

**DECISION NOTICE**

**Southern Area Licensing Sub-Committee**

**Decision made on 21<sup>st</sup> January 2020**

**Application for a Variation of a Premises Licence in respect of The Bank Cocktail Lounge & Events, 18 High Street, Amesbury, SP4 7DN**

The Southern Area Licensing Sub-Committee resolved to grant the licence, as applied for, subject to the following conditions:

1. The side entrance shall be the only entrance and exit for all licensable activities taking place on the ground floor.
2. The front entrance using an intercom system for entry into the building may be used for licensable activities on the first floor.
3. The front entrance may not be used when any licensable activity is being undertaken on the ground floor.
4. The maximum number of customers on the first floor will be limited to 30.
5. The front entrance can only be used when there is no licensable activity taking place on the ground floor.
6. The first floor be limited to background music only.
7. The first-floor operation/opening hours will be restricted to 19:00 to 22:00 hours.
8. Changes to the floor plans be permitted, subject to the submission and approval of an updated floor plan to the Licensing Authority by 21<sup>st</sup> February 2020.

### **Reasons for the Decision;**

The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18) and the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

In reaching its decision, the Sub Committee took account of and considered all the written evidence and representations in addition to the oral arguments presented at the hearing and made on behalf of the Applicant, the Licensing Authority, Environmental Health, and parties who had made relevant representations. The Sub Committee also took account of the photographic and video evidence which only concerned the Premises and viewed in a private hearing

### **Reasons:**

The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18) and the guidance issued under Section 182 of the Act.

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from the Applicant, Environmental Health, and those that made relevant representations (and their representative).

The Sub Committee noted that the concerns raised by parties at the hearing relating to public nuisance, crime and disorder, public safety, noise and the front doors of the premises being in use during opening hours (whilst noting there were three licenced premises (including the Licensed Premises) on the High Street with activity taking place on the street outside all of the premises during opening hours). However, no representation from the Police as a responsible authority was received. The Licence Holder apologised to the Sub Committee for the use of the front door to enter and exit the property on occasions. The Sub Committee further noted the concerns regarding noise arising from music from the Licenced Premises as raised by Environmental Health and two local residents making representations and the impact of the noise on neighbouring properties and determined that the maximum number of customers on the first floor be limited and the use of the front and side door for licensable activities taking place on the first floor and ground floor respectively for specified hours with the use of an intercom system. Due to the noise from

music, the Licence Holder was required to only have background music in place on the first floor. Works had taken place inside the property and the Sub Committee required the Licence Holder to send the floor plans to the Licensing Authority for approval.

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. 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.