

## SOUTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 MAY 2011 AT THE MEETING ROOM - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE BY GREENE KING RETAILING LIMITED IN RESPECT OF KINGS ARMS AND CHAPTER HOUSE, 9 – 13 ST JOHN STREET, SALISBURY**

**Present:**

Cllr Trevor Carbin, Cllr Jose Green and Cllr George Jeans

**Also Present:**

Liam Paul, Debbie Mulvey and Paul Taylor

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11. **Election of Chairman**

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

**Resolved:**

**To elect Councillor Trevor Carbin as Chairman for this meeting only.**

**Cllr Carbin in the Chair**

12. **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).

13. **Chairman's Announcements**

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

14. **Declarations of Interest**

There were no interests declared.

## 15. Licensing Application

### **Application for a Variation of a Premises Licence by Greene King Retailing Limited in respect of Kings Arms and Chapter House, 9 – 13 St John Street, Salisbury**

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

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by Nick Walton of solicitors Poppleston Allen on behalf of the Applicant, Greene King Retailing Limited were:

- The premises are undergoing a £1million pound refurbishment, to form the second in a chain of New York Steakhouse themed restaurants, to be called the Lazy Cow.
- The main focus of the offering was high-quality food, and a number (17) of themed hotel rooms in which guests could rent accommodation.
- The premises would also host themed evenings; for example 'Jazz' or 'Dixie', with appropriate live (unamplified) music.
- There would not be discotheques, nor similar events, as the music, whether background recorded music or live artists, would be aimed at providing atmosphere and entertainment for those eating and staying at the premises and would be complementary to these aims, not intrusive.
- The existing Function Room would be retained and adapted to allow for corporate use; for conferences and meetings.
- The application is to permit live music 6 days a week, in order to give the flexibility of use that would allow bands and artists to be booked at late notice, without temporary event notices (TENs) becoming necessary.
- It is envisaged that live music would take place on average 2/3 times a week.
- A full programme of staff training, due diligence and incident reporting is in place in existing premises and will also be used at the premises under consideration.
- The proposals offered a dynamic, high reputation offering, which would benefit the area.
- There were no concerns raised by the police, and the applicants were willing to include the condition suggested by the Environmental Health officer in any license.
- The applicant reminded the hearing panel of the case of Daniel Thwaites plc v Wirral Borough Magistrates Court, and the need for real evidence to ground any assertions that the proposals would generate problems.

Key points raised by the Interested Parties (Mrs Samantha Mellow and Mr AJG Cochran, of solicitors Woolley+Wallis, on behalf of Mrs J Coates) were:

- The house lived in by Mrs J Coates was connected structurally to the function room and bordered the proposed smoking area. On the ground level it was a bridal shop.
- The kitchen and main bedroom of Mrs Coates directly overlooked the proposed smoking area, and there was concern that the smell of smoke would be present in these areas of her house, as well as affect the ability of the ground floor bridal shop to open its windows.
- A main concern is the possibility of public nuisance and Mrs Mellow noted that the license is desired for Greene King limited, rather than the current operator, which could change, and have negative effects on the way the business is run.
- Another issue was the noise of patrons exiting the building onto St Johns Street at the proposed extended opening hours, which would be very close to the neighbour's bedroom.
- The changes proposed were not slight – they represented a change to a previously quiet pub and restaurant, and could allow significant intensification in future.
- The representatives of the objector made the following suggestions
  1. That live music be limited to three nights a week, of which two were Friday and Saturday, and music should cease at 10:30pm
  2. That late openings at weekends be by application.
  3. That there should be no extension to the existing opening hours in the weekdays.
  4. That the smoking area be limited to the back of the yard area bordering 7 St Johns.

The parties were then given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council Officers.

Questions clarified the following matters:

- The premises historically had operated a number of rooms to let; the entirety of these seventeen rooms would be retained and were a part of the refurbishment process.
- No dancing area was planning – the purpose of the license for dancing was to allow patrons to dance spontaneously if they so wished in and around the tables.
- Air conditioning would be in place in the first floor hotel rooms, and air cooling in the restaurant / bar area.
- Noise levels outside were proposed by the applicant to be monitored by trained staff.

A debate ensued during which the Sub-Committee discussed the location of the function room, the indicative nature of the plans before them, and the limits of the external smoking area that was to be established.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 11.15

The Hearing reconvened at 12.40

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

He had given no advice on specific issues other than to clarify the nature of the licensing rules surrounding background music and explaining that it is not a licensable activity. He then reminded the committee of the options open to them and the relevant licensing objectives that they should consider when determining the application.

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 and it was

**Resolved:**

**That the application for a variation of a premises license by Greene King Limited in respect of Kings Arms and Chapter House, Salisbury, as applied for, with the addition of the following conditions:**

- 1) Windows and doors shall be kept closed while regulated entertainment is taking place except for access and egress.**

**Reason: For the prevention of public nuisance.**

- 2) That the proposed external smoking area will be limited to that part of the courtyard which does not directly adjoin 7 St.Johns Street, i.e. the smoking area will be limited to the north of the entrance to the function room.**

**Reason: For the prevention of public nuisance.**

**Informative:**

**It is the license holder's obligation to fulfil any other statutory requirement.**

(Duration of meeting: 10.00 am - 12.45 pm)

The Officer who has produced these minutes is Liam Paul, of Democratic Services,  
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