

AGENDA

Meeting: Southern Area Licensing Sub Committee
Place: Meeting Room - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 18 December 2014
Time: 10.30 am
Matter: Application for a Variation of a Premises Licence; Eastern Chillout, 99 Fisherton Street, Salisbury, SP2 7SP

Please direct any enquiries on this Agenda to Lisa Moore, 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

Membership:

Cllr Jose Green
Cllr George Jeans

Cllr Leo Randall

AGENDA

1 **Election of Chairman**

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

2 **Procedure for the Meeting**

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** (*Pages 1 - 50*)

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.

Appendices:

1. Variation Application
 - 1a. Requested amendments to Variation Application
2. Current Layout of Premises
3. Proposed Layout of Premises
4. Newspaper Advert
5. Current Premises Licence
 - 5a. Current Conditions
6. Representation Made by EHO in 2013
 - 6a. Decision Notice of Hearing
7. Location of Premises
 - 7a. More detailed position of Premises
8. Relevant Representation

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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

DATE OF MEETING: 18 DECEMBER 2014

**Application for a Variation of a Premises Licence: Eastern Chillout, 99
Fisherton Street, Salisbury, SP2 7SP**

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Eastern Chillout, 99 Fisherton Street, Salisbury, SP2 7SP made by Mrs Jemma Kemaneler.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Eastern Chillout, 99 Fisherton Street, Salisbury, SP2 7SP made by Mrs Jemma Kemaneler. for which one relevant representation has 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 35(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 necessary 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 8 October 2014 an application for a variation to the existing premises licence was received and accepted as a valid application. The Variation application is attached as **Appendix 1**. Amendments were subsequently made by the Applicant and are attached as **Appendix 1a**
- 2.6 The variation requested to make some internal alterations to the bar area and screening, make changes to the external area reduce the Licensable area to build a Turkish Steam Bath, make changes to the Barn Area, Make changes to

the timings of the Licensable activities indoors. The current layout of the premises is attached as **Appendix 2** and the proposed new plan is attached as **Appendix 3**

- 2.7 The application was not advertised according to The Licensing Act 2003, When it was advertised correctly the end of consultation was stated as 26th November 2014 this was taken as the closing date for receipt of any representations. Attached as **Appendix 4**
- 2.8 The premises has held a licence since the inception of the Licensing Act 2003, initially known as The Kings Arms it subsequently became Safari Garden before becoming Eastern Chillout in August 2012. The current premises licence is attached as **Appendix 5** with the current conditions set out in **Appendix 5a**.
- 2.9 On 22 May 2013 an application for a variation of the existing premises licence was received and accepted as a valid application. During consultation for this application one relevant representation was received from Wiltshire Council's Environmental Health Team. The representation was accepted as a relevant representation against the licensing objectives Public Nuisance. Attached as **Appendix 6**. Hearing was held on 17th July 2013 and the licence was granted with additional and amended conditions and reduced hours. The decision notice of this hearing is attached as **Appendix 6a**.
- 2.10 The premise operates as a restaurant in the City Centre of Salisbury. The Location of the Premises is attached as **Appendix 7**. A more detailed position of the Premises is attached as **Appendix 7a**

3. Consultation and Representations

- 3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Bourne Hill, Salisbury, SP1 3UZ. During the consultation period one relevant representation has been received from a Responsible Authority.
- 3.2 Responsible Authorities
- On 26 November 2014 Environmental Public Protection Officer made a representation in connection with this application.
- 3.3 Interested Parties
- No interested parties made a relevant representation.
- 3.4 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted
Noise Nuisance to adjoining Residential Properties	Prevention of Public Nuisance	Yes

3.5 The relevant representation is attached as **Appendix 8**.

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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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 Premises Licence Holder and those who have made relevant 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 an Interested Party 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 an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Ian Garrod

Ian Garrod, Public Protection Officer (Licensing)

Date of report: 26/11/2014

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 Variation Application**
- 1a Requested amendments to Variation Application**
- 2 Current Layout of Premises**
- 3 Proposed Layout of Premises**
- 4 Newspaper Advert**
- 5 Current Premises Licence**
- 5a Current Conditions**
- 6 Representation made by EHO in 2013**
- 6a Decision notice of hearing**
- 7 Location of Premises**
- 7a More detailed position of Premises**
- 8 Relevant Representation**

* May 2014



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/W
 e JEMMA VICTORIA KEMANER
 (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	PRE 0312
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	EASTERN CHILLOUT 99 FISHERTON ST.		
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Post town	SALISBURY	Post code	SP2 7SP
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Telephone number at premises (if any)	01722 320 770
Non-domestic rateable value of premises	£ 6,900

Part 2 – Applicant details

Daytime contact telephone number	01722 320 770		
E-mail address (optional)	easternchillout@gmail.com		
Current postal address if different from premises address			
Post Town		Postcode	



Part 3 - Variation

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

Please tick yes

Day

Month

Year

If not do you want the variation to take effect from

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

SOME INTERNAL ALTERATIONS TO SEATING,
BAR AREAS, SCREENING AND PLUMBING.
EXTERNAL AREA OF LICENSABLE ACTIVITIES
REDUCTION DUE TO PROPOSED BUILDING
WORKS FOR A TURKISH STEAM BATH
(SUBJECT TO BUILDING REGULATIONS
APPROVAL)
INCLUSION OF EXTRA SOUND-PROOFING TO
FUNCTION ROOM AREA.

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

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

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			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 (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (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	23:00 23:00	Please give further details here (please read guidance note 3) ACOUSTIC AND AMPLIFIED VOCALS TRADITIONAL TURKISH FOLK MUSIC TO ALSO ACCOMPANY BELLYDANCERS	Both	<input type="checkbox"/>
Tue	12:00	23:00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00 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) CHRISTMAS EVE, BOXING DAY, NEW YEAR'S EVE, VALENTINE'S DAY, MIDSUMMER'S EVE		
Sat	12:00	00:00			
Sun	12:00	23:00			

REMOVED BY E-HUN 28/10

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded 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	23:00	Please give further details here (please read guidance note 3) <i>LOW-LEVEL RECORDED TO BE PLAYED AS STANDARD BUT ALSO AT A HIGHER LEVEL WHEN ACCOMPANYING BELLYDANCE (45 MIN SH</i>	Both	<input type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	12:00	23:00			
Fri	12:00	00:00	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 (please read guidance note 5) <i>WE WISH TO BE ABLE TO HAVE AD-HOC PERFORMANCES (MAXIMUM 45 MIN SHOWS) OF BELLYDANCE WHEN REQUESTED.</i>		
Sat	12:00	00:00			
Sun	12:00	23:00			

REMOVED BY E-MAIL 28/10

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	12:00	23:00	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) WE WISH TO BE ABLE TO HAVE AD-HOC PERFORMANCES WHEN REQUESTED BY PARTIES		
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	12:00	23:00			

REMOVED BY E-MAIL 28/10

H

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

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
			<u>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</u> (please read guidance note 5)		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing			
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri			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 (please read guidance note 5)			
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<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> (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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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 (please read guidance note 5)		

N

<p>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)</p>
--

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			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 (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

- Please tick yes
- I have enclosed the premises licence
 - I have enclosed the relevant part of the premises licence

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)

WE OPERATE A FAMILY-RUN, FAMILY ORIENTATED RESTAURANT WHERE ALCOHOL SALES ARE VERY MUCH SECONDARY TO FOOD SALES. WE DO NOT RUN HAPPY HOURS OR INCENTIVISED ALCOHOL SALES. WE HAVE OPERATED FOR TWO YEARS AND HAVE NOT EXPERIENCED ANY PUBLIC DISORDER ISSUES OR ALCOHOL-RELATED CRIMINAL ACTIVITIES.

b) The prevention of crime and disorder

CCTV INSTALLATION AND CHECKS ON ALCOHOL SALES, ESPECLALLY FOR LARGE GROUPS TO ENSURE NO BULK BUYING AND DISORDER IN GARDEN AREA. DRINKING UP TIME FOR OUTSIDE AREA 23.00 HRS

c) Public safety

WE CHECK ALL OUR FIRE AND SAFETY PROCEDURES AND ASSES FOR COMPLIANCE TO REGULATIONS. INCREASE SIGNAGE. REMOVE ALL GLASSES AND BOTTLES REGULARLY

d) The prevention of public nuisance

DISCOURAGE GROUPS GATHERING OUTSIDE PROPERTY. ENSURE STAFF VERBALLY REMIND PEOPLE OF DESIGNATED SMOKING AREAS AND ENSURE DRINKING-UP BY 23.00 HRS IN GARDEN. CONSULT CONSTANTLY WITH NEIGHBOURS FOR ANY FEEDBACK ON NOISE NUISANCE,

e) The protection of children from harm

1, ID ANYONE WHO LOOKS UNDER 25 FOR ALCOHOL AND 'SHISHA' SALES (NICOTINE, TOBACCO-FREE FLAVOURED TOBACCO)


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	
Capacity	

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)	01722 320770		
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

Garrod, Ian

From: Eastern Chillout [easternchillout@gmail.com]
Sent: 28 October 2014 11:45
To: Garrod, Ian
Subject: Re: Variation Application

Hi Ian

Further to our conversation please remove all the non-standard timings for sections E,F,G

Kind regards

Jemma Kemaneler

On Tue, Oct 28, 2014 at 10:38 AM, Garrod, Ian <Ian.Garrod@wiltshire.gov.uk> wrote:

FAO Jemma Kemaneler

Dear Mrs Kemaneler

Licensing Act 2003 – Variation Application – Eastern Chillout, 99 Fisherton Street, Salisbury, SP2 7SP

I have been asked to clarify some points in your application they are as follows:-

Under Section E Live Music and Section F Recorded Music under Non Standard timings there are several entries for days but no times shown.

Under Section G you have put we wish to be able to have ad-hoc performances when requested by parties this should either be removed or specify times when this is anticipated.

Just to confirm that Indoors refers to the buildings and not the Marquees.

Please respond as soon as possible to enable me to update the application and pass on to the consultees many thanks.

Kind regards

Ian Garrod

Ian Garrod

Licensing Officer

Licensing Team South

Wiltshire Council

Bourne Hill

Salisbury

SP1 3UZ

Tel: 01722 432484

Internal: 52484

Fax: 01722 438064

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Web: www.wiltshire.gov.uk

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ELLIOTT REMOVALS.
 17. WEAK IT.
 51. MOVE IT.
 11. PACK IT.
 2. SERVICES

Painters & Decorators

STAIR
 LIFT & SMOKELESS

SPAINISH & PORTUGUESE
 'S PAULI SUTHERLAND

salisburyjournal.co.uk

SAMSUNG SMART TV
 Samsung 22inch Smart TV
 built in wifi. Connect direct
 to home wifi system for
 £99.
 Cardiff, etc.
 01980653011

Monday
 9-30am
 Saturday 9-11am
 9-10pm, Sunday 11am
 9pm 07795 192808 www.
 orientalmessages.co.uk

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 0909 860 9984



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TUITION

BASS GUITAR TUITION

Application under the Licensing Act 2003 to vary the Premises Licence at Eastern Chitlout, 99 Fisherton Street, Salisbury SP2 7SP

By: Mrs Jemma Victoria Kenahelner
 Application to: Vary the Internal licensed area of the Premises bar area, seating and screening, reduce the external licensed area of the premises and change the layout. Vary the provision of licensed entertainment for inside the premises.

The register is held at: Licensing Team, South Wiltshire Council, Bourne Hill, Salisbury SP1 3UZ

Web address: www.wiltshire.gov.uk

Applications can be viewed Monday-Thursday 9am to 5pm and Friday 9am to 4pm by appointment only. Please ring 01722 434296

All representations from interested parties or responsible authorities must be made in writing to Wiltshire Council by 26th November 2014

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on a summary conviction for the offence is up to £5000.00

so by 10th December 2014 (being last day of proving) otherwise they will be excluded from the defendant. The required proof of debt form is available on the Insolvency Service website (www.gov.uk/insolvency). select "forms" and then form 6.37. Alternatively, you can contact my office at the address below to supply a form.

A Other, Official Receiver and trustee, LTD1, PO Box 4376 Companies House Crown Way, Cardiff CF14 8XK. Tel: 029 2038 0178 e-mail: rlll@southwest.co.uk

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LEGAL NOTICE

NEW FOREST DISTRICT COUNCIL

COUNTYROAD ORDER/SECTION 53A(2) WILTSHIRE COUNCIL AND TEF-FONT 14 (PART) RAIL CROSSING DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2014

The above order was made on 30 October 2014, under section 119A of the Highways Act 1980 (as amended by the Transport and Works Act 1992). The order will divert the public footpath at Teffont from OS grid reference SU0026 3083 leading south west across the railway for 72 metres on to a line from OS grid reference SU0026 3083 heading west south west on the north side of the railway line for 65 metres then under a width west south west on an underpass for 50 metres. The alternative footpath will have a width of 2 metres.

A copy of the order and the order map have been placed and may be seen free of charge at Unit 9 Ascot Court, White Horse Business Park, Trovbridge BA14 0XA from 9 am to 5 pm weekdays. Copies of the order and map may be bought there at the price of £5. Any representations about or objections to the order may be sent in writing to Mrs Burke Rights of Way, Wiltshire Council, County Hall, Trovbridge BA14 8N not later than 5pm on 8 December 2014. Please state the grounds on which they are made. If no such representations or objections are duly made, or if any are so made are withdrawn, the Wiltshire Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations or objections which have not been withdrawn will be sent with the order.

LIST OF PLANNING APPLICATIONS

The following planning applications are those affecting the setting of a listed building, a conservation area, a public right of way, or major applications electronically at our view on our website. Alternatively you can view applications electronically at our offices 27-29 Milford Street Salisbury from 8.30am till 5.30 pm Monday to Friday. Representations relating to the planning applications listed below should be made in writing to developmentmanagement@wiltshire.gov.uk or Development Services, Wiltshire Council, PO Box 2281, Salisbury, SP2 2HX by Thursday 27th November, quoting the reference:

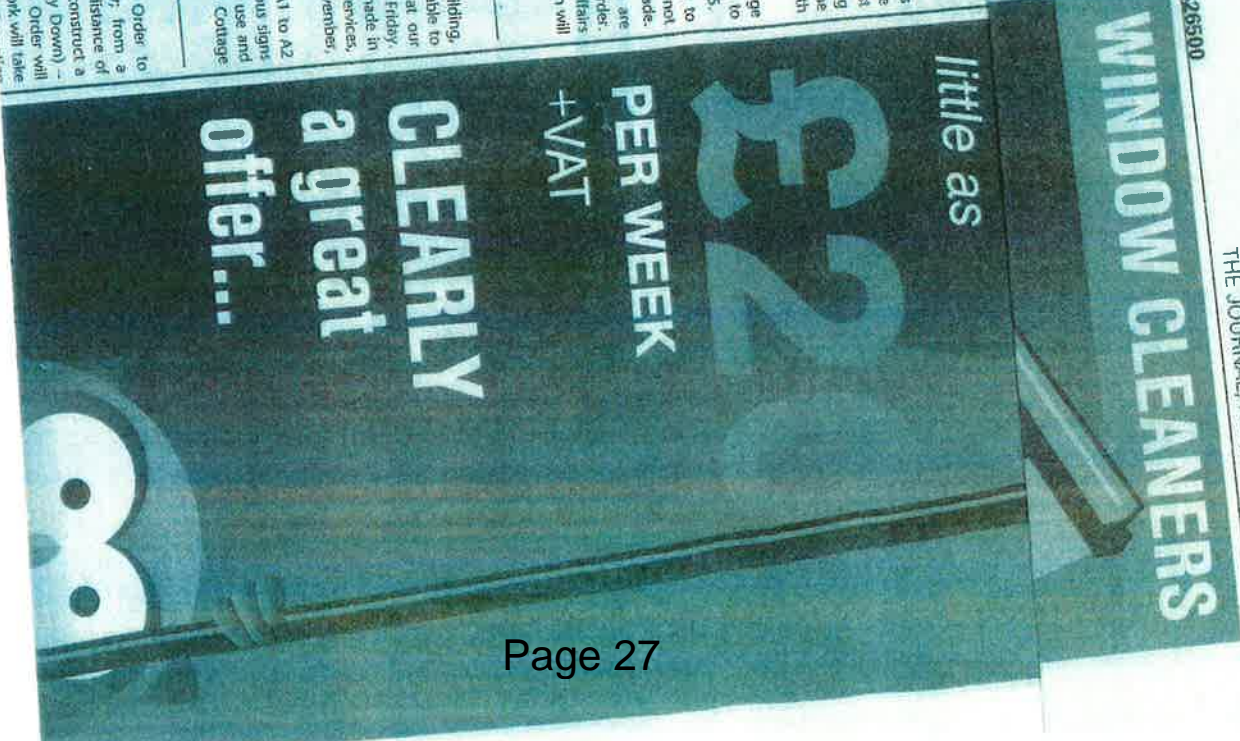
- SALISBURY CITY - 14/09913/FUL** 68 Milford Street Change of use from A1 to A2
- SALISBURY CITY - 14/09464/FUL** TMobile (UK) Ltd 30 butcher Row Various signs
- 14/09546/ADV & 14/09464/FUL** TMobile (UK) Ltd 30 butcher Row Change of use and
- 14/09806/FUL** Land at Chertton Lane Change of use and
- 14/09288/FUL** Leigh Cottage
- DOUHAID ST MARY - 14/09806/FUL** Land at Chertton Lane Change of use and
- 14/09288/FUL** Leigh Cottage

Section 14(1) of the Road Traffic Regulation Act 1984

Notice is hereby given that the Wiltshire Council intends to make an Order to close temporarily to all traffic: **A350 (Part) Sedgemoor and Semley**, from a point approximately 420m south of its junction with Butlers Lane for a distance of approximately 250m in a southerly direction to enable Wessex Water to construct a water main. Alternative route via A350 (unaffected length) - A303 (Keyley Down) - A36 (Dexford) - A30 (Wilton) - A350 (Shaftesbury) and vice versa. This Order will come into operation on 2 December 2014 and it is anticipated that the work will take

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PRE0312

Licensing Act 2003
Premises Licence

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 320770

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- 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 Non Standard Timings: 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 .	8:00pm	11:30pm
F. Playing of recorded music (Indoors)	Friday & Saturday Only in conjunction with a performance of dance Non Standard Timings: 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 .	8:00pm	9:30pm
G. Performance of dance (Indoors)	Friday & Saturday Non Standard Timings: 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 .	8:00am	11:30pm



Licensing Act 2003
Premises Licence

PRE0312

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
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
L. Late night refreshment (Indoors)	Sunday-Thursday	11:00pm	1:00am
	Friday & Saturday	11:00pm	2:00am
Non Standard Timings: 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 .			
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.		

COPY

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday-Thursday	8:00am	1:00am
Friday & Saturday	8:00am	2:00am
New Year's Eve		
Until start of business on January 1st.		
Non Standard Timings: Until 02:00 the following day on Christmas Eve, Boxing Day, Midsummer's Day and Valentine's day.		

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

COPY

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.



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

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.

Annex 3 - Conditions attached by a hearing of the Licensing Sub-Committee

There will be no entry to the premises after 23.00hrs.

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.

CCTV will be installed to cover all the licensed areas, and the system will be of sufficient quality to ensure that the identification of individuals is possible. CCTV will be securely stored and images will be retained for a period of no less than 30 days. CCTV images will be produced to a Police Officer or a Wiltshire Council Licensing Officer on request.

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'.



COPY

____ Licensing Officer ____



From: McMillan, Peter
Sent: 04 June 2013 10:20
To: Mulvey, Debbie; Garrod, Ian
Subject: Premises Licence Application - Eastern Chillout, 99 Fisherton Street

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

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>

A6 a

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

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.

A C a

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.





From: Brown, Vicky
Sent: 26 November 2014 10:21
To: Garrod, Ian
Cc: Hodges, Katherine
Subject: Application to Vary Premises Licence for Eastern Chillout

Dear Ian

Re: Premises Licence Application for Eastern Chillout

I write on behalf of the Environmental Control and Protection Team to object to the granting of the variation of the premises licence at the above premises. We recommend this application be refused because we are of the opinion that some of the changes are likely to lead to public nuisance for people living nearby. The application is therefore not in accordance with the "prevention of public nuisance" licensing objective.

We have visited the premises and been in email communication with the applicant about our concerns. Potential solutions have been suggested but the applicant has not accepted them. I will explain our concerns in more detail below.

1. Function Room (The Barn)

This department continues to have significant concerns regarding the use of the 'function room' for regulated entertainment. The function room is attached via a party wall to a residential property. There are also residential properties to the north and west of the building less than six meters away. Should live or recorded music be played for entertainment in this room the noise is likely to have an adverse impact on residential amenity nearby and cause a public nuisance.

It is noted that sound proofing is currently being installed in the function room. However, we have no evidence to show whether this sound proofing will be adequate to protect residents of the surrounding properties from experiencing excessive levels of noise. This department has experience of investigating complaints about noise emanating from similar structures at other premises in similar locations.

This application to vary the licence, if accepted with no changes, would permit live and recorded music to be played in this function room 12:00 – 23:00 Sunday to Thursday and 12:00 to 00:00 Friday and Saturday. It has to be considered that if this variation was granted, and should the business demand it, the new licence would permit music to be played in this room seven days per week until late in the evening.

It should also be noted that the current planning permission for the premises includes a condition restricting the use of the function room. The condition dictates that there should be no sound-amplifying equipment, loudspeaker, or public address system operated or live or recorded music played or entertainment provided within the function room. This condition was attached to the planning permission on recommendation from this department. If the applicant wished to carry out these activities in the function room they will need to make an application to the planning department. If these activities are carried out in this room without the appropriate planning permission the Development Control department may investigate and take formal action if appropriate.

For this department to consider supporting any change to the planning condition or changes to the times regulated entertainment are licensed to take place in this room we would need to see evidence to show that noise making activities in the function room will not have an adverse impact at residential properties adjoining or nearby. The applicant has been advised of this.

2. Main restaurant

The applicant is requesting an increase in the hours that music to be played in the main restaurant. The current licence permits live music to be played Friday and Saturdays 20:00 to 23:30 and recorded music, when in conjunction with the performance of dance, from 20:00 to 21:30 Fridays and Saturdays. This application looks for both live and recorded music to be performed Sunday to Thursday 12:00 to 23:00 and Friday and Saturday 12:00 to 00:00. The existing licence limits recorded music to only be played in conjunction with the performance of dance. We would not support a change to this restriction at this time.

We have concerns that without careful management these changes could result in a public nuisance to people residing in properties to the front, rear and adjacent to this premises.

The application includes the implementation of a lobby to the rear of the premises. This will help in mitigating sound escaping if it is managed properly. It has been suggested to the applicant that their application be altered to include in the operating schedule measures to manage noise associated with regulated entertainment in the main restaurant. The measures suggested were for doors and windows to be closed except for access and egress and for frequent monitoring checks to be made outside of the premises to check the sound levels when regulated entertainment is taking place. Unfortunately the recommendations have not been taken forward. This department can therefore not support this aspect of the application.

3. Garden, tents and gazebos

The existing licence permits the four tents in the garden. This variation will permit the tents to be on the western boundary of the garden rather than the eastern. We do not consider that this change is likely to have a significant impact on the noise levels experienced at residential properties nearby. However, the use of these tents must be carefully monitored and managed to avoid complaints being made about noise from the people using them. It should be noted that there is a planning condition attached to the permission for this premises restricting the use of gazebos to 08:00 to 23:00.

The current licence prohibits regulated entertainment in the garden, tents or gazebos this department would not support a change in this restriction at this time.

Smoking legislation: Smoking should not take place in tents or gazebos which have more than 50% of their area enclosed. The tents and gazebos detailed in this application all have more than 50% of their area enclosed and smoking should not take place inside them.

These outside structures must meet relevant standard of fire resistance and do not compromise the existing means of escape.

This department has no objection to the changes in internal layout of the restaurant or function room. However, given the nature of the area, structure of the buildings and proximity of residential properties nearby the changes to the times that regulated entertainment can take place in this premises are not appropriate. We consider that these changes are likely to result in a public nuisance and we therefore recommend that this application is refused.

Regards

Vicky Brown

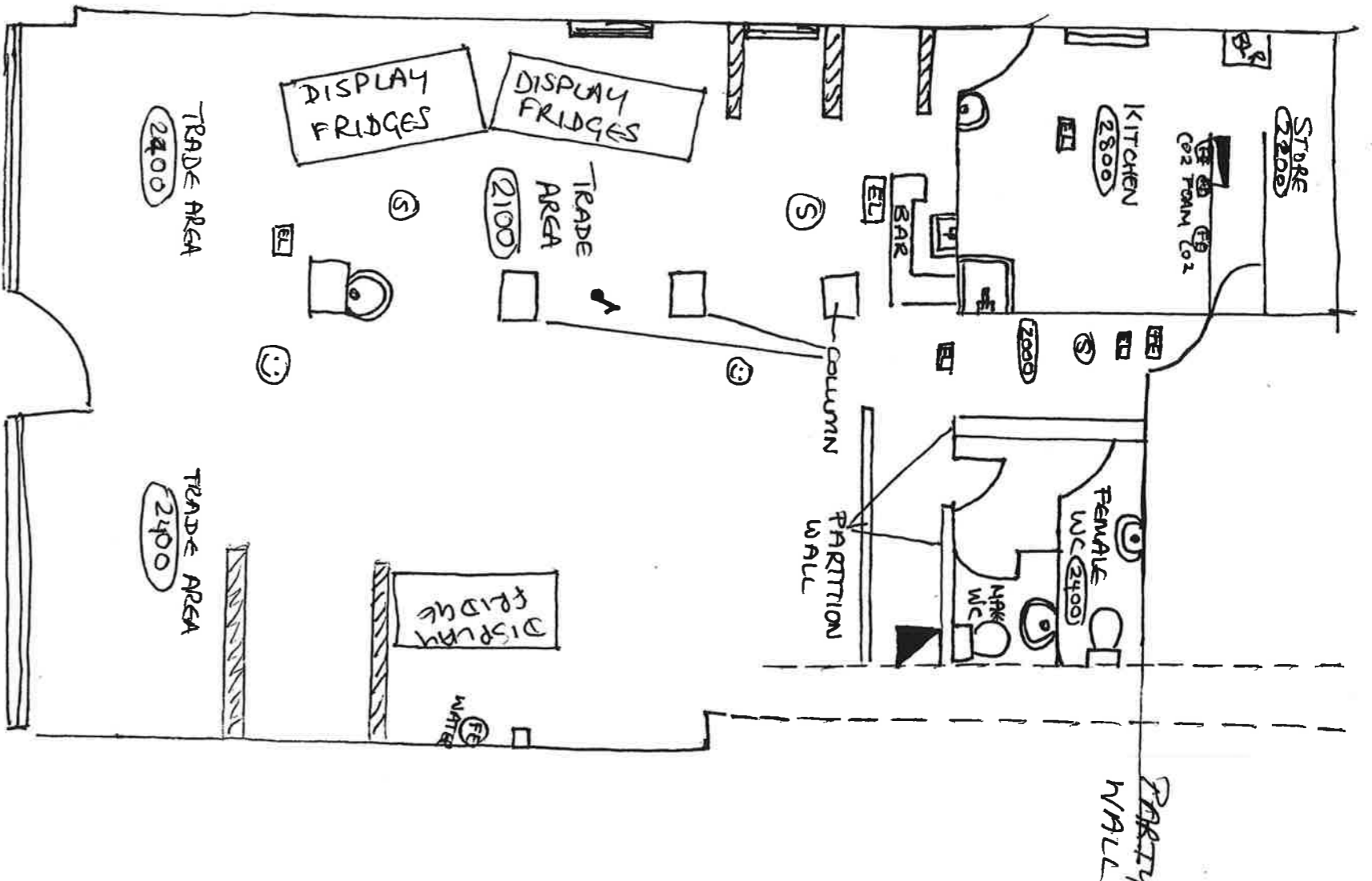
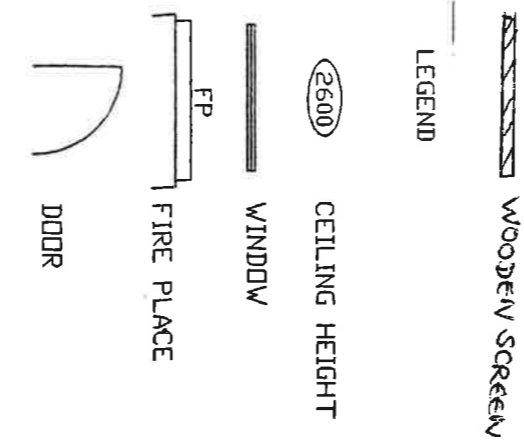
Senior Environmental Health Officer (Environmental Control & Protection)

Address: Wiltshire Council, Public Protection Services, The Council House, Bourne Hill, Salisbury, Wiltshire. SP1 3UZ

External Tel: 01380 826322

Internal MITEL: 26322

Email: vicky.brown@wiltshire.gov.uk



BUILDING SURVEYED AREA = 121.7 SQ. M
 ■ LOCATED ON ~~GROUND~~ FLOOR
 ▣ LOCATED AS SURVEYED
 SCALE 1:100
 GROUND FLOOR

KEY TO LICENSED AREAS

- * Sale and Supply of Alcohol – on and off sales
- ∩ Regulated entertainment
- ⊙ Hot food after 23.00
- ⊕ Areas made available for consumption outside the premises

INSIDE AREA

OUTSIDE AREA

GARDEN

2200 STORE AND BAR PRIDE

TENT 1
2400

TENT 3
2400

TENT 2
2100

TENT 4
2400

OUTSIDE DRINKING AREA

OUTSIDE DRINKING AREA

PARTY WALL

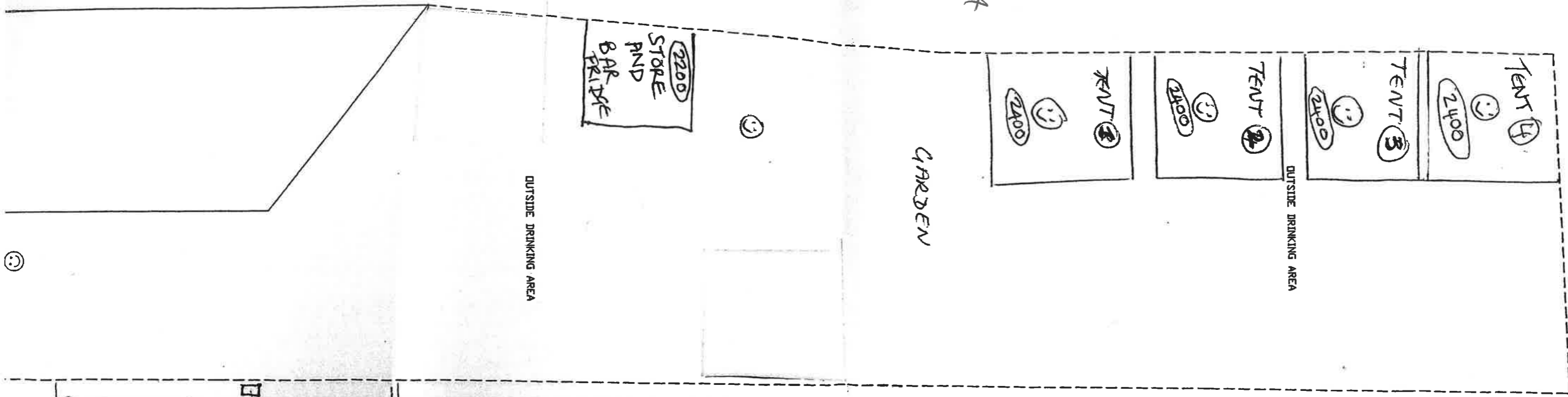
OLD BAR

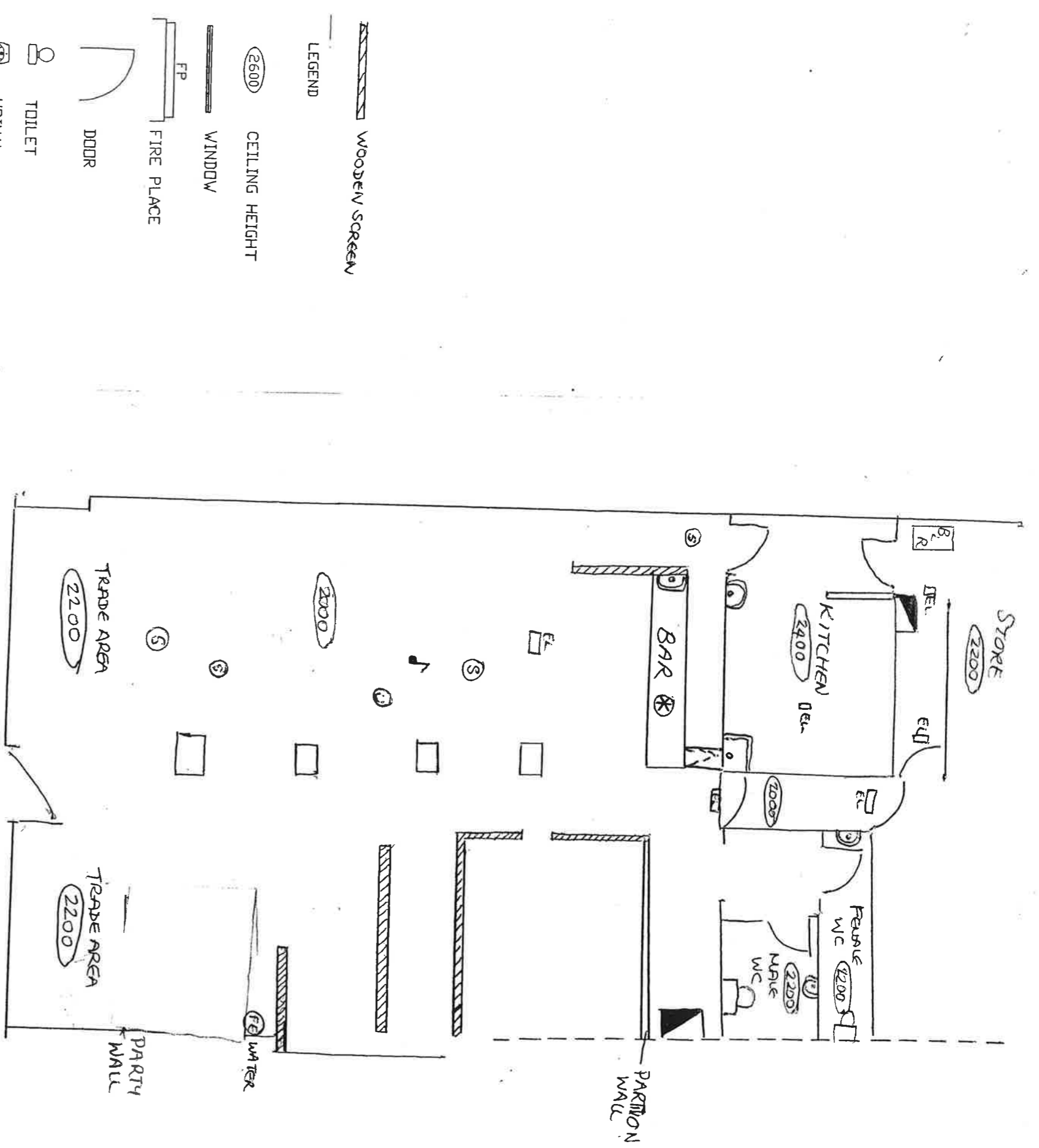
4200

3700

WATER CO2

DISPLAY FRIDGE





BUILDING SURVEYED AREA = 121.7 SQ. M

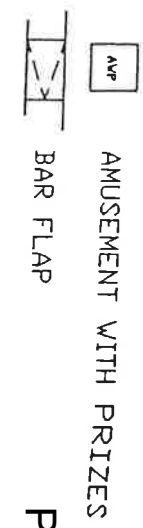
- LOCATED ON FIRST FLOOR
- LOCATED AS SURVEYED

SCALE 1:100
GROUND FLOOR

KEY TO LICENSED AREAS

- * Sale and Supply of Alcohol – on and off sales
- J Regulated entertainment
- Hot food after 23.00
- Areas made available for consumption outside the premises

Property ID 015126/91	Property Name XXXXXXXXXX EASTERN CHILDREN LICENSING SURVEY PLAN	Date of Survey 29/11/04	Drng. Scale AS SHOWN
Address 99 Fisherton Street Salisbury Wiltshire			



OUTSIDE AREA

