

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 31 MAY 2019 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN REVIEW HEARING - SALISBURY

Present:

Cllr Trevor Carbin, Cllr Jose Green and Cllr Ian Thorn

Also Present:

Paul Taylor – Senior Legal Officer
Lisa Moore – Democratic Services
Hannah Hould – Licensing Officer
Esther Bisgrove (Observer) – Legal Officer
Linda Holland – Licensing Manager
Vicky Brown – Environmental Health Manager
Sue Thurman-Newell - Police Licensing Officer
PC Jack Billington – Wiltshire Police
Nigel Connor - JD Wetherspoons Legal Officer
Rob Gibson – JD Wetherspoons Area Manager
Ami Pryce - JD Wetherspoons Hotel Manager
Louella Adamson – License Holder
Leo Charalambides - Legal counsel for License Holder
Mr Adamson – Observer
Salisbury Journal - Observer

1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Ian Thorn as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were none.

3 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Review Application made by Wiltshire Police in respect of @Home, 5 Bridge Street, Salisbury, SP1 2ND

The Chairman explained that the Police had made a request to hold part of the hearing in a closed session.

The Panel discussed the request, and it was noted that it was made from an ongoing criminal investigation point of view. Part of the evidence contained confidential CCTV footage, and therefore so not to undermine the evidence and to protect the anonymity of the children and family involved in the investigation that part of the hearing was required to be held in closed session.

Mr Leo Charalambides acting as Legal counsel on behalf of the License holder Miss Louella Adamson noted his concern in relation to any new undisclosed evidence being presented for consideration, without he and his client being able to consider it first.

He had no objection to the CCTV footage of the family being shown in the closed session. He drew attention to para 11.15 which detailed the requirement for the applicant and representative to have all evidence provided to them. He asked the Police to provide a clear out line of what evidence other than the CCTV footage they proposed to rely on.

PC Billington, who had been the Officer on duty, on the night of the incident, explained the sensitivity of the CCTV footage, and confirmed that it was only that part of the hearing where he would present the evidence, which would be taken in closed session.

Mr Charalambides supported this request, and the representatives from JD Wetherspoon's also confirmed that they did not wish to be party to the closed session.

At 9.45am the Chairman postponed the hearing until 10am to enable the License Holder and her Legal counsel time to confer and consider the case evidence.

At 10.00am the Hearing re-convened.

The Licensing Officer Hannah Hould introduced the purpose and scope of the Review application, the premises to which it related and the key issues for consideration.

She noted the License Holder's failure to comply with the Licensing Objectives, and detailed significant breaches of the conditions which had resulted in a failure to promote the Objectives, namely the Prevention of Crime and Disorder and the Protection of Children from Harm.

Three representations had been received. These were from two Relevant Authorities (Licensing Authority & Environmental Health) and one Interested Party (JD Wetherspoon's).

The original license had been held since 6 August 2018, as detailed within P19 – 26 of the agenda.

There had also been a Variation application submitted by the License Holder, which was on hold pending the Review hearing outcome.

Questions

- The application for a variation was submitted correctly on what authority did you make the decision to defer it?
Answer: Paul Taylor – There were some discussions with your client regarding the two applications. I will get that information and feedback at a later date.
- There were 43 letters of support, which had not been included, one mentioned that @Home was a safe premises which was suitable for young children. The writers of those letters had been excluded as they were not invited to this hearing. The section 102 guidance clarifies the requirement, so why were they all ignored?
Answer: It was decided that the letters of support did not relate to the licensing objectives. Each person was written to and no one responded to me. They did relate to the license holder and her character, so it was deemed that we would share them with members. They have been provided to the Panel ahead of the meeting electronically.

- It is normal for Wiltshire Council (WC) to share them with the Committee as letters of support of the character?

Answer: Yes

- It is quite clear that this venue supports older people, those with disabilities, vulnerable and LGBT members of the community. I refer you to the legislation that requires you to consider these issues with an open mind. Public Sector Equalities Duty - Providing a service to people with disabilities.

Answer: The Panel noted this information.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities, those who had made a Relevant Representation and the License Holder were given the opportunity to address the Sub Committee.

Review Applicant – Wiltshire Police

Susan Thurman Newell (STN) Police Licensing Officer, presented her case.

It was explained that originally, @Home had opened without a premises license, as Miss Adamson had intended the business to be an arts and crafts based venue with alcohol to be incidental. To cover the sale of alcohol, from July 2018 TENs were applied for until August 2018.

On 26 August (20 days after the license was granted) at 21:20 hrs an incident occurred in relation to homophobic slurs. A youth event was being run at the venue with 30 – 40 people in attendance, with music and soft drinks.

Two males who attended the event became disruptive and caused minor damage to a table football game. A remark was made to another attendee which resulted in him becoming upset. The matter related to a public order offence.

Mr Keens had been the previous Designated Premises Supervisor (DPS) until Ms Adamson took over in that role.

Telephone calls to @Home from the Police were answered in the name of the 'Truth' bar.

Miss Adamson had called the Police on one occasion to report that someone was 'kicking off', she noted it was a homeless person who stated he had left his belongings in the building. On this occasion the man urinated in the building and scratched someone on the face.

On 21 Sep Miss Adamson reported another disorder, which was due to another banned person who was outside causing a disturbance. Other nearby premises' bar security staff were asked by the Police if they had seen anyone matching the given description, however they had not.

At a meeting on 30th Oct we went through the conditions attached to the licence as we wanted to ensure that Miss Adamson understood them. At that time, we were made aware that £30K of funding had been agreed from the Arts Council to support a programme of events. We were not however made aware that other funders had rejected the bids for funding. Funding refusals received in July 2018, were not made aware to us.

With the loss of funding the business model had to change but Police not notified. We believed that @Home would be run as a community project during the hours of 18:00 to 22:00, and that the premises did not open during day time due to a lack of funding.

Some of the sessions put on at the premises included Mental Mondays, Thursday Knit and Natter sessions, and half term children's activities. There was also a plan for a tea room on the first floor, with the offer of pottery classes, and toddler sensory.

The ground floor bar was open between 19:00 to 22:00. We were informed that Miss Adamson was always on the premises on those occasions where alcohol was being sold.

Miss Adamson advised us that staff training records were in place, however I have not viewed them.

We were also advised that a front line door supervisor course was to be attended. This training has not taken place.

We were assured that there would be a Bar Manager on site every night except Mondays.

We are aware that Mr Steven Adamson who ran SP4 security services, paid passing attention to the premises, but was not employed by Miss Adamson. We are aware that Mr Adamson is Miss Adamson's uncle.

TENs are effectively a licence free of the normal conditions. I requested an email for each of the TENs with full details, but have only ever received one.

We are aware that Miss Adamson was also considering the old Allen & Sideway premises as an alternative venue.

I was notified that there had been an application for a Variation to 06:00 hrs. I responded to this.

I believe that Licensing Officer Mr Garrod did notify Miss Adamson that I would not support a request for those hours. The Voodoo bar in Salisbury did have the 06:00 license, however there had been several issues there and it had now been removed from their license.

Miss Adamson had no late-night economy experience. We did discuss trading hours, and I advised her that I would require three door staff contracted in, as I felt that the business would benefit from their experience.

Following that meeting where I had detailed all of the requirements I would like to see in place, Miss Adamson submitted further TENs applications, at a rate of approximately one a month with 2 weeks written notice. During our meeting we had discussed specific dates for TENs, however further applications were made for dates other than were discussed.

I liaised with Miss Hould regarding the TENs applications. Miss Adamson advised that one of the dates was for her own birthday party. However, this was submitted on the last possible date, rendering it out of time. We then found out that Miss Adamson had taken a booking, and it was not for her private birthday party as she had advised.

There was no TEN in place for Saturday 24 June. There was for Sunday 26 June. The front doors would need to be closed at 23:00. Capacity was 177.

We have been made aware that Miss Adamson intends to hold a private party outside of the TEN, after 22:00 tonight. We have advised Miss Adamson that no money should change hands after that time otherwise that would be a breach of the TEN. Background music may only be played up until a set time. I have asked the Inspector to pass this information to local Officers.

In early January 2019, Miss Adamson indicated she would apply for a Variation to her license, and noted that as Wetherspoons closed at 01:00 hrs, @Home got a boost in trade from that time onwards, adding that she had noticed where she could improve from a business perspective.

Miss Adamson was of the opinion she could manage the premises over the Christmas period during the late-night economy.

On 29 November she called Police to report a disorder at the premises. It was also claimed that she had got the DPS sacked at Wetherspoons for harassment. Miss Adamson noted that she had stayed in the Wetherspoons Hotel and could not hear any noise coming from the @Home venue, and suggested that Wetherspoons should install noise insulation.

We are aware that Miss Adamson intended to have a live band playing once a month.

During our meeting with Miss Adamson, Miss Hould had assisted her to complete a new application, as she indicated she did not know how to complete one.

Miss Adamson stated she did not have a noise limiter as the previous licensee had taken it, then later changed that story to say that bailiffs had taken it. It was claimed that she could not afford to buy one until the Variation was approved, as that would enable her to make more money. In addition, she had indicated that she was in debt.

Attention was drawn to a number of items in the agenda pack on pages 86 – 101 relating to the noise limiter. I was later advised that she had always had a noise limiter on the system in the premises, she just did not know what it looked like.

The variation application consultation period ended on 20 March 2019. I undertook a review of other venues to compare and liaised with Police Officers in the Community Team.

It was agreed that the Police licensing position was that it had no objection to the Monday to Thursday hours requested, however we did seek an amendment to the Friday and Saturday hours to 01.30 hrs. With a minimum of two door staff from 22:00 hrs until 30 mins after closure to assist dispersal. This would make @Home the only venue to be open late at this end of town.

In March 2019 a serious incident occurred at 23:00 hrs after a customer left the premises. I later contacted miss Adamson, however she did not respond to any of my emails or phone calls. I emailed her to ask her to attend the Police station the next day, and suggested she come in at 17.00hrs, which would be an hour before she was due to be at the premises, to discuss the incident with the Officer on duty.

Questions

There were no questions from the Committee members.

There were no questions from the Responsible Authorities.

There were no questions from the Interested Parties.

Questions from the representative of the License Holder:

- Why was that not provided earlier?
Answer: I did not withhold anything it had all been provided either in the pack or to the licence holder Miss Adamson previously.
- Where is the bundle of all of those emails?
Answer: The emails I have read out are ones I sent to Miss Adamson – she would have copies.

- Are you familiar with para 9.12 as you are the expert in your field? We have only been given all of this additional information now and not had time to consider it.

Answer: There was only a small proportion of expansion on what had been included in the pack.

At 10.50am, the Southern Area Licensing Sub-Committee:

Resolved:

To exclude the public from the meeting for the business specified in Item Numbers 14 – 17, under regulation 14 (2) of the Licensing Act 2003 (Hearings) regulations 2005 because the Sub-Committee considered that the public interest in doing so outweighed the public interest in that part of the hearing taking place in public..

The Observers, and the three attendees from JD Wetherspoons left the room to enable a closed session to take place. During that session, PC Billington provided details of the incident which included CCTV footage taken inside the @Home premises and from footage taken from Police bodycam's and from inside Bourne Hill Police Station.

The Committee and all attendees reconvened at 12:52, to continue with the hearing in open session.

Police Licensing Officer

The Police Licensing Officer explained that they had applied for a Review of this license due to their concerns over ineffective management and a number of breaches of the license, the business operation during the late-night economy and the Police visits following incidents at the premises. They were not satisfied good practice is in place.

On one occasion, when the Police Licensing Officer attended she checked for the blue notice which must be displayed as a requirement during the consultation period, as was not able to locate it. On speaking to the Bar Manager, she identified the notice was in the window near the door, it was located 12ft high where it could not be seen.

The Police are aware that alcohol was being given to people after 22:00 hrs with money taken in advance to pay for those drinks.

There was no till being used on the premises when the Police visited in March. There was a printout for the card reader and a small cashbox used for alcohol purchases. With this style of operation for sales, Miss Adamson cannot supply evidence of due diligence.

On 30 March Police received a call from the Bar Manager who was on duty, it was reported that a male had tried to damage the bar because it was closing. The suspect punched several people. The Police were informed that he was part of a group of Scottish squaddies.

Another patrol made a drive past ID run, outside the Chapel nightclub but the suspect was not seen. The victim had been pushed and punched to the face, and there were two males injured, one with a split lip.

Following further Police enquiries, a male was arrested and charged with an offence. The DPS was not on site during the incident. The Bar Manager stated that staff had not turned up and the DPS was not present. Following this the Bar Manager left her employment there.

There was a failure to comply with the conditions of the license and uphold the licensing objectives.

The Police also had concerns relating to a heavily discounted drinks promotion during Easter week, which provided 15 shots for £20. The three types of absinth on offer would be over the usual units per shots. After drinking 10-12 units of alcohol this could lead to a toxic or poisonous level of toxicity.

The Police hold no confidence that Miss Adamson would comply with the terms of her license moving forward and suggest that if the license was not removed, then a suspension of the license be imposed until the concerns that have been raised could be addressed.

The Police would require a minimum of two door supervisors between 20:00 until 30 minutes after closing on Friday's and Saturday's.

All TENs would be subject to a risk assessment.

The provision of an enhanced CCTV system should be in place, one that could provide the identification of those admitted.

Questions

Councillor Questions

Question: Who phoned the Police on the 20 March?

Answer: That was the Bar Manager.

Question: Some of the events which you have detailed were not in the paperwork.

Answer: The venue contacted the Police to ask for a Police response. They were aware that they made those calls, and an email that was referenced was between the Police and Miss Adamson, so she also has that.

The Committee then heard the Responsible Authority representations.

Linda Holland - Licensing Authority (LA)

The LA has made a representation due to the license holders lack of knowledge to operate a premises in line with the licensing conditions to maintain Licensing Objectives. A number of conditions have not been complied with.

The onus is on the owner of the license to deliver compliance. The Licensing Authority have seen that Miss Adamson is frustrated by process and the procedures that are in place. P53 onwards sets out our representation.

Throughout the period she has held a license, Miss Adamson has shown a lack of understanding of the Licensing Act and the completion of completing forms.

Officers had fulfilled their role in assisting beyond what was expected.

There had been noncompliance of a range of conditions and breaches to noise management. There was evidence of poor management of the premises and a lack of staff training.

Miss Adamson had been advised on numerous occasions to seek professional Licensing advice if she did not understand. Her dealings with Officers had often been found to be flippant.

Miss Adamson has said that she has a creative nature. The Licensing Authority are working with a regulatory framework, and have to work within the perimeters given and cannot make allowances on people's whims. There is a duty to protect children from moral and physiological harm. That Objective is not being promoted here.

The original plan put forward by Miss Adamson, was for a music hub and not for alcohol sales as a late night bar.

There are areas of real concern still prevailing and a naivety of what is required to run a late night establishment.

These outline poor management of the premises. The Licensing Act can be grey and cumbersome for some people, however the License Holder remains responsible for all sales.

Miss Adamson does not seem to understand the conditions on her license. This Authority has concerns that further issues will arise. However if members feel that a number of robust conditions in place could alleviate the concerns, then a suspension of the license would be reasonable to enable Miss Adamson to put in place all that is necessary to allow for the conditions to be carried out.

Questions

Councillor questions

Question: What conditions would you like to see imposed?

Answer: Staff training, on robustly managing alcohol sales. Further training for the DPS in the licensing objectives and what they mean.

Question: What is the training process?

Answer: A suitable Licensing Training programme like that the British Institute of Innkeepers run. Or getting in a qualified manager to assist.

Question: What level of issues has the Local Authority and the License holder faced?

Answer: Paperwork errors, and the need to return documents which are not completed correctly. Officers can only help to a certain degree. We are not license trainers. We have seen the wrong dates, wrong hours, and generally the forms are not completed correctly.

Vicky Brown – Environmental Health

Standing in for Officer Cath Fowler who wrote the report in the pack.

The Environmental Health Team support the application for a Review made by Wiltshire Police – and the compliance of the prevention of public nuisance objective.

Advice has been provided to the licensee over past months but has not been taken on board. In March Environmental Health objected to the variation application to extend the hours. Noise management was an issue at the premises, as they were unable to control the noise levels.

Environmental Health were aware that the noise created by the @Home premises was affecting the guests staying next door in the Kings Head hotel rooms. The building was not well insulated.

From June 2018 music was due to end at 22:00, Environmental Health did ask @Home for a Noise Management Plan, however to this date one has not been provided.

Environmental Health have received one complaint since that time.

A colleague visited Miss Adamson in the @Home premises, where it was found that the noise limiter had not been fitted. Miss Adamson thought that she had a unit which she stated was set at 3 decibels. That was found to be a monitor not a limiter. The monitor has a function which means you look at the scale when in use and manually turn down the volume. A noise limiter has a microphone that monitors the noise of the room and then cuts off at a set level.

Environmental Health do not believe that Miss Adamson has complied with our request to fit one.

Questions

Councillor questions

Question: There is still no noise limiter?

Answer: No

Question: What is the suitability of the building for noise reduction?

Answer: In 2016 a noise consultant provided a report to the previous licensee, on how the building could be modified to improve sound insulation. Options were to have a room within a room construction, to install silent ventilation and have a sound locked lobby.

The noise could be curable but cost would be high.

Up until 22:00 hrs we have had no complaints about noise levels, they are as a result of music after that time, up until 03:00.

Question: Would you want one or two noise limiters?

Answer: There is no door between the floors, so it is difficult to say. The installation of double glazing may be an issue as it is a listed building.

Questions from JD Wetherspoons

Question: Have you had any liaison with the premises license holder since you requested the noise limiter?

Answer: We have had liaison with Officers to advise us that no limiter was in place.

Questions from the License Holder

Question: There have been no other complaints from anyone but JD Wetherspoons?

Answer: No

Question: What are the Kings Head operational hours?

Answer: They are open until 01:30

Question: In the past the EHO had said that whatever the license holder and neighbour work out would become the condition.

Answer: Yes, however that was not ideal.

Representations from JD Wetherspoons (The Kings Head)

Nigel Connor – Legal Officer

JD Wetherspoons have operated here as the Kings Head since 2004.

There are 33 rooms in the hotel, some are directly above the @Home venue. They have had issues from this venue when it was formerly Truth bar. A review application didn't go anywhere then, and in 2018, the premises closed. The license holder surrendered the license at that time, and any future operator of those premises would have to apply for a new licence.

Mr Nettle wanted to assist with the application with Miss Adamson. At that point, Wetherspoons were told that the nature of the venue was to be mainly a community led model and would not focus on the provision of alcohol.

Wetherspoons lodged a representation, but on the basis, that it would be withdrawn if we came to some conditions after working with Miss Adamson. It was hoped that with those conditions in place and the assurances that had been given, that her business would not continue beyond 22:00 hrs, and that the previously experienced noise problems would not continue, as they had been experienced after those hours.

Following this noise continued to be an issue with the premises. P105 onwards in the agenda pack provided details.

The music levels have remained intrusive and unacceptable and continue to disturb guests, leading to complaints and refunds for the overnight stay of some guests on occasion.

As part of the TEN dates applied for by Miss Adamson, as detailed at P112, during the week ending 17 February 2019, there were 2 events that week and the music could be heard very loudly in the hotel. The Kings Head management blocked out the rooms that were closest to the noise, however it reached other rooms.

The Duty manager went to @Home to raise a complaint and made a complaint to the Council. The next night there was a noise issue again. At 02:00 hrs a guest complained and they had to refund 2 guests.

Wetherspoons have written to Miss Adamson on a number of occasions and tried to meet with her on 28 September, however she was unable to attend. There has been a willingness to engage with Miss Adamson on our behalf, but this has not been successful.

Wetherspoons are encouraging of any operator within the City, but not at the detrimental effect to our trade and reputation.

There is a condition to apply a noise limiter. Wetherspoons confirm that we have never been invited on to the site to agree a set level for the noise levels.

Miss Adamson states that she has been in the hotel and not heard any noise. There are some rooms which are affected more than others, and in the reception.

There wasn't any attempt to contact us about the variation application.

Wetherspoons are aware that the Police are dealing with other issues, from our perspective noise is the main issue.

In the provision of regulated entertainment from small premises, Section 177a of the Licensing Act which details that on the Review of the license an authority can give a condition to music, this should include a statement. In the interest of the protection to JD Wetherspoon, if license allowed to carry on Wetherspoons would ask you to make noise conditions apply to these premises.

Questions

Councillor question.

Question: Of your 33 rooms, what is the worst case of numbers affected?

Answer: Nine, but realistically eight. On a common night it's a minimum of four.

Paul Taylor – Legal Officer WC advised the Panel that there were a range of legal steps available. These were detailed on P13 of the agenda. He noted that one option had been omitted, that was to remove the DPS.

Premises License Holder case

Mr Leo Charalambides

Para 11.20 of section 102 in the guidance notes that it is expected that as far as possible you would seek to identify the cause of concerns.

This premises clearly has a valuable and positive impact on the community. That has been seen in the 44 letters of support sent to the Licensing Authority, particularly from the older members of the community, vulnerable and the LGBT community.

If the Sub-Committee were take the draconian option they would be limiting the options for those groups of the community.

Small venues with music and entertainment and a bar are quite important, as not everyone wants to go to the other types of bars available. Some people want to go to a premises where the manager feels like a mate.

The Licence Holder has presented herself as someone who is creative and she needs a bit of help. One option is to get a new DPS. The Manager needs to be trained and up to speed with the level of knowledge required. A suspension may allow for this.

When you are running a young person's LGBT venue and someone comes in and uses homophobic slurs I would expect them to call the Police.

There was an incident where this vulnerable individual mixed with the consumption of alcohol and her particular circumstance that day, made for a harrowing incident.

The deterioration of her intoxication did not peak until hours after she left the @Home venue. The issue of how to deal with intoxicated customers' needs to be addressed.

Your decision should be to remove the DPS and impose a period of suspension, during which the License Holder can undergo any necessary training.

In that period, there is a need to revisit the conditions, as they are currently inappropriate, including consideration of having a complete ban of children after say 18:30 hrs.

There is another hearing pending where the license is to be varied. If a license is to continue then these conditions need to be looked at, and considered at the variation.

The Sub-Committee should not make a ruling on 177a as it would stifle other aspects.

With regards to Public Nuisance, guidance tells us there is a common law meaning which is where one neighbour is complaining about the conduct of another. It is unlawful to engage in a private neighbour dispute

Any noise conditions should be set by the Environmental Health Team as it is the Responsible Authority that should adjudicate where the noise level should fall.

This is a grass roots movement that has had a huge impact on the community. Miss Adamson needs advice from a Licensing expert.

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The operating procedure should be reviewed.

Questions

Councillor questions

Question: You emphasise the situation being parochial, like a neighbour's dispute, would you agree that 8 rooms being affected, results in bad publicity and can act like wildfire. Is this more than just a neighbour's dispute?

Answer: I am not suggesting that is the case, we have a wall separating these neighbours. We don't have anyone else saying it impacts them. The solution should come from Environmental Health. This is not a public nuisance. We should have a light touch legislation.

Question: You say that @Home makes a valuable contribution to the community, especially the LGBT. Are there other venues that support these groups?

Answer: I am not sure if other places support these groups.

Question: What is the definition of a Safe Place?

Answer: A community asset is defined in legislation. Places where alcohol is available can be a community asset. I think alcohol does have a role to play. The Safe space is a governing board that has a sticker that goes on the window. People can go in to these premises for some quiet time to relax. Employees are trained on disclosures to deal with incidents. We also operate the 'ask Angela' scheme. Homeless people come in and I give them clothes and cardboard, I work with Wiltshire creative to fill the holes they miss.

Question: This public nuisance and private nuisance matter, the pub is a public space.

Answer: Its one neighbour against another.

Question: Why has it been so difficult for the Local Authority in Licensing, Environmental Health and the Police to communicate with you effectively, why have you endangered your facility by not communicating with the responsible bodies?

Answer: There are different forms of communication from a regulator and a creative person. A review is almost like a relate service. My client is properly focused in bringing me on board, we need to look at the mechanics.

Environmental Health Noted - The definition of a public nuisance could be addressed in many ways.

JD Wetherspoon questions

Question: You didn't contact Wetherspoons to address any of the issues, did you address the Police issues?

Answer: There was some discussion in emails about changing the PLH name or the DPS name.

All parties were then invited by the Chairman to summarise their case.

Responsible Authorities

Linda Holland – Licensing

The Local Authority is not seeking to curtail the license, however it's the licensing objectives that are of concern here and Miss Adamson's ability to comply with the conditions.

Vicky Brown – Environmental Health

If we move forward and impose some conditions, there are some standard ones that could be applied.

Representations

Nigel Connor – JD Wetherspoons

If you do not revoke the license could you consider applying the noise nuisance point detailed in 2.15 of the guidance? There are concerns in respect of the suggestions put forward by the license holders legal counsel, in particular the variation sought for extended hours, it would be inappropriate to use that application to determine the outcome of this review.

There needs to be early engagement with the Local Authority, the Police and Wetherspoons to come up with a list of conditions.

It did not matter what the nature of the premises was, the question was whether many of the activities that take place needed a license. The promotion of the licensing activities and the standard should remain high despite the smaller size of the premises.

Leo Charalambides (on behalf of) - License Holder

Looking at the type of venue and the guidance set out at 2.15. the Sub-Committee are asked to consider what the premises does, how it does it and whether it contributes to the community?

The conditions do need to be looked at. The concerns and the voice of JD Wetherspoons need to be heard. The suggested road map allows these concerns to be considered this, whilst seeking to achieve the outcome that all parties want

Wiltshire Police

PC Billington

It has been mentioned that the subject of the incident was at Wetherspoons and you mentioned that she was distressed in there. I would like to reiterate that the staff and the venue had assisted the Police and had completely complied with the requests for information every step of the way.

Sue Thurman Newel – Police Licensing

Failure to comply to the conditions attached to the license and the uphold of the licensing objectives.

Going forward the matters are of significance and concern to us all. The Police would like to see the conditions revised and imposed to include additional training, safeguarding practices and specified permitted hours for children, a condition to tackle the lack of till or evidence in relation to afterhours sales, otherwise there would be scope for the same accusations moving forward. There also needs to be good training records.

The Police do promote the type of community hub Miss Adamson has tried to run, however she has not managed to do it in line with the requirements of her license.

The Chairman thanked all participants of the Review Hearing for the detailed discussion and the opportunity to ask questions throughout.

The Sub Committee members retired at 2.52pm to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 3.45pm.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

The decision of the Southern Area Licensing Sub Committee is that the Premises Licence LN/000014727 in respect of @Home, 5 Bridge Street, Salisbury held by @Home Salisbury Limited be revoked.

Reasons for the Decision

The Sub Committee determined that the Licence Holder had consistently failed to comply with its obligations in respect of all of the licensing objectives. The Sub-Committee also had no confidence that the Licence Holder would comply in future with its licence conditions.

7 **Report**

8 **Appendix 1**

9 **Appendix 2**

- 10 **Appendix 3a**
- 11 **Appendix 3b**
- 12 **Appendix 4a**
- 13 **Appendix 4b**
- 14 **Appendix 4c**
- 15 **Appendix 5**
- 16 **Appendix 6**

(Duration of meeting: 9.30 am - 3.51 pm)

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