

Wiltshire Council

Southern Area Licensing Sub-Committee

16 March 2015

Application for a Variation of a Premises Licence; The Bell, 15 Salisbury Street, Amesbury, Wiltshire, SP4 7AW

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Bell, 15 Salisbury Street, Amesbury made by JD Wetherspoon PLC.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Bell has been made by JD Wetherspoon PLC for which one relevant representation has 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 necessary 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.
- 2.5 On the 20th January 2015 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:
- To vary the plan attached to the Premises Licence, to include the new outside area to the front of the premises.

A copy of the application form from JD Wetherspoon PLC is attached at **Appendix 1a** and the amended plan is attached at **Appendix 1b**.

2.7 The premise has held a premises licence issued under the Licensing Act 2003 since November 2005 and the current copy is attached as **Appendix 2**.

2.8 An application to vary the premises licence was received and accepted as a valid application in June 2007. The application was granted as applied for, the licensable hours were as follows:

2.9

Licensable Activity	Hours
Indoor Sporting Events	Monday-Tuesday 10:00-23:00 Wednesday-Thursday 10:00-01:00 Friday-Saturday 10:00-02:00 Sunday 11:00-22:30 Non standard: 10:00-02:00
Live Music (Indoors)	Monday 19:30-23:00 Tuesday 10:00-23:00 Wednesday-Thursday 19:30-00:45 Friday-Saturday 19:30-01:45 Sunday 11:00-22:30 Non standard: 10:00-01:45
Recorded Music (Indoors)	Monday-Tuesday 19:30-23:00 Wednesday-Thursday 19:30-00:45 Friday-Saturday 19:30-01:45 Sunday 11:00-22:30 Non standard: 11:00-01:45
Facilities for Dancing (Indoors)	Monday 19:30-23:00 Tuesday 10:00-23:00 Wednesday-Thursday 19:30-00:45 Friday-Saturday 19:30-01:45 Sunday 11:00-22:30 Non standard: 11:00-01:45
Sale of Alcohol (ON & OFF)	Monday-Tuesday 10:00-00:00 Wednesday-Thursday 10:00-01:00 Friday-Saturday 10:00-02:00 Sunday 11:00-22:30 Non standard: 10:00-02:00 (New Year's Eve until start of business 1 st Jan)
Opening Hours	Monday-Tuesday 10:00-00:30 Wednesday-Thursday 10:00-01:30 Friday-Saturday 10:00-02:30 Sunday 11:00-23:00 Non standard: 10:00-02:30 (New Year's Eve until start of business 1 st Jan)
Non Standard Timings include:	Christmas Eve, Christmas Day, Boxing Day, New Years Eve and Day, Spring & August Bank hols, Good Friday, Easter Saturday, Sunday and Monday and any other bank holidays and the Sundays preceding a bank holidays

- 2.10 The premises licence was transferred to JD Wetherspoon PLC in June 2011, who is the current applicant.
- 2.11 An application to vary the premises licence was received and accepted as a valid application in November 2011. This variation was applied for in order to vary the plan attached to the premises licence.
- 2.12 A second application to vary the premises licence was received and accepted as a valid application in November 2011. The nature of the variation is set out below:
- To permit a commencement time of 07:00 Monday to Sunday for opening.
 - To permit a commencement time of 09:00 Monday to Sunday for sale of alcohol.
 - Removal of provision of all categories of regulated entertainment.
 - Addition of provision of late night refreshment.
 - No change to existing non-standard timings apart from addition of Maundy Thursday and a start time to match that for relevant licensable activity and opening.
 - To remove all conditions from annex 2 of the current premises licence and replace with the conditions set out in the application at box P.
 - To extend terminal hour for sale of alcohol on Sundays to 00:00.
 - To extend terminal hour for closing on Sundays to 00:30.
- 2.13 The variation application detailed above was granted in January 2012, following the applicant agreeing to add further conditions to their application, as advised by Wiltshire Police. (see current premises licence)
- 2.14 The applicant was granted a street furniture licence on the 19th January 2015 from Highways. One of the conditions of this licence is that the area for drinking and dining shall only be permitted between 10:00-22:00hrs daily. This is attached as **Appendix 3**.

3. Consultation and Representations

- 3.1 The application 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 on Wiltshire Council's website. During the consultation period one relevant representation has been received from one Interested Party.

3.2 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.3 Interested Parties

- Amesbury Town Council

3.4 A summary of the representation made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Noise & Anti-social Behaviour	Prevention of Public Nuisance & Prevention of Crime & Disorder	Yes	

3.5 The relevant representation is attached as **Appendix 4**. Attached as **Appendix 5** is a plan; this shows the location of the premises.

3.6 During the consultation period the applicant confirmed that they would be happy to restrict the use of the pavement cafe area to 20:00hrs each day, but not 18:00hrs.

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 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.

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(ies) 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 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.

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Date of report: 4 March 2015

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

- 1a Variation Application Form**
- 1b Amended Plan of Premises**
- 2 Existing Premises Licence**
- 3 Street Furniture Licence – Highways Letter**
- 4 Relevant Representation**
- 5 Location Plan**