

DECISION NOTICE

Southern Area Licensing Sub-Committee

Decision made on 26 January 2022

Application made by Wiltshire Police, for a Review of the Premises Licence of the New Inn, 10-16 High Street, Amesbury, Wiltshire, SP4 7DL

Councillors: Cllr Trevor Carbin, Cllr Allison Bucknell and Cllr Nic Puntis

Decision:

At its meeting held on 26 January 2022, the Southern Area Licensing Sub-Committee (Sub-Committee) resolved to REVOKE the Premises License LN/000043211 in respect of the New Inn 10 – 16 High Street, Amesbury, Wiltshire, SP4 7DL.

Reasons for the Decision:

The Sub-Committee determined that the Licence Holder had failed to comply with its obligations in respect of the following licensing objectives; -

- i) The Prevention of Crime and Disorder
- ii) Public Safety
- iii) The Prevention of Public Nuisance

Whilst the Sub-Committee acknowledges the Premises Licence was transferred to the current Licence Holder on 24 January 2022, the Sub-Committee did not hear from the new Licence Holder about his intentions on addressing the issues of crime and disorder, public safety and prevention of public nuisance which had caused the Police to seek a review of the Premises Licence.

The Sub-Committee heard evidence from;

1. The Police as the Review Applicant regarding significant levels of crime and disorder both inside and outside of the premises and during and after opening hours, caused by Patrons of the premises and the failure of the previous Licence Holder to properly engage with the Police regarding the crime and disorder. The Sub-Committee did not consider it necessary to view the video evidence offered by the Police and it was noted from the Police that the current Designated Premises Supervisor (DPS) remains in place.
2. The Licensing Authority regarding the failure to promote the licensing objectives through the mis-management of the premises; anti-social behaviour by the patrons of the premises taking place during opening hours and after closing time, which was not appropriately managed by the previous licence holder and the

high level of complaints received about both anti-social behaviour and noise of patrons attending the premises.

3. The Environmental Health Officer regarding the high levels of noise from music including music festivals taking place at the premises, raised voices of patrons attending the premises and the failure by the previous licence holder to manage the noise levels. No noise management plan has been submitted to Environmental Health by the current Licence Holder.
4. Three residents living nearby to the premises who had made representations regarding the adverse effect of the noise and general anti-social behaviour taking place both during the evenings and early hours of the morning after the premises had closed.

The Sub-Committee was not presented with oral evidence or information from the current Licence Holder on how they intended to manage the premises in the future. The current Licence Holder was informed of the date, time and location of the review hearing and their right to attend and be represented.

In reaching its decision, the Sub-Committee took account of and considered all of the documentary and oral evidence from the Wiltshire Police, the Licensing Authority, Environmental Health and the and the ten relevant representations received of which three also gave oral evidence to the Sub- Committee.

Conclusions

In view of the evidence heard, the Sub-Committee concluded that they could have no confidence in the ability of the current Licence Holder to adequately address the failings of the previous licence holder to promote the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance, given the previous history of the management of the premises. The Sub-Committee also concluded that the imposition of additional licence conditions, or the temporary suspension of the Licence would not result in the required changes and improvements necessary to promote the licensing objectives and that revocation of the licence was the only practical option and was one which was both proportionate and necessary to meet the licensing objectives.

The Sub-Committee considered that in the circumstances a fresh licence application was the best way to appropriately address all the issues concerning the serious antisocial behaviour, public nuisance and public safety and would give a new applicant an opportunity to demonstrate that they could positively and proactively promote the licensing objectives.

The Sub-Committee therefore concluded, on the basis of the evidence presented, that revocation of the licence that the only option available to it and that such revocation was reasonable, proportionate and necessary to promote the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

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 2018 issued under Section 182 of the Licensing Act 2003 and the Licensing Policy of Wiltshire Council.

Effective date of Decision

This decision will not take effect until the end of the period within which an appeal can be made or, if such an appeal is made, until that appeal has been finally determined.

Right to Appeal

The Premises Licence Holder, the party that applied for the review and any Responsible Authority or 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. The decision of the Licensing Sub-Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee does not take effect until any appeal is heard and finally determined.