



City Area Committee

23 September 2004

REPORT

Report of Licensing Officer - T Oke

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GRASMERE HOUSE HOTEL – APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE

1. Introduction

- 1.1 The Grasmere House is a privately owned Hotel/Restaurant situated at 70 Harnham Road, Salisbury. A plan of the area is attached as **Annex A**.
- 1.2 The owner and sole licensee is Mr Dale Naug. It has a current liquor licence with a terminal hour of 23.00 hours.

2. Application

- 2.1 On 9th June 2004 an application was received for the grant of a Public Entertainment Licence for the following days/hours:-
 - Monday – Saturday 0800 – 2359
 - Sunday 0800 – 2230
- 2.2 A Public Entertainment Licence usually operates alongside the liquor licence, which terminates at 23.00 and it was considered that the P E L should terminate at 23.00.

3. Consultation

- 3.1

Police	No response
Fire	No objection

Ward members

- (a) Councillor Dalton
- (b) Councillor Mrs Tomlinson

Both requested the application be brought to committee
Environmental Services No objection, see 5.3 below.

4. Public Consultation

- 4.1 The application was advertised on site by way of two A4 sized notices on 11th June 2004, showing a terminal hour of 2300.
- 4.2 At least one notice remained in-situ until 4th August when the consultation period finished.
- 4.3 During the consultation period six local residents objected. These letters are available by contacting the licensing officer. The letters were forwarded to the applicant who responded in a letter dated 10th August 2004, attached as **Annex B**.

- 4.4 It will be noted that the applicant responded to the objections by varying the application to include only music and dancing on special occasions i.e.:-
- (a) St George's Day
 - (b) The nearest Friday or Saturday to Mid Summer's Day
 - (c) St Patrick's Day
 - (d) Christmas parties on Fridays and Saturdays during December
 - (e) New Year's Eve
 - (f) Only diners would be able to avail themselves of the music and dancing.
- 4.5 The residents who objected were advised of the amended application. As a result one objection was withdrawn.

5. Previous Complaints

- 5.1 Various functions are held at the hotel which include amplified music. These are private functions, which do not require a P E L.
- 5.2 Since 2000 there have been 5 complaints of excessive noise, one of which related to fireworks.
- 5.3 Several years ago the premises were equipped with a music limiter, which automatically cuts off the music if it reaches a certain pre-determined level.
- 5.4 An Environmental Health Officer has visited the premises and in her opinion the limiter is efficient and providing the music amplification passes through the device it should not cause a nuisance to local residents – see **Annex C**.

6. Options

The Committee may:

- 6.1 Refuse the application – this may lead to an appeal.
- 6.2 Approve the application for a trial period of 6 months.
- 6.3 Approve the application authorizing a licence for 12 months.

7. Recommendations

- 7.1 As 6.2 above with the following conditions.
- (a) all music must pass through the limiter
 - (b) doors and windows must be kept closed when music is being provided.
 - (c) all music should be confined to the inside of the premises and must not be amplified to any area outside.
 - (d) the licence operates as the liquor licence i.e. it will normally terminate at 23.00 (NB. If the licensing justice or Government extend the hours e.g. New Year etc. the P E L will terminate at that hour).

9. Implications

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| 9.1 | Financial | If the application is refused there may be an appeal, which will have financial implications. These are unquantifiable at this stage. |
| 9.2 | Legal | An appeal may be lodged if the application is refused. |
| 9.3 | Human Rights | The balance of consideration is such that the recommendation is proportional, as regards the rights of applicant and any interference there may be with the rights of the general public. Rights engaged – Articles 6 and 14: Article 8 and the First Protocol. |

9.4	Personnel	None
9.5	Community Safety	The Report has taken into account community safety issues.
9.6	Environmental	Contained in report
9.7	Council's Core Values	Providing excellent service, promoting a thriving local economy, being environmentally conscientious, being fair and equitable.
9.8	Wards Affected	City