



City Area Committee

23 September 2004

REPORT

Report of Licensing Officer - T Oke

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KING'S HEAD INN - VARIATION OF PUBLIC ENTERTAINMENT LICENSING HOURS

1. Introduction

- 1.1 The King's Head is a public house owned by J D Wetherspoons and situated at 1 Bridge Street Salisbury. A plan of the area is attached as Annex A.
- 1.2 The current hours for the Public Entertainment Licence are as follows :-
- | | |
|---------------------|-------------|
| Monday – Wednesday | 0800 – 2300 |
| Thursday – Saturday | 0800 – 2359 |
| Sunday | 0800 – 2230 |
- 1.3 The premises are licensed for the sale of alcohol to the same terminal hours as the Public Entertainment Licence.
- 1.4 It has a maximum occupancy of 540 and is in a very noise sensitive area. See 6 below.

2. Application

- 2.1 On 22nd December 2003 an application was received from McLellans, Solicitors, to extend the hours of the Public Entertainment Licence as follows :-
- | | |
|--------------------|-------------|
| Sunday | 0800 – 2359 |
| Monday – Wednesday | 0800 - 2359 |
| Thursday | 0800 – 0100 |
| Friday – Saturday | 0800 – 0200 |

3. Consultation

- 3.1
- | | | |
|--------------|---|------------------------|
| Police | : | No response |
| Fire | : | No response |
| Ward Members | : | (a) Councillor Howarth |

(b) Councillor Tomes

Both requested the application be brought to Committee.

Environmental Services : No objection – See 4.4 below

4. Public Consultation

- 4.1 The application was advertised in the Salisbury Journal on 18th December 2003 and on site during the consultation period.
- 4.2 There were 49 letters of objection, copies of which were forwarded to the applicant's solicitors. These letters are available by contacting the Licensing Officer.
- 4.3 In response to the letters, the solicitor met the objectors on 21 June 2004.
- 4.4 Local residents, especially those resident in the old Salisbury Infirmary site have expressed concern over noise breakout. Spectrum, a firm of acoustic consultants, have supplied details of the proposed music system. Mr Tomsett, a Senior Environmental Health Officer, is satisfied with the assurances given by Spectrum in their letter of 27th January 2004, attached as annex B.
- 4.5 Many residents would be content if the hours were extended only until 2359 hours Monday – Wednesday but are opposed to hours beyond that, on any day of the week.

5. Amended Application

- 5.1 Following the meeting with the objectors on 21 June the applicants amended their application by reducing their hours to :-
 - Sunday 0800 - 2230 hours (2359 hours preceding a Bank Holiday)
 - Monday – Thursday 0800 – 2359 hours
 - Friday – Saturday 0800 - 0100 hours
- 5.2 A copy of the applicants letter, containing the amended hours was forwarded to the 49 objectors, asking whether they wished their original objection to remain and if 'yes' did the objector wish to add and further comments, not included in the original objection.
- 5.3 38 objectors responded. 2 wished to withdraw their objection and 36 wished their objection to remain.

6. Council Policy

- 6.1 The Committee is reminded of its decision at its meeting on 15 November 2001, to approve the findings of a working group set up to determine policies/guidelines re the determination of future public entertainment license applications.
- 6.2 Para 7 advocated a period of stability primarily regarding licensing hours for 12 months, following 15 November 2001.
- 6.3 Para 18 provided for a review in October 2002, but by this time the new licensing provisions were imminent and, as these would have superseded the policies, the review was not carried out.
- 6.4 In practice whilst the new legislation was introduced it will not come into force until November 2005.
- 6.5 As regards this application:
 - 6.5.1 The application has been properly advertised
 - 6.5.2 The required number of door supervisors will be provided
 - 6.5.3 A sound proofing scheme will be initiated which will deal with the breakout noise from the premises
- 6.6 The majority of objectors are concerned regarding the breakout noise (which can be dealt with) and disturbance from persons going to and from the premises.
- 6.7 Noise immediately outside the premises could be controlled by the door supervisors but once the customers leave and cannot be directly associated with the premises any anti-social behavior falls outside the licensing provisions and is a matter for the police.
- 6.8 The majority of residents who have objected would be content with extending the Wednesday closing hour to 2359 hours in line with the other closing hours, but not the extra on Friday and Saturday.
- 6.9 There is some evidence to suggest that some licensees are seeking longer hours in anticipation of the new licensing provisions. If this application is approved an application for a new licence will automatically be granted under the transitional “grandfather” rights. An approval will almost certainly lead to similar applications from other licensed premises for the same or longer hours.

7. Options

The committee may:

- 7.1 Refuse the application – this may lead to an appeal.

- 7.2 Approve a closing hour of 2359 hours on Wednesday (no change otherwise).
- 7.3 Approve the application, as applied for, for a trial period of 6 months with conditions in line with the 2001 policy and regarding soundproofing.
- 7.4 Approve the application without conditions.

8. Recommendation

- 8.1 Approve - part – ie - a closing hour of 2359 hours on a Wednesday.
- 8.2 Refuse further extensions applied for in view of the impending provisions of the Licensing Act 2003. Any new application could then be determined in line with the licensing policy adopted by the Council.

9. Implications

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|-----|-----------------------|---|
| 9.1 | Financial | If the application is refused there may be an appeal, which will have financial implication. These are unquantifiable at this stage. |
| 9.2 | Legal | An appeal may be lodged if the application is refused. |
| 9.3 | Human Rights | The balance of consideration is such that the recommendation is proportional, as regards the rights of applicant and any interference there may be with the rights of the general public. Rights engaged – Articles 6 and 14: Article 8 and the First Protocol. |
| 9.4 | Personnel | None |
| 9.5 | Community Safety | The Report has taken into account community safety issues. |
| 9.6 | Environmental | Contained in report |
| 9.7 | Council's Core Values | Providing excellent service, promoting a thriving local economy, being environmentally conscientious, being fair and equitable. |
| 9.8 | Wards Affected | City |