

Report

Report subject: Peppers, Wilton

Report to: Western Area Licensing Sub Committee

1. Type of Licence

Premises licence – with alcohol.

2. Applicant Name

Ms Janet Susan Collins

3. Premises Address

2 Silver Street
Wilton
SP2 0HX

Map - Attached as Annex B.

4. Representation to Committee

The representation to The Committee concerns an application for a new premises licence to include the following.

The supply of alcohol on and off the premises:

Sunday to Wednesday 0800 to midnight
Thursday to Saturday 0800 to 0200

Regulated entertainment, these hours vary so I have listed the latest hours (see attached operating schedule for full list of timings):

Sunday to Wednesday 0800 to midnight
Thursday to Saturday 0800 to 0230

Late night refreshment:

Monday to Sunday 2300 to midnight

Completed sections of the Operating Schedule. – Attached as Annex A

5. Background

Nil

5. Promotion of Licensable Objectives

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

7. Representation(s) from Responsible Authority(s)

Representation from Environmental Services

Attached as annex C

8. Interested Parties

Representation from a resident living in the vicinity i.e. within 100m – Attached as Annex D.

9. Response from Applicant

Nil

10. Policy Considerations

Prevention of Public Nuisance provisions in the Salisbury District Council Statement of Licensing Policy pages 10-12.

11. Recommendation:

That the committee consider the representation and the steps to be taken to promote the licensing objectives, particularly the prevention of public nuisance.



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Housing Services
Waste and Recycling Services



Schedule of Appendices

Report subject: Peppers, Wilton

Report to: Western Area Licensing Sub Committee

Author: Debbie Mulvey

Please note the following appendices are attached in relation to the agenda item.

Annex A

Operating Schedule of licence holder.

Please note that only pages 4 – 7 and 9 - 20 are attached.

Annex B

Map.

Annex C

Letter of representation from
Environmental Services

Annex D

Letter of representation from an
Interested Party

AL

Please give a general description of the premises (please read guidance note 1)

Two storey terraced property of traditional construction, trading as a Café/Bistro on the ground floor and courtyard garden.

Situated just off of the Market Square within a row of commercial premises.

On the main road through Wilton which produces considerable levels of traffic noise at all times

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

AL

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0800	2300	Please give further details here (please read guidance note 3)		
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	0800	2300			
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2300	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 2400hrs		
Sun	0800	2300	New Years Eve to 0200hrs January 2nd		

110

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0800	2400	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	0800	2400			
Wed	0800	2400	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	0800	0200			
Fri	0800	0200	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Friday, Saturday, Sunday and Monday on Bank Holiday Weekends, Christmas Eve and Boxing Day to 0200hrs. New Years Eve to 0200hrs January 2nd		
Sat	0800	0200			
Sun	0800	2400			

A4

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	To permit pub-like Games that may attract an audience whether by advertisement or spontaneously.
Mon	0800	2400	
Tue	0800	2400	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	0800	2400	
Thur	0800	0230	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	0800	0230	
Sat	0800	0230	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 0200hrs
Sun	0800	2400	New Years Eve to 0200hrs January 2nd

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	1200	2300		
Tue	1200	2300		
Wed	1200	2300	State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	1200	2300	New Years Eve and New Years Day.	
Fri	1200	2300	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	1200	2300	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 2400hrs.	
Sun	1200	2300	New Years Eve to 0200hrs January 2nd	

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	0800	2400	Recorded music including Jukebox, the volume of music will be reduced to an ambient level at 2300hrs.		
Tue	0800	2400			
Wed	0800	2400	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	0800	0200	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	0800	0200			
Sat	0800	0200			
Sun	0800	2400	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 0200hrs.		
			New Years Eve to 0200hrs January 2nd		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0800	2300	Please give further details here (please read guidance note 3)		
Tue	0800	2300			
Wed	0800	2300	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	0800	2300			
Fri	0800	2300	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2300			
Sun	0800	2300			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p> <p>Compere for Quiz or similar events, Karaoke, Comedians and similar performances, in any case using voice amplification with or without a DJ during normal business or as part of functions and including audience participation.</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	0800	2300		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	0800	2300	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	0800	2300			
Thur	0800	2300	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri	0800	2300	<p>New Years Eve.</p>		
Sat	0800	2300	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun	0800	2300	<p>Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 2400hrs.</p> <p>New Years Eve to 0200hrs January 2nd.</p>		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
			Both <input type="checkbox"/>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	0800	2300			
Tue	0800	2300			
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed	0800	2300			
Thur	0800	2300			
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	0800	2300			
			Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 2400hrs.		
Sat	0800	2300			
			New Years Eve to 0200hrs January 2nd		
Sun	0800	2300			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing An area of the ground floor as may be set aside from time to time.	
Mon	1200	2300	Please give further details here (please read guidance note 3) None	
Tue	1200	2300		
Wed	1200	2300	State any seasonal variations for providing dancing facilities (please read guidance note 4) New Years Eve.	
Thur	1200	2300		
Fri	1200	2300	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 2400hrs. New Years Eve to 0200hrs January 2 nd .	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u> Not Applicable		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
Mon	0800	2300		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	0800	2300	<u>Please give further details here (please read guidance note 3)</u>		
Wed	0800	2300	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</u>		
Thur	0800	2300	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri	0800	2300	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 2400hrs. New Years Eve to 0200hrs January 2nd		
Sat	0800	2300			
Sun	0800	2300			

A12

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	2300	2400	<u>Please give further details here</u> (please read guidance note 3) The provision of hot food, heated meals and heated snacks, particularly during the "wind down period" and during functions.		
Tue	2300	2400			
Wed	2300	2400	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	2300	2400			
Fri	2300	2400	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	2300	2400			
Sun	2300	2400	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 0200hrs. New Years Eve to 0200hrs January 2 nd .		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) None Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Friday, Saturday, Sunday and Monday on Bank Holiday Weekends, Christmas Eve and Boxing Day to 0200hrs. New Years Eve to 0200hrs January 2 nd .		
Mon	0800	2400			
Tue	0800	2400			
Wed	0800	2400			
Thur	0800	0200			
Fri	0800	0200			
Sat	0800	0200			
Sun	0800	0200 2400			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Ms Janet Susan Brown COLLINS	
Address 7 Hughenden Manor Petersfinger Salisbury	
Postcode	SP5 3EY
Personal Licence number (if known) Applied for PER0877	
Issuing licensing authority (if known) Salisbury District Licensing Authority	

A14

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	0030	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day to 0230hrs.</p> <p>New Years Eve to 0230hrs January 2nd.</p>
Tue	0800	0030	
Wed	0800	0030	
Thur	0800	0230	
Fri	0800	0230	
Sat	0800	0230	
Sun	0830 0800	0030	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

All Staff upon employment will receive suitable induction and training.

No new steps have been identified by risk assessment in relation to the four Licensing Objectives

I have considered the Local Licensing Policy in preparing this application.

b) The prevention of crime and disorder

We shall provide a 30 minute "wind down period" at the end of the sale of alcohol, which will promote this objective, allowing slow, sensible consumption of the last drink, an orderly gradual departure either on foot or by public transport, with full access to the venues toilet facilities and with the provision of non alcoholic beverages during this period.

A Personal License holder will be on the premises whenever trading continues beyond 2330hrs.

Smoking will be permitted in the courtyard area which will remove customers from the public footpath at the front of the premises and eliminating the risk of involvement in traffic accidents, also minimising any possible risk of confrontation with passers-by, thus enabling us to close our doors to control and end admission to the public at a suitable time.

The premises will be operated in accordance with any subsequent requirements of an appropriate responsible authority

c) Public safety

Risk Assessment; Overcrowding

A risk assessment has not identified any risk of overcrowding as the number of persons present are monitored on a regular basis by an appropriate member of staff.

Risk Assessment; Fire

A risk assessment has identified a sufficiency of fire fighting equipment on the premises, which are easily identifiable and accessible in an emergency situation. All new Staff are taught the position and type of appliances available, the evacuation procedure for the premises and they are shown the Fire Assembly Point.

The assessment revealed that the fire appliances and alarm system are subject to a regular maintenance and inspection contract.

The position of appliances, emergency exits, emergency lighting, sounders and other relevant details are shown on the attached plan.

Risk Assessment; Health and Safety

A risk assessment has not revealed any risk greater than normal to the public on Licensed Premises.

All floors and paved areas are generally level and all exits are clearly identifiable.

d) The prevention of public nuisance

Live music or plays will cease at 2300hrs except on Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, Boxing Day and New Years Eve.

No music, live or recorded will be permitted in the courtyard.

Recorded music or film volume will be reduced during the "wind down period" to deliberately create a calming mood change.

Management and Staff will regularly monitor noise levels both outside in the courtyard and to the front of the premises to minimise risk of public nuisance. Any person who creates a noise nuisance may be refused service and told to leave the premises.

Our patrons are reminded to leave quietly, any person unable to do so, will be refused service on any subsequent visit.

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 apply.

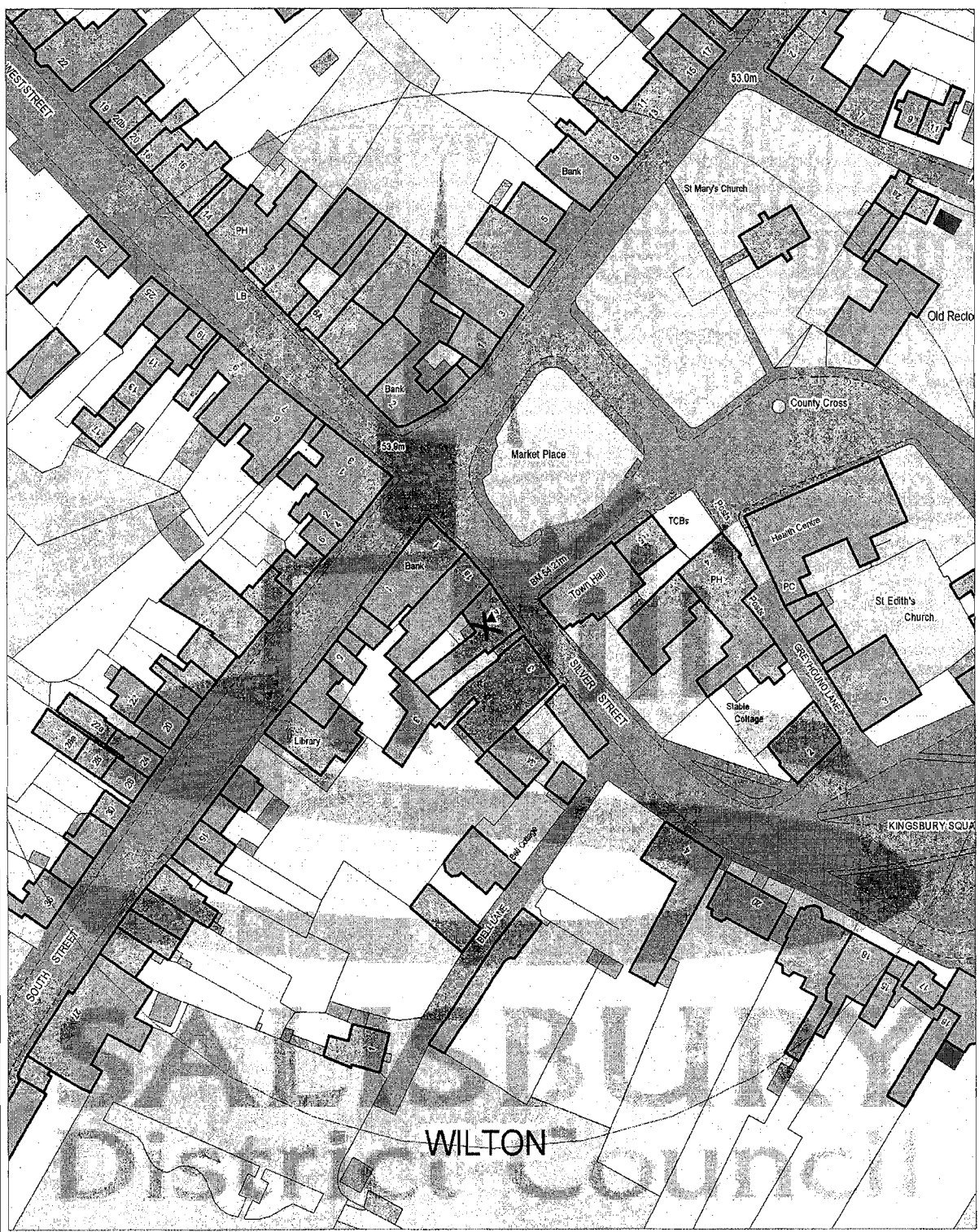
No unusual risks of harm to children have been identified.

Photographic Proof of Age will be required to be shown by any person seeking to purchase alcohol products whom appear to be under 21 years of age.

Please tick yes

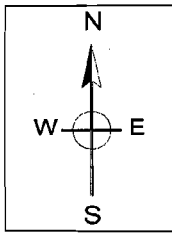
- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

THIS OFFENCE IS LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 152 OF THE LICENSING ACT 2003 TO MAKE A STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION



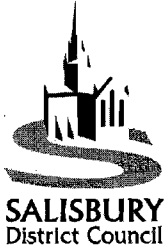
WILTON

Peppers, Wilton



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Map Scale
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Date
1st October 2008



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Environmental Services
Salisbury District Council
PO Box 2126
Salisbury
SP2 2DJ

direct line: 01722 434333
fax: 01722 434643
email: enhmail@salisbury.gov.uk
web: www.salisbury.gov.uk

Memo

To: Debbie Mulvey – Senior Licensing Officer
From: Rhys Gilbert
Date: 1st October 2008
Subject/Ref: Premises Licence application – Peppers, 2 Silver Street

Dear Debbie,

Further to the above application I have some concerns relating the contents of the operating schedule i.e. the types and timings of permissions that 'Peppers' have been applied for.

These concerns relate to the prospect of public nuisance being caused in the event a premises licence was granted which reflected this application. The reason for this is as follows; the premises in question is located directly below flats which are occupied by private individuals who have no connection to Peppers' business premises i.e. the ground floor.

The impact of noise on the occupiers of the flats from entertainment, and the other permissions sought in the operating schedule by Peppers' proprietors, is likely to be unreasonable and give rise to a public nuisance. The application makes no reference to this and does not try to address the prevention of public nuisance in these circumstances.

Under the current planning permission in place for the premises, Peppers is only permitted to open until 19:00. This condition was recommended by this department in order to prevent nuisance being caused to those who live in the vicinity and directly adjacent to Peppers. In the event an application is made to vary the existing planning permission to reflect this Premises Licence application, it is likely that this department would also record objections during the planning consultation process.

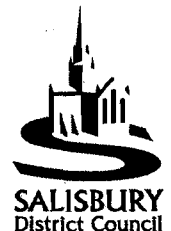
On the grounds that we consider public nuisance is likely to be caused we make this representation and would object to the current premises licence application.

I trust this information is of use.

Yours sincerely



Rhys Gilbert
Environmental Health Officer



ENVIRONMENTAL SERVICES
LICENSING
RECEIVED
29 SEP 2008
PASSED TO: _____
COPIES TO: _____
ACK'D *1st class*
11/10/08 BVM



The Licensing Officer
Environmental Services
Salisbury District Council
PO Box 2126
Salisbury
SP2 2DJ
26th September 2008

To Whom It May Concern:

Peppers Tea Rooms, Silver Street, Wilton, Salisbury

I wish to register my objection to the application for an Alcohol Licence for the above premises.

Peppers Tea Rooms is situated underneath two residential dwellings and as such have a time restriction placed on their initial planning application. On two occasions now the Tea Rooms have traded well past this time of 1900hrs, in both occasions trading past 2300hrs. I am concerned that an Alcohol Licence will encourage more of the same causing excessive noise and disruption to the tenants living above. I am one of the tenants living above and on three to four evenings a week I have my young son stay with me. The bedroom of my flat is directly above the kitchens and late noise will keep my son awake.

I have been made aware that the granting of an Alcohol Licence does not override the original planning consent, however it is my opinion, judging from the fact that the Tea Rooms has been operated outside of the planning consent and the notification for their Alcohol Licence is (as of this morning) displayed in the corner of the window on white paper shows they have little regard for the legislation that governs the granting of the licence or general planning consent.

Yours sincerely _____

