

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 28 MAY 2024 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Kevin Daley, Cllr Tim Trimble and Cllr Robert Yuill

Also Present:

Applicant

Mr Robert Wood – Avon Brewery DPS
Ms Michelle Hazlewood – Solicitor
Ms Steff Kent – Marston's Area Manager

Those that made a relevant Representation

Representation 2 – Local Resident in objection

Wiltshire council Officers

Lisa Alexander, Senior Democratic Services Officer
Katherine Edge – Public Protection (Licensing) Officer
Jonathan McLaughlin – Legal Officer

Observers:

Tara Hunt, Senior Democratic Services Officer
Roy Bahadoor, Principal Public Protection (Licensing) Officer

1 Election of Chairman

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

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

Apologies for absence were received from Councillor Nic Puntis, who was substituted by Councillor Robert Yuill.

3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

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".

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, however Councillor Kevin Daley noted that he knew one of the Applicant's representatives by sight due to his role as DPS at the premises, but did not consider him to be an acquaintance.

6 **Licensing Application**

Application by Marston's PLC for a Variation to a Premises License in respect of The Avon Brewery, Castle Street, Salisbury, SP1 3SP

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a variation of a Premises Licence in respect of The Avon Brewery made by Marston's PLC for which two relevant Representations have been received.

The details of the variation applied for, were summarised as:

- To 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.

It was noted by the Sub Committee that there were three options available to them:

1. Grant the application, on the terms and conditions applied for
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives,
3. Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Ms Michelle Hazlewood – Solicitor
- Mr Robert Wood – Avon Brewery DPS
- Ms Steff Kent – Marston's Area Manager

Relevant Representations

- Rep 2 - local residents in objection to the application

Responsible Authorities

There were no representations made by Responsible Authorities.

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant's representatives as detailed above, spoke in support of the application, highlighting the following points:

- Apply to extend hours, with Sunday starting earlier.
- Would not be extending live music, as were aware this would be problematic.
- Monthly events at the premises included live music as part of the Salisbury Live schedule.
- Currently on Friday's and Saturday's the premises operated a strict process to move people out of the premises.
- Improved dispersal procedure to improve the quantity of customers leaving the premises at one time.

- The premises main focus was to accommodate pub game teams in darts, cribbage and pool, with league games starting at 20:30 hrs. onwards. Currently the teams were not able to get through the number of rounds required by the league within the current licensed hours. This had resulted in teams throwing away games because not enough time left.
- League positions impacted so have lost teams to other venues who have late hours.
- Home and away teams and their supporters do not contribute to any noise disturbance when leaving.
- Often the home team when playing away would like to return to their home venue for a last drink, but due to the current opening times, they could not come back and were relocating elsewhere.
- There had been an approximate 9% reduction in turnover lost, as the teams were the main trade.
- The aim of the application was not to do more live events, but to bring back the game teams who had left.
- No objections from responsible authorities.
- DPS had previously experience working at the Huntsman, the Wig & Quill and British Legion and held a vast experience in managing licensed premises.
- The representations from the two residents highlighted concerns relating to noise. There would be no extension to the music offer at weekends.
- The premises was long and narrow, the Applicant had worked hard to best manage the space.
- The premises was on the same road as the George and Dragon, both sites had beer gardens backing on to the river.
- A previous noise complaint relating to garden. There would be a 23:00hrs limit on the garden, prohibiting noise issue going forward.
- The beer garden had been out of use for a period of time since a fire in 2023.
- The allegation relating to trading beyond the current permitted hours on 3 March 2024, was unfounded as the DPS noted that the log of the times the premises was open and closed on the date showed that last orders was called at 22:00hrs and doors were closed at 22.56hrs.
- When the teams were not playing at the premises the pub often closed at around 22.30hrs.
- The pub hosted Karaoke and a live event once a month.
- The current License was naked in relation to conditions, with hardly any there at all. A list of suggested conditions had been provided with the application.
- During the week the players were collected from the pub by a designated driver, who often did not attend the premises until the last 30 minutes. Extended hours would enable the drivers to come in and be served before they drive people home.
- The front doors were closed before 23:00 to give the appearance the premises was winding down.
- The NMP has been provided – looking at noise levels and monitoring. Consideration of resident impact had been accounted for , with added

measures such as motivating people to move on home rather than remain outside when leaving.

Sub Committee Member's questions

In response to the Members questions to the Applicant, the following points of clarification were given:

- The weeknight arrangements for the teams, which included a league required start time for games of 20:30hrs.
- Karaoke was provided once a month and live music once a month throughout the year.
- Music acts performed in the garden when weather allowed.
- The Applicant made a formal withdrawal of the live music element for weekdays on the application.
- Live music was currently permitted under de-regs until 23:00hrs.
- The premises still requires recorded music as only permitted until 23:00 on dregs.
- The NMP would evolve and change.
- There may be an afternoon disco with Northern Soul style music, playing from 15:00 – 18:00 hrs followed by a meal.
- The premises was broken down into three sections, the bar, the middle (darts area) and the back area where the pool table was.

Questions from those who made a relevant representation

In response to questions to the Applicant from those that had made a relevant representation, the following points of clarification were given:

- The teams playing, such as darts etc were considered a pub game not a sporting event.
- There had previously been a NMP in place and the DPS had tried to manage noise, however the updated NMP included additional measures.
- No formal complaints regarding Noise had been logged with Environmental Health.

Submissions from those who made relevant representations

Representation 2

The Representative had been a neighbour to the premises for 20 years and described the premises as having originally been a quiet old boys pub. In recent years noise had become an issue, which impacted on the Representative and their family. Members of the house were disturbed by noise, impacting on sleep and work. In addition to noise, the Representative noted issues with urination and vomit outside on walls and in gutters, leaving the family feeling distraught at the prospect the issues would worsen if the hours were extended.

Sub Committee Members' questions.

In response to the Member's questions to those that made relevant representations, the following points of clarification were given:

- The Representative had lived in their house which was a listed building for 20 years.

Questions from the Applicant:

There were no questions.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation objecting to the application, highlighted the following:

Representative 2

Salisbury City Council had objected to the licensing application. It was felt that the rules prevented people like them from being represented.

There were always a mob of people smoking outside the pub.

The developer, McCarthy Stone wanted to complain but had not been aware of the deadline for representations.

The Officer clarified that the submission made by Salisbury City Council had been out of time.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- The premises was in a densely populated area. The Applicant had looked at the circumstances and added additional conditions. A slightly different proposal than was originally submitted had been applied for.
- The previous licence had no conditions, there would be a benefit in amending the license at this time, in that additional conditions could be applied.
- The aim was to enable the mid-week team players in the leagues to complete their games without being rushed.
- Evidence showed that there were 20 people on average during the evening with 30/40 on a big match game night.
- The NMP would be updated and include sound monitoring and relevant checks.
- There had been no objections from Environmental Health
- Allegations of late trading refuted.
- The garden had not been in use for a period of time and was now in use as a limited capacity.

- Bands and music had been taking place internally for a long time.

Points of Clarification Requested by the Sub Committee

The following points were clarified for the Sub Committee:

- The legal status of the premises was stated as being of a hybrid nature, with the DPS retaining a percentage of the sales and Marston's retaining alcohol and cash.
- Representation 2 – noted that they felt upset that the Applicant was portraying the premises so differently.

Deliberations

The Sub Committee then adjourned at 11:50am and retired with the Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 1:00pm.

The Solicitor advised that he had provided legal advice to the Sub Committee on the Licensing Objectives.

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for the Variation of a Premises Licence in respect of The Avon Brewery, Castle Street, Salisbury, SP1 3SP, be GRANTED for the licensable activities shown below:

Licensable Activity	Days	Hours
Supply of Alcohol	Sunday - Thursday	10:00 – 00:00 Hrs (midnight)
	Friday – Saturday	10:00 - 02:00 Hrs
Live Music Indoors only	Sunday – Thursday (as permitted)	10:00 - 23:00 Hrs
	Friday – Saturday	10:00 – 00:00 Hrs (midnight)
Recorded Music Indoors only	Sunday – Thursday (as permitted)	10:00 – 23:00 Hrs
	Friday – Saturday	10:00 – 00:00 Hrs (midnight)

Late Refreshment Indoors	Night	Sunday – Thursday	10:00 – 00:00 Hrs (midnight)
		Friday – Saturday	10:00 until 02:00 Hrs
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			

With the following Conditions (7):

1. Updated Noise Management Plan to reflect the changes to the license, to be agreed by Environmental Health Team, in consultation with the Licensing Team.
2. When regulated entertainment is undertaken windows and doors to be kept closed.
3. Live and Recorded music to cease externally at 23:00 hours.
4. The premises shall have a refusals log which shall be retained for a period of 6 months and be available to Wiltshire Council and Licensing Authority Officers upon reasonable request.
5. The premises shall have an incident log which shall be retained for a period of 6 months and be available to Wiltshire Council and Licensing Authority Officers upon reasonable request.
6. 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.
7. The premises shall undertake induction training of staff and thereafter annual refresher training in relation to underage sales and sales to a drunk.

Reasons for the Decision

In reaching its decision, the Sub-Committee took account of the Applicant's submission and the clarification in response to queries raised at the Hearing that their reason for applying for extended hours was to accommodate the league teams for pool and darts and not to increase their offer of live music events.

The Sub-Committee took account of the representations raising concerns regarding the proposed increase in hours leading to an increase in noise disturbance but noted that no objections had been raised by the Environmental Health as a Responsible Authority. In addition, it was noted that there was no history of noise complaints registered with Environmental Health. Accordingly, it did not consider there was sufficient justification to reject the application on that basis.

Although there had been references made at the Hearing to concerns of other local residents, the Sub Committee noted only two representations had been submitted in time. The Sub Committee had no additional direct evidence on which to base a decision other than the written and verbal representations it had been provided with.

Having heard and read evidence from those that had made representations and considered the written and verbal evidence submitted by the Applicant and their representatives, in addition to the Officer's report, the Sub-Committee noted that there had been no representations made by any of the Responsible Authorities, the Sub Committee found no evidence to demonstrate that the application to vary the licensing hours would adversely impact on the Licensing Objectives. The Sub Committee also considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the Guidance issued under Section 182 of the Licensing Act 2003; and the Licensing Policy of Wiltshire Council.

The Sub Committee therefore concluded on the basis of the evidence presented that the application should be granted and that such a decision was reasonable and legally sound. Taking account of the issues raised in the Hearing and representations received, they imposed conditions as set out above.

Right to Appeal

The Applicant, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written notification of the decision. 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.

7 **Appendix 1 Application for Variation**

8 **Appendix 2 - Current Licence**

9 **Appendix 3 - Representations**

10 **Appendix 4 - Location Map**

11 **Appendix 5 - Conditions and NMP**

(Duration of meeting: 10.30 am - 1.10 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

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