

# AGENDA

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**Meeting:** Southern Area Licensing Sub Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Wednesday 17 July 2013  
**Time:** 10.30 am  
**Matter:** Application for a Variation of a Premises Licence; Eastern Chillout, 99 Fisherton Street, Salisbury, SP2 7SP

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Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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<b>Briefing arrangements:</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
	17 July 2013	09:30	Alamein Suite

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**Membership:**

Cllr Trevor Carbin  
Cllr Jose Green

Cllr Leo Randall

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# AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Procedure for the Meeting** (*Pages 1 - 8*)

The Chairman will explain the attached procedure for the members of the public present.

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Licensing Application**

To consider and determine an Application for a Variation of a Premises Licence by Mrs Jemma Kemaneler in respect of Eastern Chillout, 99 Fisherton Street, Salisbury, SP2 7SP

5a **Appendix 1 - Application Form** (*Pages 9 - 28*)

5b **Appendix 2 - Current Premises Licence** (*Pages 29 - 34*)

5c **Appendix 3 - Amendments to Application** (*Pages 35 - 36*)

5d **Appendix 4 - Representations** (*Pages 37 - 38*)

5e **Appendix 5 - Plan of Premises Location** (*Pages 39 - 42*)

## LICENSING COMMITTEE

### PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

#### 1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

#### 2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

**“Applicant”** means the person who has submitted an Application for consideration by the Committee.

**“Applicant’s Premises”** means premises subject to the Application.

**“Applicant’s Representative”** means a person attending a Hearing to assist or represent an Applicant including a lawyer.

**“Application”** means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

**“Chairperson”** means the Member who is the Chairperson of the Committee for the particular Hearing.

**“Committee”** means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

**“Committee Lawyer”** means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

**“Committee Manager”** means the Council’s Officer who is present at a Hearing to take minutes.

**“Committee Report”** means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible

Authority or their Representative or any person who has made a Relevant Representation or their Representative.

**“Hearing”** means a meeting of the Committee at which an Application is considered.

**“Licence”** means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

**“Licensing Officer”** means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

**“Licensing Authority”** the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

**“Member”** means a Member who is a Member of the Committee that is considering an Application.

**“Person making a Relevant Representation”** means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

**“Responsible Authority”** means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

### **3 Key Principles**

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
  - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
  - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
  - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

#### **4 The Hearing**

- 4.1 The Hearing shall take place in public.
  - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
  - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
    - A refuse to permit them to return;
    - B permit them to return only on such conditions as the Committee may specify;
    - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations .

## **5 Presentation of Submissions**

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
- 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
- A the options available to it;
  - B the considerations that are relevant in reaching its decision.
- 5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
  - B confirming key information and answer pertinent questions; and
  - C calling witnesses in support of the Application (see paragraph 4.3).
- A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
- A the grounds of the representation to the Application; and
  - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.
- The Premises Licence Holder and/or their representative will orally present their representations which shall include;
- A The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation ; and
  - B Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.

## **6 Questioning of Submissions**

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.

- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

## **7 Documentation**

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

## **8 Intervention**

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

## **9 Failure of Parties to Attend Hearing**

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
  - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
  - 9.2.2 hold the Hearing in the party's absence.

9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

## **10 Closing Submissions**

10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

## **11 Decision**

11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.

11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.

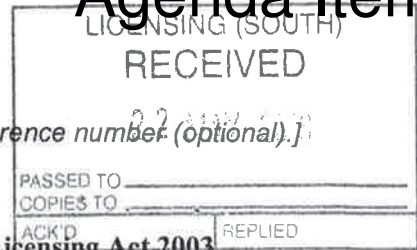
11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.



## Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Committee.
12. Summing up by Parties who have made representations.
13. Summing up by Applicant.
14. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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[Insert name and address of relevant licensing authority and its reference number (optional).]

### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We JEMMA VICTORIA KEMANEGER  
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number <u>PRE0312</u>
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#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>EASTERN CHILLOUT</u> <u>99 FISHERTON STREET</u> <u>SALISBURY</u>
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Post town	<u>SALISBURY</u>	Postcode	<u>SP2 7SP</u>
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Telephone number at premises (if any)	<u>01722 320 770</u>
Non-domestic rateable value of premises	<u>£ 3150 ✓</u>

#### Part 2 – Applicant details

Daytime contact telephone number	<u>01722 320 770 / 07858685116</u>
E-mail address (optional)	<u>easternchillout@gmail.com</u>
Current postal address if different from premises address	

Post town		Postcode	
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**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO ENLARGE THE LICENSED AREA TO INCLUDE THE BARN AREA AS PART OF THE RESTAURANT, CHANGE INTERIOR LAYOUT AS PER PLANS AND EXTERIOR. TO REMOVE THE CONDITIONS OF RECORDED MUSIC BEING LIMITED TO BACKGROUND MUSIC, NO ENTRY OR RE-ENTRY TO THE PREMISES AFTER 23.00 AND PERSONS UNDER 16 NOT PERMITTED ON PREMISES AFTER 18.00, HAVE LIVE MUSIC, RECORDED MUSIC AND PERFORMANCE OF DANCE ~~ALL WEEK~~ 08.00 - 01.00 SUNDAY TO THURSDAY & 08.00 - 02.00 FRIDAYS & SATURDAYS AND LATE NIGHT REFRESHMENTS AT THE PREMISES 23.00 - 01.00 SUNDAY TO THURSDAY & 23.00 - 02.00 FRIDAYS & SATURDAYS FOR DINING AND TAKE AWAYS, TO VARY OPENING HOURS SUNDAY - THURSDAYS 08.00 - 01.00

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 3) WE WISH TO PROVIDE LIVE MUSIC FROM NORMALLY ACOUSTIC MUSICIANS ON A MONTHLY BASIS IN THE BARN AREA AND THE RESTAURANT ONLY	Both	<input type="checkbox"/>
Tue	12:00	00:00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed	12:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) BETWEEN THE HOURS OF 12 PM - 12 AM		
Thur	12:00	00:00		ON CHRISTMAS EVE, NEW YEAR'S EVE, BOXING DAY, MIDSUMMER'S DAY, VALENTINE'S DAY.	
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	12:00	00:00			

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon	08:00	01:00	THE RECORDED MUSIC IS TO BE PLAYED AT A LOW LEVEL DURING OPERATING HOURS WITH ADDITION OF ONE SMALL QUIET SPEAKER IN THE TENTS IN THE GARDEN. WHEN THERE IS A			
Tue	08:00	01:00				
Wed	08:00	01:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)			
Thur	08:00	01:00				
Fri	08:00	02:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat	08:00	02:00	BETWEEN THE HOURS OF 12 PM - 2 AM ON CHRISTMAS EVE, NEW YEAR'S EVE, BOXING DAY, MIDSUMMER'S DAY, VALENTINES DAY.			
Sun	08:00	01:00				

→ DANCE PERFORMANCE, THE MUSIC IS TO BE TURNED UP ONLY WITHIN THE INDOOR AREAS OF THE BARN & THE RESTAURANT

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08:00	01:00	Please give further details here (please read guidance note 3) WE WISH TO HAVE REGULAR BELLY DANCE PERFORMANCES TO BOTH RECORDED AND LIVE MUSIC AS WELL AS HAVING MEMBERS OF THE PUBLIC PARTICIPATING.	Both	<input type="checkbox"/>
Tue	08:00	01:00			
Wed	08:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	08:00	01:00			
Fri	08:00	02:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) BETWEEN THE HOURS OF 12 PM – 02:00 AM ON CHRISTMAS EVE, NEW YEAR'S EVE, BOXING DAY, MIDSUMMERS DAY, VALENTINE'S DAY.		
Sat	08:00	02:00			
Sun	08:00	01:00			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)	
			<b>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	



J NO LONGER A LICENSABLE ACTIVITY UNDER LA 2003

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b> IN THE RESTAURANT AREA TO BE ABLE TO DANCE WITH THE BELLYDANCER IN THE BARN TO BE ABLE TO DANCE WITH THE BELLYDANCER OR TO LIVE OR RECORDED MUSIC.	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon	08:00	01:00		
Tue	08:00	01:00		
Wed	08:00	01:00	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Thur	08:00	01:00		
Fri	08:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat	08:00	02:00	BETWEEN THE HOURS OF 12 PM – 02:00 AM	
Sun	08:00	01:00	ON BOXING DAY, CHRISTMAS EVE, NEW YEAR'S EVE, MIDSUMMERS DAY, VALENTINES DAY.	

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	Please give further details here (please read guidance note 3) IN THE NEW BARN AREA, GARDEN AND TENTS AREA AND RESTAURANT AREA TO BE ABLE TO EAT AND DRINK AFTER 23:00 AS WE OPERATE A RESTAURANT.	Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) BETWEEN THE HOURS OF 23:00 AND 02:00 HOURS ON BOXING DAY, NEW YEARS EVE, CHRISTMAS EVE, MIDSUMMERS DAY AND VALENTINES DAY.		
Sat	23:00	02:00			
Sun	23:00	01:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue					
Wed					
Thur			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

**O**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	01.00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>BETWEEN THE HOURS OF 12 PM - 2 AM ON CHRISTMAS EVE, NEW YEAR'S EVE, BOXING DAY, MIDSUMMER'S DAY AND VALENTINE'S DAY</p>
Tue	08.00	01.00	
Wed	08.00	01.00	
Thur	08.00	01.00	
Fri			
Sat			
Sun	08.00	01.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

RECORDED MUSIC WILL BE LIMITED TO BACKGROUND MUSIC I.E. NOT REGULATED ENTERTAINMENT, WHICH WILL NOT BE AUDIBLE OUTSIDE THE PREMISES,

~~NO ENTRY OR RE-ENTRY AFTER 23:00 HRS.~~ Removed in line with email 14/06/2013

PERSONS UNDER 16 WILL NOT BE PERMITTED ON THE PREMISES AFTER 18:00 HRS.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

THE CURRENT LICENSE IS TAILORED FOR A PUBLIC HOUSE WHEREAS WE ARE OPERATING, AS A FAMILY-FRIENDLY RESTAURANT WHERE ALCOHOL SALES ARE VERY MUCH SECONDARY TO FOOD SALES, WE ARE HAPPY AND WILLING TO TAKE ALL NECESSARY MEASURES TO ENSURE THAT WE COMPLY WITH THE REQUIREMENTS TO MAINTAIN A FAMILY-ORIENTED ATMOSPHERE.

**b) The prevention of crime and disorder**

CONSTANT CHECKS ON APPROPRIATE ALCOHOL SALES, ESPECIALLY WHEN DEALING WITH LARGE OR YOUNGER GROUPS, JOIN LOCAL PUB-WATCH SCHEMES, WHEN POSSIBLE INSTALL CCTV TO ALL AREAS OF THE PROPERTY.

**c) Public safety**

CHECK ALL OUR FIRE AND SAFETY PROCEDURES, ASSESS CONSTANTLY FOR COMPLIANCE WITH ALL REGULATIONS, WE WILL INCREASE ALL WARNING AND PROHIBITIVE SIGNAGE IN THE PROPERTY, E.G. CAUTION HOT WATER, SLIPPERY SURFACE.

**d) The prevention of public nuisance**

WE WILL INCREASE ALL WARNING SIGNS AT EXIT POINTS AND ENSURE THAT STAFF VERBALLY REMIND PEOPLE OF THE DESIGNATED SMOKING AREAS AND ALSO NOT TO MAKE NOISE ON EXITING THE PREMISES, KEEP A DIARY OF ANY NOISE CHECKS (CHECKING IF MUSIC IS AUDIBLE FROM OUTSIDE) FROM MUSIC.

**e) The protection of children from harm**

I.D ANYONE WHO LOOKS UNDER 25 FOR ALCOHOL SALES AND HERBAL SHISHA SALES, ENSURE THEY PROVIDE THE CORRECT PHOTOGRAPHIC I.D. PASSPORT, DRIVING LICENCE, ENSURE THAT LARGE GROUPS DO NOT CHANGE THE FAMILY-FRIENDLY ATMOSPHERE.

**b) Prevention of Crime + Disorder – 19** Amended inline with email 14/06/2013

CCTV will be installed to cover all the licensed areas, the system will be of sufficient quality to ensure that identification of individuals is 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.




Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	05.05.2013
Capacity	PERSONAL PREMISES LICENSE HOLDER.

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish**

Licensing Act 2003  
**Premises Licence**

**PRE0312**

LOCAL AUTHORITY

**Wiltshire Council**

 Where everybody matters

**Wiltshire Council**  
Licensing Team South  
Bourne Hill  
Salisbury  
SP1 3UZ

*direct line:* 01722 434296  
*fax:* 01722 438064  
*email:*

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Eastern Chillout**

99 Fisherton Street, SALISBURY, Wiltshire, SP2 7SP

Telephone 01722 337811

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday & Saturday	8:00pm	11:30pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday-Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	2:00am
	Sunday	Noon	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday-Thursday	8:00am	Midnight
	Friday & Saturday	8:00am	2:00am
	New Year's Eve		
	Until start of business on January 1st.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday-Thursday	8:00am	Midnight
Friday & Saturday	8:00am	2:00am
New Year's Eve		
Until start of business on January 1st.		

Licensing Act 2003  
**Premises Licence**

**PRE0312**

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

**Part 2**

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jemma Victoria Kemaneler  
99A Fisherton Street, Salisbury, Wiltshire, SP2 7SP  
easternchillout@gmail.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jemma Victoria KEMANELER 99A Fisherton Street, Salisbury, Wiltshire, SP2 7SP

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PER1203 Issued by Salisbury





## ANNEXES

**ANNEX 1 - Mandatory Conditions****Premises**

The licence is granted on the condition that the restrictions contained within the enactments specified under Licensing Act 2003 schedule 8 (6) are adhered to:

1. Licensing Act 1964
2. Children & Young Persons Act 1933
3. Cinematograph (Safety) Regulations 1955
4. Sporting Events (Control of Alcohol etc.) Act 1985

Licence granted subject to the following Mandatory Conditions:

**Where a Premises Licence authorises the supply of alcohol**

1. No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
  - a) the film classification body is not specified in the licence, or
  - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section, 'children' means persons aged under 18, and 'film classification body' means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c.39)(authority to determine suitability of video works for classification).

**Door Supervision**

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

**These three Mandatory Conditions take effect from 6 April 2010**

1.-(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

## ANNEXES continued ...

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
- (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**These two Mandatory Conditions take effect from October 2010**

- 4.-(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

**The new mandatory conditions above numbered 1 to 3 and 5 do not apply where the licence or certificate authorises the sale by retail or supply of alcohol only for consumption off the premises.**

ANNEXES continued ...

**Please Note - The Licensing Act 2003 requires you to notify the Licensing Authority of any change in:**

1. Name of the premises.
2. Alterations to premises.
3. A change of designated premises supervisor.
4. A designated premises supervisor not holding a valid personal licence.
5. Loss or theft of your licence. Any change to the hours or activities granted under this licence may require a variation application. You are advised to discuss with the licensing authority.
6. The holder of the premises licence must ensure that the licence or a certified copy is kept at the premises in the custody or under the control of either the holder of the licence or a person who works at the premises and has been nominated in writing by the licence holder for this purpose.
7. The holder of the premises licence must ensure that the summary of the licence or a certified copy of that summary, and a notice specifying the position held at the premises by any person nominated for the purposes of (7) above are displayed prominently at the premise.

**ANNEX 2 - Conditions consistent with the Operating Schedule**

Recorded music will be limited to background music i.e. not regulated entertainment, which will not be audible outside the premises.

No entry or re-entry after 23.00hrs.

A notice will be prominently placed at exits, requesting customers to leave quietly.

Approved photographic proof of age will be required to be shown by anyone seeking to purchase alcohol who appears to be under 21 years of age.

Persons under 16 will not be permitted on the premises after 18.00hrs.

**COPY**\_\_\_\_\_  
Licensing Officer



Garrod, Ian

AMENDMENTS

14 JUNE 2013

From: Eastern Chillout [easternchillout@gmail.com]  
 Sent: 14 June 2013 00:55  
 To: Debbie.mulvey@wilts.gov.co.uk; Garrod, Ian  
 Subject: Re: Application to vary a premises licence [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

On Fri, Jun 14, 2013 at 12:54 AM, Eastern Chillout <easternchillout@gmail.com> wrote:

Dear Debbie

I have accepted these conditions as outlined by the police.

Kind Regards

Jemma Kemaneler

----- Forwarded message -----

From: **Gallimore, Jacqueline** <Jacqueline.Gallimore@wiltshire.pnn.police.uk>

Date: Thu, Jun 13, 2013 at 9:23 AM

Subject: Application to vary a premises licence [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

To: "easternchillout@gmail.com" <easternchillout@gmail.com>

Cc: "Mulvey, Debbie" <Debbie.Mulvey@wiltshire.gov.uk>

NOT PROTECTIVELY MARKED/UNCLASSIFIED

Jemma

Many thanks for meeting with PS Goodman and my self to discuss the application to vary the premises licence at Eastern Chill out Fisherton Street Salisbury, it was very helpful to view the premises and gain an understanding of the nature of your business.

As discussed I can confirm that Police have no objection to the variation providing the following conditions are added to the premises licence in addition to those you have already referenced in the operating schedule

1. There will be no entry to the premises after 23.00 hours.
2. CCTV will be installed to cover all the licensed areas, the system will be of sufficient quality to ensure that identification of individuals is 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 and or a Wiltshire Council Licensing Officer on request.

If you have any queries or wish to discuss the matter further please do not hesitate to contact me.

Kind regards

Jacqui Gallimore  
 Licensing Officer  
 Wiltshire Police

Direct dial - 01225 794628

NOT PROTECTIVELY MARKED/UNCLASSIFIED

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**From:** [McMillan, Peter](#)  
**To:** [Mulvey, Debbie](#); [Garrod, Ian](#)  
**Subject:** Premises Licence Application - Eastern Chillout, 99 Fisherton Street  
**Date:** 04 June 2013 10:19:55

---

Dear Debbie and Ian,

I write concerning the application to vary the premises licence for Eastern Chillout, 99 Fisherton Street.

I regret that we have serious concerns regarding the licence application. Our concerns are specifically related to the following elements of the application.

1. To allow late night refreshment to be provided in the garden area and "Barn." For clarity the name "Barn" may cause a misunderstanding for some people reading the application. It is essentially an outbuilding to the rear of the premises with one side entirely open.
2. To allow regulated entertainment, in any form and including dancing, to take place in the "Barn"
3. To allow recorded music to be provided outside in the garden area
4. To allow speakers to be installed in the smoking tents in the garden area and allow recorded music to be provided there
5. To extend the times for regulated entertainment inside the premises without putting in place reasonable, and necessary, measures to prevent that entertainment from causing a nuisance. The current operating schedule and application to vary the licence do not put in place any specific measures which would prevent entertainment noise from inside the premises from causing a nuisance. Such as ensuring windows and doors are kept closed when regulated entertainment is taking place and ensuring an acoustic lobby is in place on the rear exit to the garden / Barn area.

As you know the Barn and garden area to the rear of the premises are almost entirely surrounded by houses. The garden and external area are also very narrow and the houses are very close indeed. In our opinion these factors make the elements of the application referred to above entirely inappropriate for the local area and people living nearby. The noise which will inevitably be created by these activities is likely to cause a public nuisance for people living nearby.

As an illustration of the risks associated with this premises and the proximity of neighbours in late 2012 both ourselves and yourselves were in receipt of complaints from a close neighbour regarding nuisance being caused by entertainment being provided at the premises. That neighbour advised that music noise from the premises was clearly audible in their home and was preventing them from sleeping. Although those complaints have since ceased we understand this was as a result of the cessation of entertainment being provided outside the premises.

On the basis that the application is likely to cause public nuisance we recommend the application be refused.

If you have any questions or wish to discuss this further please let me know.

Regards,

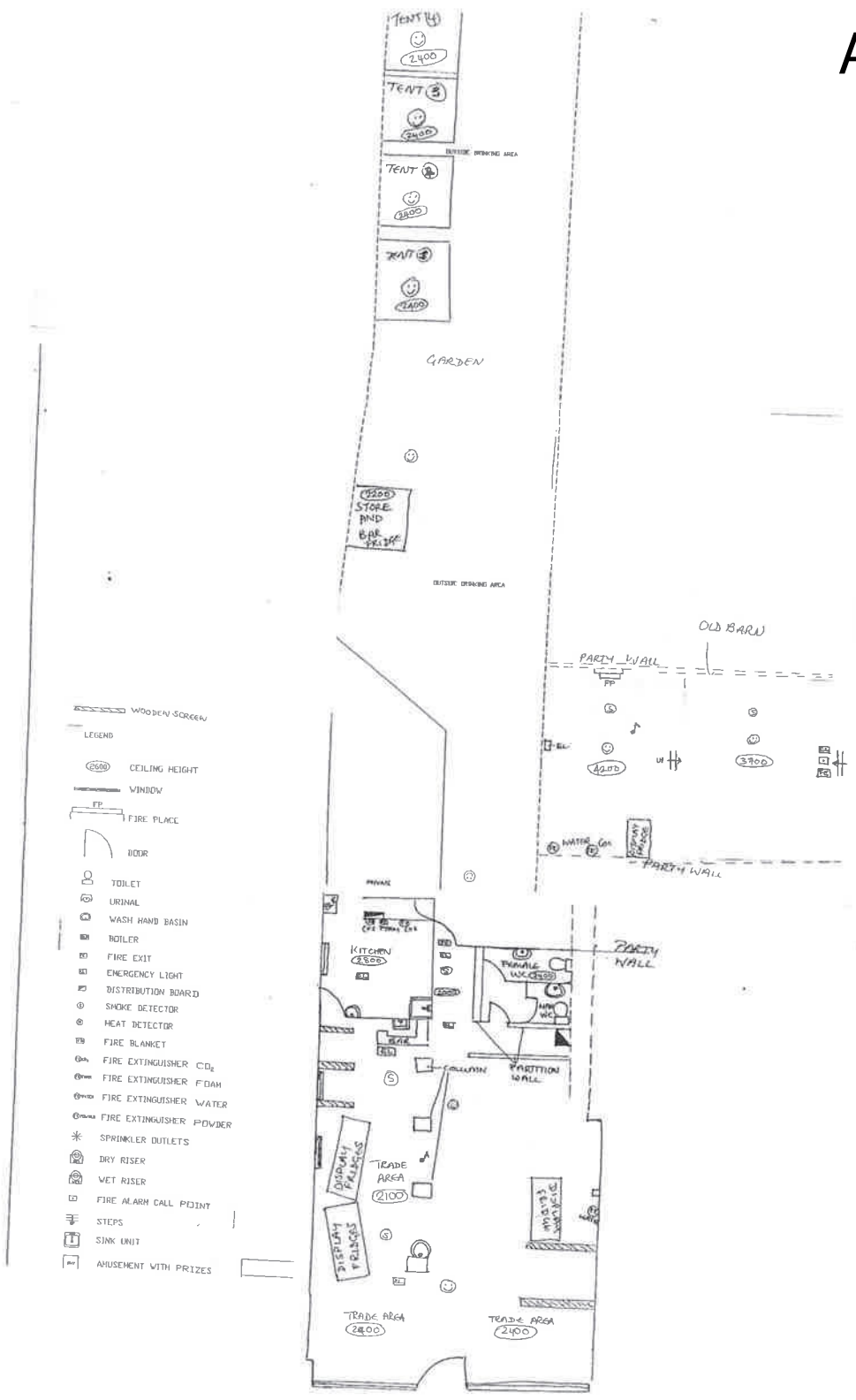
Peter McMillan  
Senior Environmental Health Officer

Public Protection Services  
Environmental Protection Team  
Wiltshire Council  
The Council House  
Bourne Hill  
Salisbury  
Wiltshire  
SP1 3UZ

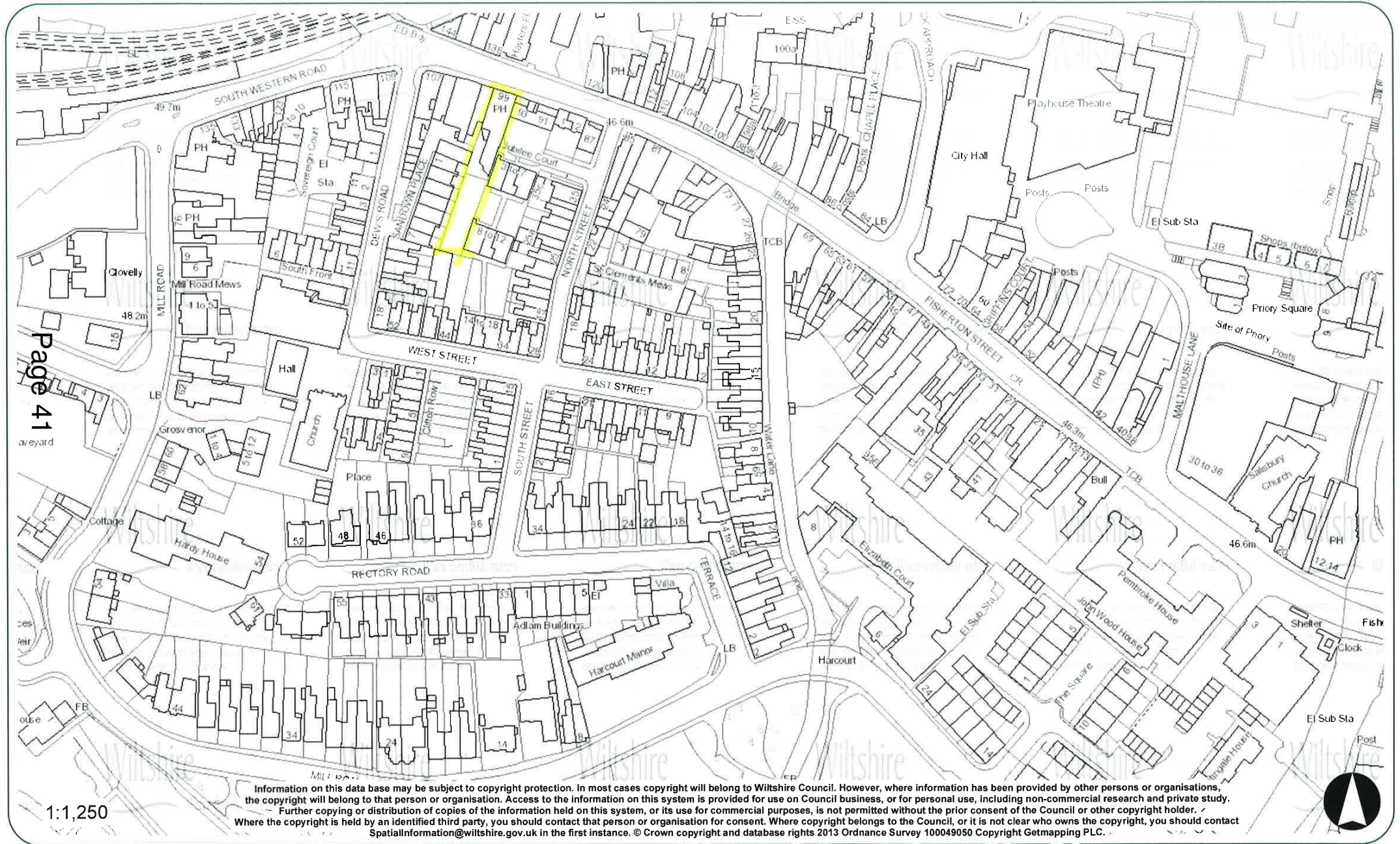
Tel: 01722434338

Email: [peter.mcmillan@wiltshire.gov.uk](mailto:peter.mcmillan@wiltshire.gov.uk)





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