

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

11th OCTOBER 2021

Application for a Premises Licence;
Damiee Ltd
4a and 4b Endless Street, Salisbury SP1 1DL

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Damiee Ltd, Tinga, 4a and 4b, Endless Street, Salisbury SP1 1DL made by three members of the public and one on behalf of a Residents Association.

2. Background Information

- 2.1 An application for a Premises Licence in respect of 4a and 4b, Endless Street has been made by Damiee Ltd for which four relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
 - ii) To exclude from the scope of the application any licensable activity.
 - iii) To refuse to specify a person as the designated premises supervisor.
 - iv) To reject the application.

2.5 On 17th August 2021 an application for a new premises licence was received and accepted as a valid application. The application hours were amended during the consultation period from 10:00 – 02:00hrs Sunday – Saturday to mirror those on the planning consent for the premises.

2.6 The application as applied for is as follows:

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

A copy of the application from Damiee Ltd is attached as **Appendix 1**.

Details of other licenced premises in the vicinity of the area are as follows:

Licensable Activity	Timings	Days
<i>Licence at same address</i> Koh Thai Tapas , 4A Endless Street, Salisbury, Wiltshire, SP1 1DL. - Licence suspended 11/01/2019		
Sale of Alcohol ON and OFF Sales	11:00hrs – 23:00hrs	Sunday – Saturday
Late Night Refreshment	23:00hrs – 00:00hrs	Sunday – Saturday
Live Music (Indoors)	11:00hrs – 00:00hrs	Tuesday – Thursday
Recorded Music (Indoors)	11:00hrs – 00:00hrs	Sunday – Saturday
Saray Kebab and Pizza 5 Endless Street, Salisbury SP1 1DL		
Late Night Refreshment	23:00hrs – 02:00hrs 23:00hrs – 03:30hrs	Sunday – Friday Saturday
Nuggs 1268, 51 Blue Boar Row, Salisbury, SP1 1DA		
Sale of Alcohol ON Sales	10:00hrs – 23:00hrs	Sunday – Saturday

<p>Royal British Legion Club, 9-11 Endless Street, Salisbury, Wiltshire, SP1 1DL.</p> <p>Sale of Alcohol ON and OFF Sales</p> <p>Late Night Refreshment</p> <p>Live Music, Performance of dance (Indoors)</p> <p>Recorded Music (Indoors)</p>	<p>08:00hrs – 00:00hrs 08:00hrs – 02:00hrs</p> <p>23:00hrs – 00:00hrs 00:00hrs – 02:00hrs</p> <p>12:00hrs – 23:30 12:00hrs – 01:30hrs</p> <p>08:00hrs – 00:00hrs 08:00hrs – 01:30hrs</p>	<p>Sunday – Wednesday Thursday – Saturday</p> <p>Sunday – Wednesday Thursday – Saturday</p> <p>Sunday – Wednesday Thursday – Saturday</p> <p>Sunday – Wednesday Thursday – Saturday</p>
<p>Current Tinga Premises Licence Tinga, Salt Lane, Salisbury</p>	<p>12:00hrs -22:30hrs 10:00 – 23:59 10:00 – 02:00</p>	<p>Sunday Monday – Wednesday Saturday</p>

2.7 This is a new application, so no relevant background information needs to be borne in mind. However, the premises was previously a restaurant, with the licensable hours listed above.

2.8 The Live Music Act 2012 provides the following exemptions in relation to live music:

Live music: no licence permission is required for:

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- A performance of amplified live music between 08.00 and 23.00 on any day provided that the audience does not exceed 500 on premises authorised to sell alcohol for consumption on those premises,

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- If the music is amplified, it takes place before an audience of no more than 500 people; and
- The music takes place between 08.00 and 23.00 on the same day.

The Live Music Act 2012 is attached as **Appendix 6**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition, the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application. The application was advertised, with the Blue notice and website advert changed during the consultation period with the amended times stated.

3.2 During the consultation period four relevant representations have been received from three local residents and one on behalf of a Residents Association. None were received from Responsible Authorities. Additional conditions have been discussed and added to the application by Wiltshire Councils Environmental Control and Protection with the agreement of the applicant. These are –

- A Noise Management Plan (NMP) shall be agreed between the premises license holder and the Environmental Control and Protection Team within 30 days of the commencement of the license. The NMP shall include details of how all noise related issues will be managed. Any changes to the NMP must be agreed in writing by the Licensing Authority.
- The agreed Noise Management Plan must be adhered to at all times.
- Doors and windows will remain closed, except for access and egress to and from the premises.

A report from Wiltshire Council Environmental Control and Protection is attached as **Appendix 5** with the Noise Management Plan attached at **Appendix 5a**.

3.3 Representations Received

- Representation 1 Sarum Lodge
- Representation 2 Sarum Lodge
- Representation 3 Sarum Lodge
- Representation 4 St Francis Road

3.4 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.4A summary of the representations made is detailed in the table below:

Representation	Licensing Objective
Representation 1	The Prevention of a Public Nuisance
Representation 2	The Prevention of a Public Nuisance
Representation 3	The Prevention of a Public Nuisance
Representation 4	The Prevention of a Public Nuisance

3.6 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations from where representations have been made. **Appendix 3a** shows pictures of the premises from the outside.

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

6.1 It should be noted that the Applicant and those persons who have made representations 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 notification of the decision.

6.2 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.

6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report: 29th September 2021

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Premises Licence Application**
- 2 Representations 1- 4**
- 3 Location Map**
- 3a Pictures of premises**
- 4 Correspondence**
- 5 Environmental Health Report**
- 5a Noise Management Plan of Premises**
- 6 Live Music Act 2012**