

DECISION NOTICE
Southern Area Licensing Sub Committee
Decision made on 17 July 2013

**In respect of an application for a Variation of a Premises Licence
made by Mrs Jemma Kemaneler for Eastern Chillout, 99 Fisherton
Street, Salisbury, SP2 7SP**

Decision:

The Southern Area Licensing Sub Committee has resolved to MODIFY the premises licence for Eastern Chillout, 99 Fisherton Street, Salisbury as follows:-

1. To amend the area covered by the premises licence to that shown on the plan submitted with the variation application on 22 May 2013.
2. To approve the structural alterations as shown on the plan submitted with the variation application on 22 May 2013.
3. To amend the permitted licensable activities as follows:

Licensable Activity	Days and Timings	Non- Standard Timings
<p>Live music</p> <p>(This activity is no longer a licensable activity on premises licensed for the sale of alcohol for the consumption on the premises if it is unamplified and takes place between 08:00 & 23:00 and amplified between 08:00 & 23:00 and as long as the audience is of no more than 200)</p>	<p>Friday & Saturday in the restaurant area only 08:00 to 23:30</p>	<p>Until 02:00 the following day on Christmas Eve, New Year's Eve, Boxing Day, Midsummer's Day and Valentine's Day in the restaurant area only</p>
<p>Recorded music</p>	<p>Friday & Saturday from 20:00 to 21:30 only in conjunction with a performance of dance</p>	<p>Until 02:00 the following day on Christmas Eve, New Year's Eve, Boxing Day, Midsummer's Day and Valentine's Day in the restaurant area only</p>

<p>Performance of dance</p> <p>(This activity is now not licensable between 08:00 & 23:00 as long as the audience is of no more than 500)</p>	<p>Friday & Saturday 08:00 to 23:30 in the restaurant area only</p>	<p>Until 02:00 the following day on Christmas Eve, New Year's Eve, Boxing Day, Midsummer's Day and Valentine's Day in the restaurant area only</p>
<p>Anything of a similar description</p>	<p>Monday to Thursday 11:00 to midnight Friday & Saturday 11:00 to 02:00 Sunday Noon to Midnight</p>	<p>None</p>
<p>Provision of late night refreshment</p>	<p>Sunday to Thursday 23:00 to 01:00 Friday & Saturday 23:00 to 02:00 in the restaurant area only</p>	<p>Between the hours of 23:00 and 02:00 the following day on Boxing day, New Year's Eve, Christmas Eve, Midsummer's Day and Valentine's Day</p>
<p>Sale by retail of alcohol (on and off sales)</p>	<p>Sunday to Thursday 08:00 to Midnight Friday & Saturday 08:00 to 02:00</p>	<p>New Year's Eve until start of business on 1st January</p>
<p>Opening times</p>	<p>Sunday to Thursday 08:00 to 01:00 Friday & Saturday 08:00 to 02:00</p>	<p>Until 02:00 the following day on Christmas Eve, New Year's Eve, Boxing Day, Midsummer's Day and Valentine's Day</p>

4. To amend the existing condition relating to entry to the premises to read:-'There will be no entry to the premises after 23.00 hours.'
5. To amend the existing condition relating to recorded music to read: 'Other than where specifically allowed in conjunction with a performance of dance, recorded music will be limited to background music – i.e. not regulated entertainment, which will not be audible outside the premises.'
6. To add a condition to read:- 'CCTV will be installed to cover all licensed areas, and the system will be of sufficient quality to ensure that identification of individuals will be possible. CCTV will be securely stored and images will be

retained for a period of not less than 30 days. CCTV images will be produced to a Police Officer or a Wiltshire Council Licensing Officer on request.'

7. To remove the existing condition that provides that Persons under 16 will not be permitted on the premises after 18.00 hours.

Informative

1. For the purposes of this licence, 'the restaurant area' is not to include any outside area, the tents, or the additional structure known as 'the barn'.

Reasons

The Sub Committee considered that the modifications to the premises licence as set out above would enable the licence-holder to expand and develop the range of facilities offered to patrons, whilst seeking to protect the amenity of nearby residents. In particular the Sub-Committee were concerned at the likely disturbance of residents by live and recorded music late at night and for that reason did not approve the requested addition of recorded music as a licensable activity (other than in the limited circumstances allowed); the increase in hours of live music; or the provision of late night refreshments other than in the restaurant area. The Sub-Committee accepted the comments of the Environmental Health officer that the acoustic properties of the restaurant area had not been significantly improved since noise complaints last year. They also accepted that the acoustic properties of the barn were inadequate, or at best untested, and that the tents would not contain any noise at all.

The Sub-Committee accepted that performances of belly-dancing needed to be accompanied by recorded music and therefore agreed that such music could be permitted, in the restaurant area, during the limited hours of those performances on Friday and Saturday evenings. They also felt that both live and recorded music would be acceptable on non-standard days.

The Sub-Committee saw no reason to restrict the presence of persons under 16 on the premises, but accepted the need to have appropriate CCTV in place, to prevent crime and disorder.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Evidence

The Sub-committee heard evidence from Mrs. Kemaneler, the licence-holder. She explained the nature of the business currently operated at the Eastern Chillout and how they wished to offer more services to their patrons, including being able to cater for weddings. She said that works had been carried out to the barn to improve its acoustic properties and that advice had been taken from an acoustic engineer. They had had a live music event last year at the premises which had led to complaints. Since then that had been no further events.

Mr. McMillan, for the Environmental Health Team, explained the concerns that his Team had with some of the proposed variations to the licence. There were residential properties very close to the premises and the occupants of those properties would be disturbed by both music noise and by the noise of people talking in the garden area late at night. The tents were particularly near to other properties and, in his view, it was inconceivable that there could be music in the tents that would not be audible beyond the premises. He had not seen details of any acoustic works to the barn, but in any event, would be concerned at the inevitable escape of music from the buildings, when doors were opened.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision.