

Decision Notice

Application for a Premises Licence by Damiee Ltd in respect of Tinga, 4a and 4b, Endless Street, Salisbury SP1 1DL on 11 October 2021

Councillors: Cllr Trevor Carbin, Cllr Robert Yuill and Cllr Ernie Clark

Licensable Activity	Timings	Days
Provision of regulated entertainment Recorded music	12:00hrs – 00:00hrs	Sunday - Saturday
Sale by retail of alcohol ON and OFF Sales	12:00hrs – 00:00hrs	Sunday - Saturday

At its meeting held online, on 11 October 2021, the Southern Area Licensing Sub Committee resolved to GRANT the Premises Licence in respect of Damiee Ltd, Tinga, 4a and 4b, Endless Street, Salisbury SP1 1DL, as detailed below:

The Applicant:

Damiee Ltd, Tinga, 4a and 4b Endless Street, Salisbury

Responsible Authorities

There were no representations from the Responsible Authorities

Representations:

There were three representations from residents living in the vicinity of the premises regarding the prevention of public nuisance with regards to the noise arising from the use of the premises

Reasons for the Decision;

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties in addition to the oral submissions presented at the hearing and made on behalf of the Applicant, and those parties who had made relevant representations.

The Sub Committee noted the concerns raised by the parties who had made a representation at the hearing relating to public nuisance, with regards to noise and the proximity of the premises and associated outside spaces in relation to their residential dwellings.

The Sub Committee noted that the applicant owned and ran other licensed establishments and large events within the city where the applicant had stated to the Sub Committee that it had never received noise complaints. In addition, as this license related to a new premises it was not possible to provide any evidence which could be presented to support claims that the running of the restaurant would cause a public nuisance.

The Applicant had provided a detailed Noise Management Plan which included reference to the installation of a Noise Limiter Device if requested by the Council to be installed for all regulated entertainment and, a restriction to the hours permitted for any waste clearance, as between 08:00 – 23:00hrs only. The Sub Committee noted that this would include recycling or disposal of glass which had been raised as a possible noise concern, and in turn, having restricted hours for waste clearance would minimise any disturbance which may be caused.

The Applicant confirmed that the use of the first-floor area would be for dining accompanied by background music and that there was no intention to hold party events with a DJ.

The Sub Committee was satisfied with the clarification on the external location for guests to smoke, which would be outside of the 'A Plan' commercial business, and not outside of the residential windows of Sarum Lodge.

The Applicant acknowledged that he was willing to work with the local residents to alleviate any concerns should they arise and was an experienced business owner and event organiser and as such he had

worked with closely with the Responsible Authorities on a Noise Management Plan.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of the written 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.