

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

26 JANUARY 2022

Application for Review of a Premises Licence; New Inn, 10-16 High Street, Salisbury, Wiltshire, SP4 7DL

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of New Inn, 10-16 High Street, Amesbury, Wiltshire, SP4 7DL made by Wiltshire Police.

2. Background Information

- 2.1 An application for the Review of the premises licence for the New Inn, 10-16 High Street, Amesbury, Wiltshire, SP4 7DL has been made by Wiltshire Police. Following advertisement of the application 12 relevant representations have also been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.

- 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 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.

Government Guidance issued under s.182 of the Licensing Act states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

- 2.5 The current licence holder, Keystone Public Houses Ltd, was granted a licence for this premises issued under the Licensing Act 2003 on 4 February 2020. The directors of Keystone Public Houses Ltd are Mr Nathan Muirhead and Miss Chantelle Strong. Mr Muirhead held the position as DPS on the licence from 4 February 2020 until 2 December 2021 when the licence was varied to appoint Miss Strong as DPS.
- 2.6 The premises has held a premises licence under the Licensing Act 2003 since 24 November 2005.
- 2.7 A copy of the current premises licence LN/000043211 issued following the application to vary the DPS on 2 December 2021 is attached as **Appendix 1**.
- 2.8 On 28 October 2021 an application to vary the premises licence was made by Keystone Public House Ltd. Following the submission of the review application by Wiltshire Police, the variation application was withdrawn on 30 November 2021 during its consultation period (The consultation period for the variation application had been extended due to the blue notices failing to correctly advertise the variation application),
- 2.9 On 22 December 2021 Wiltshire Police made a correction to the appendix which was submitted with their review application. The correction related to a former premises licence known as The Bank which had been owned by Keystone Entertainment Ltd. The corrected appendix was emailed by Wiltshire Police to Wiltshire Council and Chantelle Strong. (**Appendix 2**)
- 2.10 On 22 December 2021 an email with attached letter was sent from Chantelle Strong to Wiltshire Police asking for the review application to be withdrawn (**Appendix 3**). The Police responded to this request on 31 December 2021 (**Appendix 4**).

Application to Transfer Licence LN/000043211

- 2.10 On 5 January 2022 an application was made by Mr Muirhead's mother, Mrs Katharine Clark, to transfer the licence into her name. Wiltshire Police objected to this application on 10 January 2022. The consultation period for the transfer application will end on 19 January 2022. The Licensing Act 2003 (Hearings) Regulations 2005 state that a hearing must be held to determine a transfer application within 20 working days beginning with the day after the end of the period within which an objection can be made.

3. Details of the Grounds for Review

- 3.1 The review of the licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives; The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. The grounds for review are:
- The Licence holder's failure to comply with conditions attached to their premise licence and to promote the licensing objectives under the Licensing Act 2003
 - Significant incidents have taken place at the premises which relate to potential offences under the Licensing Act 2003. Wiltshire Police have no confidence in the ability of the management /licence holder to provide any demonstrable compliance with or promotion of the Licencing Objectives. In particular the prevention of crime and disorder, public safety and the prevention of public nuisance
- 3.2 The application for review is attached as **Appendix 5**. The evidence relied upon in support of the application is contained within **Appendices 5a and 5b**.

4. Consultation and Representations

- 4.1 The review 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 at the offices of Wiltshire Council, Bourne Hill, Salisbury. During the consultation period relevant representations have been received from Wiltshire Council's Licensing Authority, Wiltshire Council's Environmental Protection and Control and 10 members of the public

List all those who have made relevant representations:

- Rep 1 – Church Street, Amesbury
- Rep 2 – Church Street, Amesbury
- Rep 3 – Church Street, Amesbury
- Rep 4 – Kitchener Road, Amesbury
- Rep 5 – Salisbury Street, Amesbury
- Rep 6 – Salisbury Street, Amesbury
- Rep 7 – Seymour Gardens, Amesbury
- Rep 8 – Kitchener Road, Amesbury
- Rep 9 – On behalf of Beechwood Court
- Rep 10 – High Street, Amesbury
- Mrs Linda Holland, Licensing Manager, Wiltshire Council Licensing Authority
- Mrs Vicky Brown, Senior Environmental Health Officer, Wiltshire Council Environmental Protection and Control

The relevant representations are attached as **Appendices 6a – 6l**.

- 4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

4.3 A location map of the premises and relevant representations is attached as **Appendix 7**

5. Legal Implications

5.1 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.

6. Officer Recommendations

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

7.1 It should be noted that 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.

7.2 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.

7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

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Date of report: 14 January 2022

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

- 1 Current Premises Licence**
- 2 Amended Appendix to application**
- 3 Letter from Chantelle Strong to Wiltshire Police**
- 4 Police Response to Chantelle Strong**
- 5 Application for a Review by Wiltshire Police**
- 5a – 5b Evidence in support of Application for Review**
- 6a–5j Relevant Representations from members of the public**
- 6k Representation from Linda Holland, Licensing Authority**
- 6l Representation from Vicky Brown, Environmental Protection and Control**
- 7 Location Plan of the premises and surrounding area**