level.
- Excessive complaints from the same person had been received again and again but that should not be the ruling factor as amounted to a borderline obsession and surveillance. They felt there was a need to protect the premises from this level of complaint.
- During an indoor Elvis event, they received an email from the council asking what we were doing, due to the reporting by the neighbour.
- One statements made by a resident was very personal to the DPS.
- People who had used the premises for decades were in support.
- They have offered to make amendments.
- They do not accept any accusation of 'winding people up'. They had found there were neighbours hiding in the bushes filming them. Some of the things stated in the representations are fabricated.
- If the allowances for events were reduced, it would be at the cost of the premises which makes it more and more difficult to keep going, with no profit being made.
- The events do not achieve anywhere near 500, so there is no concern regarding the maximum capacity of the premises.
- The festivals were attended by young children and families having fun, and there was no aggressive behaviour.
- The pub had been brought back from closure. Residents could not expect to hear nothing at all when they have bought a house that close to a premises that had held events for so many years
- They accepted some of the bands were heavy (rock) in the past and this was being addressed and they had agreed to have quieter, acoustic bands.
- Out of a total of around 700 residents in the area, there have only been around 4 or 5 objections. Generally, residents felt that the premises was performing at the best level they have ever seen. The premises was always full, which was evidence that it was well supported.
- They have a professional consultant to manage all future events. If they had been aware of the issues from day one, these would have been dealt with earlier.
- They need to ensure the premises can continue to run.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given by the Leaseholder/Manager and DPS:

- The premises was closed for 2.5 years during the pandemic and there had been changes of ownership.
- Research was carried out on the types of bands previously booked to play at the premises. The same genres (large rock bands) had in the past previously played out of large trucks outside of the premises.
- The mini festival held in 2019 had loud rock bands, which it was agreed was too loud. The types of bands booked would address the issue of noise for future events.
- Previously, the premises had held 3 day festivals, but they agree now to only have 2 days festivals, with the third day being used for an acoustic guitar player.
- Environmental Health confirmed that no Noise Management Plan ('NMP') was in place and the Manager/DPS were not aware of the restrictions on the license when operating the premises.
- The Manager/DPS accept responsibility for the errors made during the first 7 months of being open. They have agreed to make changes to how the premises was operating.
- The Manager also owned and ran the Golf Club which backed on to the premises. He had invited locals to the Golf Club prior to the opening of the premises, to announce the plans for the opening. Since then, he had not turned down a meeting with anyone and further met with a resident who had raised concerns in July.
- Mr Moussaieff's company had bought the golf club and was now in process of buying the estate including the premises from the current owners.
- On legal advice from his solicitors, the license was not transferred to Mr Moussaieff, as he was waiting for the completion of the sale to be finalised.
- The Manager or the DPS confirmed they had no previous experience at running a license premises.
- Qualified security staff were employed during the events.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given by the Leaseholder/Manager and DPS:

- Security personnel had not made a record of an alleged incident at the May festival, relating to a female customer and a local resident.
- The customer in question was reported as being intoxicated and was escorted off the premises and barred from returning.
- Approximately 200 to 300 people attended the events.
- Three Security personnel were employed to manage the events.
- The amended license to reduce number of events and noise levels was agreed in October 2022, following a meeting with council officers.
- The reason for scheduling events on consecutive weekends was due to a request from the parish council, to celebrate the Queens Jubilee, to

bring people together. It was not a deliberate intention to go against the license conditions.

Questions from the Applicant:

In response to questions from the Applicant, the following points of clarification were given by the Environmental Health Officer:

- Consistent specific advice was provided by Environmental Health to stop all the rock music, which was not adhered to.
- The Manager was aware that noise monitoring was taking place.
- During a visit by the Environmental Health Officer, the Manager/DPS were not aware of a NMP being in place and the consecutive weekends condition on the license, or aware that one was required.
- It would have been clear that the music would be loud when seeing the band unloading but no corrective action was taken.

Submissions from those who made relevant representations

Rep 1

- Bought the house closest to the pub in the knowledge that the pub held 2 beer festivals per year.
- Concerned that under the new arrangement there would be a fundamental change, allowing highly amplified music.
- The pub was at the centre of a quiet hamlet.
- He had not had cause to complain in previous years and accepted there will be some noise.
- A public and statutory nuisance has occurred.
- The premises own noise consultant stated that the programme of events were not appropriate to such a venue.
- In July heavy metal and rock bands played.
- The Manager confirmed he could hear all lyrics at his front door and he had declined to dull down the music.
- Between 2 – 4 September 2022, two rock bands played for over 4 hours, including an amplified drum solo for over 1 minute, with the band encouraging the audience to further add to noise.
- Any solution must be clear and legally binding. He requests a restriction for no amplified outside music at any time.

Rep 2

- Their lives are disturbed due to events at the premises.
- There is a failure to comply with conditions in the NMP to control noise
- People should not be disturbed in their homes at night.
- The needs of local residents were not respected, with management constantly laughing and posting comments on social media, spreading a rumour to intimidate and incite hatred.
- Violence at the venue was not logged.
- They had previously supported events, attending each year.

- Outward aggression was shown to them at the beer festival, where they were barred from the pub by the DPS as he could not secure their safety.
- They had a lack of confidence in the management, particularly his inability to engage with neighbours.
- Two further events were held this weekend with no notice given to the neighbours.
- They feel the DPS should be removed and replaced with one that has a proven track record and experience.

Rep 3

(Statement read by Rep 2)

- Following a stroke in June, this resident only had access to his sitting room and kitchen and required daily visits from carers. The loud barrage of music with a continuous boom was impacting on his recovery. He had pleaded for the noise to stop as he was in a state of distress.
- A recent car event at the premises accessed the field around his cottage boundary, where he felt his privacy had been compromised, due to a broken fence between his garden and the pub estate.
- The DPS was aware of the impact of events on him, due to his vulnerability. There had been no notifications or visits from the pub.
- He had lived in the property for 40 years with no previous issues.
- No former notification was provided to him regarding the events held this weekend. He could hear banging drums from his bed in the lounge and there were vehicles parked around his boundary.

Rep 5

- The level of noise was not sustainable, there was a general disregard for neighbours.
- Have lived in the property for the last 5 years with no issues before.
- Repeatedly disturbed by loud events
- There is a lack of action to rectify issues.
- Conditions need to be applied to what constitutes a new event, including the TEN option for events. With clarity on definitions.
- There has been antisocial behaviour since 2022, including people urinating and vomiting, outside of the pub, around the hamlet and discarding broken bottles.
- There is a failure of the premises to respect and engage with us as neighbours.

Rep 6

- Living off Hamptworth Road, we have heard music on a few occasions very clearly.
- The noise generated from the vehicles attending the events at the pub have also kept us awake.

Rep 7

Cllr Zoe Clewer, Divisional Member.

- The actual population of Hamptworth is probably closer to 100 rather than the 700 stated by the Lease holder.

- Residents' concerns raised through her included the frequency of events and type of bands or music played at the events.
- The pub is situated in a quiet hamlet where noise travels easily.
- The New Forest was also a protected habitat, so there were also animals to consider.
- The duration of events and amplified music had increased on previous events
- Communication to residents on when and what was happening would be vital in rebuilding relationships
- This year had been hot, it was not feasible to have windows shut
- The Noise Consultant's report states that the location of the premises was not suitable to hold events outside, frequently or if at all.
- There was the need for a reasonable NMP, to address points raised
- Clarity on how volume was to be defined and measured would be beneficial
- As local councillor, Cllr Clewer asked the Sub-Committee to consider applying the proposals and to apply conditions to form a watertight agreement. Noting that there were some discrepancies between the versions, asking for assurance that the final version was satisfactory
- The antisocial behaviour reports of bad haviour and biohazards, such as vomit etc were not acceptable
- Relationships between the residents and the mangers/DPS at the premises had broken down.
- Grateful to know whether if any change of personnel would impact on the outcome of conditions

Rep 8

- Have lived here with family since 2018, just 130m away
- The impact of the events on their home are caused by several elements, including the frequency, the genre and the noise levels.
- They have previously supported the pub, however the impact on their house and outside garden space since the new management has been in place has increased.
- They have an infant daughter and have not been able to open the windows on hot evenings due to the nature and the lyrics which are inappropriate for children to hear.
- Some customers are leaving the premises in a drunken state, or a disorderly condition, often urinating. There has been evidence of drug use. This should not be happening outside a village public house in a national park.
- Residents have been given little notice, so there was not enough time for them to make other plans
- There have been parking problems on days that the larger events occurred, with blocked driveways, resulting in them having to go to the premises to ask them to find the car owner to move it.
- Some promises were made but not followed through
- They request that the license is amended to prevent all amplified music going forward

- They would want any newly agreed NMP and to ensure that conditions are adhered to.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

- The antisocial behaviour was directly linked to the events as occurred on the same days.
- It would be possible to implement a perimeter fence on the field adjoining to the nearest dwelling on event days, creating a distance between attendees and the neighbours garden.
- The noise generated by the car show was expected to be minimal as vehicles on display were usually parked up and turned off. It could however be included in the NMP, but the field is not part of the licensable area.
- Residents should be notified that such an event is being held.

Closing submissions from License Holder

In their closing submission, Mr Moussaieff highlighted the following:

- They are changing things to make sure these issues do not occur in the future. There have been untruths during statements, and it was not the case that there has been a lack of engagement.
- The premises is something they were doing for the community, and the premises would not survive without the community.
- They are trying to address the parking issue, with a car park across the road
- After all of this they will ask the council to assist them in methods to slow down cars leaving the pub.
- The premises is an easy target and cannot always be blamed. There are so few days where events are held with greater numbers.
- The residents have not tried to meet with them.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

- There has not been engagement with them after raising issues with the DPS
- They need a binding solution for business and residents together, in hope that trust can be re-built and to move forward to operate on an acceptable basis for both.

Applicant's closing submission

In their closing submission, the Applicant, Environmental Health, highlighted the following:

- They would need to be satisfied that the DPS and the Manager could control and manage noise from events, as that had not been demonstrated during 2022, despite their advice given on multiple occasions.
- The Live Music Act needs to be dis-applied to gain some control.
- With the assistance of their noise consultant and licensing solicitor there should be scope to be able to control noise in line with an agreed NMP.

Points of Clarification Requested by the Sub Committee

There were none.

The Sub Committee then adjourned at 13:00pm and retired with the Principal Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Environmental Health Officer was called in briefly at 14.00pm approx. to answer a question from the Sub Committee. The Environmental Health Officer was asked how long did it take to put in an application for a DPS and she confirmed that an application can be made immediately. The Environmental Health Officer was then asked to leave.

The Hearing reconvened at 14.15pm.

The Principal Solicitor advised that she gave the following brief and relevant legal advice to the Sub Committee on the application of the four licensing objectives, the removal of the DPS and that the Sub Committee are not permitted to consider planning issues when determining a licensing application.

The Southern Area Licensing Sub Committee RESOLVED:

Decision:

At its meeting held on 7 November 2022, the Southern Area Licensing Sub Committee (Sub Committee) has resolved to Modify the License and to include the timings detailed below and subject to the following conditions;

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Indoor Sports Event Similar to any Music or Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		

		Wednesday	11:00	22:30		
		Thursday	11:00	22:30		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30</p> <p>May Beer Festival: Three days (Fri, Sat & Sun) from 12:00 - 23.00</p> <p>Christmas Eve 1200 - 0030</p>					
Indoor Live Music Similar to Making Music/Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	22:30		
		Friday	11:00	23:00		
	Outdoors	Saturday	11:00	23:00		
		Friday Saturday	11.00 11.00	21.00 21.00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three days (Fri, Sat & Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 – 0030</p>					
Recorded Music Perform Dance Facilities for dancing Facilities for music	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	23:00		
		Friday Saturday	11:00 11.00	23:00 23.00		
	Outdoors	Friday	11:00	21:00		

		Saturday	11:00	21:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three days (Fri, Sat & Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 - 0030</p>					
Late Night Refresh	Indoors and Outdoors	Sunday				
		Monday	23:00	23:00		
		Tuesday	23:00	23:00		
		Wednesday	23:00	23:00		
		Thursday	23:00	23:00		
		Friday	23:00	23:00		
		Saturday	23:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three days (Fri, Sat & Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 - 0030</p>					
Alcohol Sales	ON and OFF Sales	Sunday	11:00	23:00		
		Monday	11:00	23:00		
		Tuesday	11:00	23:00		
		Wednesday	11:00	23:00		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three Days (Fri, Sat & Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat & Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 -0030</p> <p>New Year's Eve – 12.00 to 00.00 and 1st Jan 00.00 to 01.30.</p>					

Hrs premises open to public	whole premises	Sunday	11:00	23:30		
		Monday	11:00	23:30		
		Tuesday	11:00	23:30		
		Wednesday	11:00	23:30		
		Thursday	11:00	23:30		
		Friday	11:00	23:30		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	Good Friday 12:00 – 23.00 hrs Christmas Day 12:00 - 15:00 hrs Christmas Day 19:00 - 22:30 hrs Christmas Eve 11.00 - 01.00 hrs New Year's Eve Until start of business on 02.00 1st January All other Bank Holidays to close 23:30					

- 1. The provisions of the Live Music Act 2012 be disapplied to this premises.**
- 2. The current DPS, Nikolaos Amplianitis be removed.**
- 3. The two Beer Festivals permitted to be held at the premises (one in May and one in September) and a maximum of up to an additional three events permitted to take place at the premises through the months of June, July and August but those events not to be scheduled on consecutive days or weekends.**
- 4. A Noise Management Plan must be submitted and agreed by the Licensing Authority by 4 December 2022. Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. Any future changes to the Noise Management Plan must be agreed in writing by the Licensing Authority.**
- 5. To give the Parish Council notice of any event and to display a notice outside of the premises, at least 14 days before the event date.**
- 6. A telephone number for complaints to be provided to the Parish Council and available online and outside of the premises at all times and to be answerable during all operational hours.**
- 7. A log of any complaint or incident to be kept and made available to the Licensing Officer/Environmental Health Officer upon request.**

Informative – A Cordoned off section in parking field around the premises boundary with residents to be provided for vehicles attending events at the premises.

Reasons for Decision:

In reaching its decision, the Sub Committee took account of and heard and considered all of the documentary and oral evidence from the Licensing Authority, Environmental Health, the Owner / License Holder's representative and the parties that had made a Relevant Representation.

The Sub Committee noted from Environmental Health that several attempts had been made to meet with and advise the DPS on the conditions of the premises Licence.

The Sub Committee noted the history to the Premises, in that it had previously been operated and held music and beer festival type events under previous ownerships. It was also noted that the current owner had been operating since April 2022, when he had taken the premises on after a period of closure due to the Pandemic. It was clearly stated that the intention of the Owner was to replicate the offer which had been previously available under previous owners.

The Sub Committee considered the evidence presented by Environmental Health and those that made Relevant Representations, relating to the level of noise emanating from the premises during scheduled events, the differences between various genres of music and specifically the impact of bands and performance styles of artists playing extreme styles of rock, including explicit lyrics.

The Sub Committee considered, the inexperience of both the current DPS and the Owner and the Owner's representative in managing a Licenced Premises and the resulting failure to establish a strong understanding of the conditions on the License and of the Licensing Objectives, prior to opening. Further noting the differences between managing non licensed premises and licensed.

The Sub Committee noted the conflict between the local residents and the DPS and other patrons at the premises which had risen to a degree of tension between the parties.

The Sub Committee noted that the premises location was situated in a quiet rural area, which had a low level of general background noise, and that any additional noise in such a location would have a significant impact on the residential properties closest to it.

The Sub Committee considered that the removal of the current DPS would appropriately address issues concerning the poor management of the premises in upholding the Licensing Objectives and would give the opportunity for a new more experienced DPS to demonstrate that they could positively and proactively promote the Licensing Objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18, 51 and 52); the Licensing Act 2003 (Hearings) Regulations 2005, the four Licensing Objectives; the revised guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties attending the hearing were informed they have the right to appeal to the Magistrates Court within 21 days of the written decision. 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

(Duration of meeting: 10.30 am - 2.30 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

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