

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

DATE 28th May 2024

Application for a Variation of a Premises Licence; *The Avon Brewery, Castle Street, Salisbury, Wiltshire SP1 3SP*

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of *The Avon Brewery, Castle Street, Salisbury SP1 3SP* made by *Marston's PLC*.

2. Background Information

- 1.2 An application for a variation of a Premises Licence in respect of The Avon Brewery has been made by Marston's PLC for which two relevant representations have been received.
- 2.1 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.
- 2.2 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 grant the licence as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On 3rd April 2024 an application for a variation to the premises licence was received and accepted as a valid application.

2.6 The details of the variation applied for, are summarised below:
 Application is made to vary the Premises Licence so as to permit extended hours of operation.

- Amend the hours for retail sale of alcohol and late night refreshment as follows: Monday to Wednesday 10:00 until 01:00 hours Thursday – no change Friday and Saturday 10:00 until 02:00 hours Sunday to bring forward the commencement time to 10:00 hours and extend until 12 midnight.
- To allow recorded and live music as a regulated entertainment (Indoors) during the following hours: Monday to Thursday from 23:00 until 01:00 hours Friday and Saturday 23:00 until 02:00 hours Sunday – 23:00 until midnight
- To amend the non-standard hours for all activities to include permission to trade the premises until 03:00hrs (BST) on the morning British Summer Time (BST) is applied.

To add the following conditions:

- The premises shall have a refusals log which shall be retained for a period of 6 months and be available to Wiltshire and Licensing Authority Officers upon reasonable request.
- The premises shall have an incident log which shall be retained for a period of 6 months and be available to Wiltshire and Licensing Authority Officers upon reasonable request.
- Children under the age of 16 shall not be permitted entry to the premises after 21:00 hours unless accompanied by an adult and/or attending a pre-booked function or dining.
- The premises shall undertake induction training of staff and thereafter annual refresher training in relation to underage sales and sales to a drunk.

A copy of the application form including the updated plan is attached as **Appendix 1**.

The premises has benefited from a premises licence issued in October 2005 under the Licensing Act 2003. There has been no change to the licence hours over the years.

The current licence authorises the following:

Licensing Activities	Hours
Alcohol Sales ON and OFF Sales	Sunday 12:00 – 22:30 Monday – Wednesday 10:00 – 23:00 Thursday – Saturday 10:00 – 01:00 Seasonal Variations: Sunday and Monday on a Bank Holiday weekend until 01:30am morning following. On New Years Eve into New Years Day at the managers discretion as permitted under grandfather rights.

Late Night Refreshment	Thursday – Saturday 23:00 – 01:00 Seasonal Variations: Sunday and Monday on a Bank Holiday weekend until 01:30am morning following. On New Years Eve into New Years Day at the managers discretion as permitted under grandfather rights.
Opening Times	Sunday 12:00 – 23:00 Monday – Wednesday 10:00 – 23:30 Thursday – Saturday 10:00 – 01:30 Sunday and Monday on a Bank Holiday weekend until 01:30am morning following. On New Years Eve into New Years Day at the managers discretion as permitted under grandfather rights.

The Current premises licence including the plan is attached as **Appendix 2**.

Details of other licenced premises in a close vicinity are as followed:

Premises	Licensable Activity	Hours
Geroge and Dragon Castle Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> Sunday – Wednesday 07:00 – 00:00hrs Thursday – Saturday 07:00 – 02:00 New Year's Eve - 07.00 - 02.00 2 January Friday, Saturday, Sunday & Monday on Bank Holiday weekends, Christmas Eve & Boxing Day - 07.00 - 02.00
	Alcohol Sales ON Sales Timings applied to garden and outside bar area only	<ul style="list-style-type: none"> Sunday – Saturday 12:00 – 22:30
	Live Music Inside and outside	<ul style="list-style-type: none"> Sunday – Wednesday 00:00 – 23:30hrs Thursday – Saturday 00:00 – 00:30 When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended to 02.30.
	Recorded Music Inside and outside	<ul style="list-style-type: none"> Sunday – Saturday 07:00 – 00:00 When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended to 02.30.
	Late Night Refreshment Indoors	<ul style="list-style-type: none"> Sunday – Wednesday 23:00 – 00:30 Thursday – Saturday 23:00 – 02:30 When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended to 02.30.
	Opening Hours	<ul style="list-style-type: none"> Sunday – Saturday 11:00 – 03:00hrs
Relevant Noise Related Conditions –		

- Recorded music will be limited to background music from 0000 i.e. not regulated entertainment, and will not be audible outside the premises.
- No entry or re-entry after 2300 Hours
- Live/recorded music will cease in the garden at or before 2230 Hours.
- A notice will be prominently placed at exits, requesting customers to leave quietly

Qudos Castle Street	Alcohol Sales ON and OFF Sales	<ul style="list-style-type: none"> • Sunday - Thursday 10:00 – 00:00hrs • Friday – Saturday 10:00 – 02:00hrs New Year's Eve up to 02:00 on 2nd January to exclude residents who would have access 24 hours and bona fide guests.
	Late Night Refreshment Indoors	<ul style="list-style-type: none"> • Sunday – Thursday 23:00 – 00:30hrs • Friday - Saturday 23:00 - 02:30hrs New Year's Eve up to 02:30 on 2nd January to exclude residents who would have access 24 hours and bona fide guests.
	Live Music Indoors	<ul style="list-style-type: none"> • Sunday - Saturday 10:00 – 23:30hrs New Year's Eve up to 02:00 on 1st January
	Recorded Music	<ul style="list-style-type: none"> • Sunday - Saturday 10:00 – 23:00hrs New Year's Eve up to 02:00 on 1st January
	Opening Hours	<ul style="list-style-type: none"> • Monday – Thursday 10:00 – 00:30hrs • Friday - Sunday 10:00 - 02:30hrs New Year's Eve up to 02:30 on 2nd January. To exclude residents who would have access 24 hours and bona fide guests.
<p>Relevant Noise Related Conditions –</p> <ul style="list-style-type: none"> • Recorded Music will be limited to background music from 2300 hrs i.e. not regulated entertainment and will not be audible outside the premises. • A notice will be prominently placed at exits, requesting customers to leave quietly. • Bottles will not be disposed of outside the Premises until after 0900 hrs the following day. 		

3. Consultation and Representations

- 3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day

after the authority receives the application. This was completed by the applicant.

3.3 During the consultation period two relevant representations were received from residents.

3.4 Responsible Authorities

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

3.5 Representations Received

- Representation 1 – Ivy Place
- Representation 2 – Castle Street

3.6 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Representation 1	The Prevention of Public Nuisance	23 rd April 2024	Noise from patrons in the garden
Representation 2	The Prevention of Public Nuisance	25 th April 2024	Noise from patrons and music inside the premises and in the garden

3.7 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 4** is a location map of the premises.

3.8 After the close of the consultation period, the applicant has produced a Noise Management Plan and additional conditions which they are willing to add to the licence. These were shared with the Representees and can be seen in **Appendix 5**.

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: 16th May 2024

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 Application**
- 2 Current licence and Plan**
- 3 Representations**
- 4 Location Map of Premises**

5 Additional Conditions and Noise Management Plan