

# Wiltshire Council

Where everybody matters

## Application for the review of a premises licence or club premises certificate 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 Katherine Fowler

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

**Postal address of premises or, if none, ordnance survey map reference or description**

The Cuckoo Inn, Hamptworth

**Post town** Salisbury

**Post code (if known)**  
SP5 2DU

**Name of premises licence holder or club holding club premises certificate (if known)**

PLH: NJM Anderson 1988 Settlement. Rosehill Advisors Limited act on behalf of the estate. Estate has been sold to Eagle Point Ltd and due to complete in January 2023 when they will transfer the licence to their name. Currently Eagle Point Ltd are the Leaseholders of the Cuckoo Inn. Nikolaos Amplianitis is the DPS and manager of the Cuckoo Inn employed by Eagle Point Ltd.

**Number of premises licence or club premises certificate (if known)**

#### Part 2 - Applicant details

I am Katherine Fowler

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|   |                                   |
|---|-----------------------------------|
| Name and address  |                                   |
| Katherine Fowler<br>Environmental Health Officer<br>Environmental Control and Protection team<br>Wiltshire Council,<br>Bourne Hill<br>Salisbury<br>SP1 3UZ. |                                   |
| Telephone number (if any)   | 01722 434346                      |
| E-mail address (optional)   | katherine.fowler@wiltshire.gov.uk |

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 2)

In June 2022 this department were notified of complaints from residents concerned about noise from the frequent amplified outdoor events held at The Cuckoo Inn, Hamptworth. Towards the end of the month we received four log sheets from separate residents illustrating noise from live music events had been affecting them in their properties almost every weekend since mid May 2022 until the end of June 2022. Residents were concerned this would continue throughout the summer adversely impacting them.

Meetings at the premises with the leaseholder and DPS were held in June and July to discuss the issues. Further advice was given over the phone and emails between June and September advising on what control measures to implement to ensure compliance with the Licence and prevent a public nuisance.

Despite providing advice this department is not confident that the DPS can effectively manage and control noise from events with amplification that are held in the external areas of the premises. Based on the evidence we have obtained throughout the summer we are satisfied that the 'Prevention of a public nuisance' licensing objective has not been met.

**Please provide as much information as possible to support the application** (please read guidance note 3)

A meeting was held with the Leaseholder, DPS, Licensing Officer and Police Licensing Officer on 29th June 2022. It was advised that a condition of their licence was to implement and adhere to a Noise Management Plan (NMP) and not hold events on consecutive weekends. They were unaware of these conditions. Guidance documents were provided and specific advice was given on measures to minimise disturbance to residents. This was followed up with an email I sent to the DPS (Mr Amplianitis) on the same day.

On Wednesday 6th July 2022 I received confirmation from Mr Amplianitis that they would be cancelling the event on 16th July 2022 in compliance with their licence conditions. I replied advising that each band should play for no more than 1hr 15minutes and they should avoid punk/rock/metal bands at the next event proposed on 10th July 2022. I received an email on 8th July 2022 asking me to confirm if 2hr sets were acceptable, unfortunately due to my working hours this was not picked up until after the event. An updated Noise Management Plan was also attached to this email.

During the Pride and Joy event hosted by the premises on the 10th July 2022 noise monitoring equipment was installed in one of the complainants properties. Mr Amplianitis was aware this equipment was being installed to assess the music noise from the two bands playing.

The recordings identified music noise was audible inside the complainants property from 12.47hrs until 17.43hrs. Noise between 12.47hrs and 14:10hrs was dominated by traffic noise from cars entering the event and revving of car engines, though music noise was audible and lyrics of songs were still identifiable.

From 15:16hrs the music noise level increased by approximately 10dB. The music noise was intrusive with harsh rock vocals, electric guitar and drums being played.

A subsequent meeting was held on 20th July 2022 with the Licensing Officer and DPS to discuss the recordings. Mr Amplianitis stated when the 2nd band arrived he thought they would be loud, but took no action to reduce noise levels throughout the event. We discussed the need for tighter measures and our lack of confidence in the managing of these events to effectively control noise. I informed that we would monitor noise at the next proposed event with amplification which would be the beer festival.

An email was sent to the DPS, leaseholder and client acting on behalf of the PLH on 27th July 2022 reiterating what had been discussed, the importance of adhering to their NMP, what should be included in the NMP and potential next course of action by the Council if noise continues to cause disturbance to local residents.

Advice was repeatedly given to;

- Reduce the number of bands playing and the duration music is played at events
- Avoid rock/punk/pop genre music and large bands with noisier instruments (electric guitars, drums, bass)
- Detail in their NMP what monitoring is proposed: the locations, corrective action that will be taken if the noise levels are deemed too loud.
- Detail in their NMP how they will communicate with residents at a reasonable time prior to any event

In my correspondence I asked the DPS to confirm the proposed events for the rest of the year. I received no response. Another email was sent on 15th August 2022 following concern from residents that further events were planned as advertised on social media. Mr Amplianitis responded confirming that no events with amplification were proposed until the beer festival between 2nd and 4th September 2022.

Residents notified me following the weekend of 20th/21st August 2022 that two events were held, Ladies night with music and the 150th Celebration with amplified music, but not of an excessive level.

On 3rd September 2022 my colleague Trish Morse, Public Protection Officer at WC visited two complainants to assess noise from live music played at the beer festival. Trish observed the noise inside and outside the complainants property and stated that music noise from the premises was clearly audible. At 22.15hrs in the main bedroom with the window open music noise was clearly audible and song words were identifiable. Trish confirmed that the music noise in this room was unreasonable, would prevent someone sleeping and therefore a statutory nuisance exists.

Noise monitoring equipment was installed in a complainants property for the remainder of the beer festival. These recordings demonstrate music noise is clearly audible with lyrics identifiable with the doors open and closed. Trish confirmed in her observations that music noise was audible over the TV in the lounge with the volume set at a reasonable level.

This department is satisfied it has sufficient evidence to demonstrate the prevention of public nuisance licensing objective has not been met. This is based on our lack of confidence in management to effectively control noise from outdoor events with amplification and evidence obtained in the form of noise recordings and direct observation.

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

|  |  |  |  |  |  |  |  |
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|--|--|--|--|--|--|--|--|

**If you have made representations before relating to the premises please state what they were and when you made them**

|  |
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|  |
|--|

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

|                  |                  |
|------------------|------------------|
| <b>Post town</b> | <b>Post Code</b> |
|------------------|------------------|

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

