

Response to Representation from Mrs Hanson

Dear Mrs Hanson

Thank you for the opportunity to respond to the representation you have made in respect to our application to vary a premises licence. Please see below our comments. We hope that this will provide assurance and confidence in our efforts to promote the licensing objectives.

“I think it is absolutely absurd that it was allowed for a ‘cocktail bar’ to open in the first place, considering it’s more of a nightclub than a cocktail bar.”

The Bank was originally opened in July 2018 as a cocktail lounge and events venue. Within 6 months it was clear that customer demand for cocktails was difficult to manage at peak times, so we moved the cocktail bar to the first floor. At the start of the year we closed down the first floor for refurbishment and it is now ready to provide a cocktail offer once again. Throughout the last 18 months we have always maintained a cocktail menu however limited.

“We feel there was never, and still isn’t, any consideration for us residents living nearby. The noise from ‘The Bank’ is unbearable most nights and I can only expect it to get worse with a front entrance which will almost be right outside our house.”

We are sorry that you feel this way. In the early days we regularly updated residents on our plans, and on several occasions invited residents of Beechwood Court to visit the premises and provide feedback. Not one resident accepted this offer.

We encourage you to raise noise complaints to the local authority. They govern our licensable activity and we will work with them to ensure that our venue does not impact on your right to peace.

Our noise limiter has been set to an agreed level by Environmental Health. We also employed an independent noise consultant to advise on our measures to minimise public nuisance. This formed part of our premises licence process.

We can assure you that the noise will not get worse with a front entrance. The door will only be used up until 10pm on a Friday and Saturday, and whilst the main bar downstairs is closed. Entry will be via intercom system so the door will only be opened as required. Our capacity upstairs is 30 so you can be assured that there will not be any loitering.

“The disturbance we experience is already frustrating and shouldn’t have to be tolerated. To give you a little insight to what we go through every weekend, and some mid week nights, here are a few points to the disturbance we experience.

The noise and the bass from The Bank can be heard and felt over our television and through closed windows right through till gone 2am. We have complained to the council however I still feel that they don’t take us residents at beechwood court into consideration when planning events or issuing licenses.

The loud music wakes my baby up several times a night when they’re open and we struggle to settle him back down because it goes on till 2/3am. They just don’t have any respect for residents, despite our complaints. Given that we pay private rent for our property, and should not have to live under these circumstances.”

We are really sorry that you are experiencing such disturbance. We believe that our noise management plan is very effective, and in recent months we have switched off the subwoofer. I am surprised to learn that bass levels can be felt or heard from within your property, particularly given that the noise limiter has been set by Environmental Health. It may be that other premises such as The George Hotel and The New Inn may be contributing to the issues you raise.

“The antisocial behaviour after closing is appalling. I am constantly on edge wondering what’s happening outside our gates. I hear fights, scrapping and arguments all the time, swearing and screaming at one another and punching things from what I can hear. And I again can hear all this through closed windows and it’s like they’re right outside my window. And this is baring in mind the ‘Banks’ entrance and exit is on the opposite side of the building. This disturbance can get quite alarming sometimes, especially when police vans pull up outside. To hear this commotion outside gives me major anxiety, especially when my husband has to work away and I am caring for my baby alone. I get quite scared on my own when all the screaming is going on and this will only get louder and worse if the entrance is on the street. This is no way to live. I imagine there will be queues to get in, much like the chapel nightclub in Salisbury, and this will only add to the disturbance.”

We are proud to say that on the majority of occasions, we clear the High Street of customers within 20 minutes of closing the venue. Our door supervisors also conduct a full street check, which includes Beechwood Court. There are on occasions incidents that demand support from the emergency services but we always strive to minimise the risk of this happening.

One of the biggest challenges – which is outside our control – is the dispersal of customers from other premises. We employ more door staff than any other venue in Amesbury which is how we are able to ensure a smooth dispersal. Other venues however do not have the same number of door staff and they do not have such a robust dispersal policy in our view. We are working with other venues and it is our aim that all venues have the same dispersal policy as The Bank.

We do not believe that removing the condition to use the front doors when regulated entertainment is not taking place downstairs, will have any impact on the issues you raise. Instead, I would encourage you to touch base with Amesbury Police who have kindly coordinated a working group which includes residents, licensees and local authority. The next meeting is later this month.

“To add to the antisocial behaviour, the state of the street the morning after is disgusting. The amount of food and sick all over our paths and our driveway is appalling also, this in turn will make Amesbury unappealing. “

We are really sorry that you feel that the street is disgusting. We always ensure that our courtyard and the pavement in front of the bank is clear of any rubbish before we go home. Many of the cigarette butts which accumulate outside Beechwood court were there long before The Bank opens. I believe it is a dead spot from the wind which pushes them up the street. If acceptable, we will ensure that the area in front of Beechwood Court is cleared as part of our daily shut down.

Regards
Nathan Muirhead
Director Keystone Entertainment

Response to Representation from Mrs Madeley

Dear Mrs Madeley

Thank you for the opportunity to respond to the representation you have made in respect to our application to vary a premises licence. Please see below our comments. We hope that this will provide assurance and confidence in our efforts to promote the licensing objectives.

“No transport facilities have been considered in this alteration. There are no facilities now to aid customers find taxis home, no space for a taxi rank, or for taxis to wait.”

We do not believe that any additional transport facilities are required as a result of this application. We always aid customers into taxis at the end of the evening, when they are available. Whilst there is no taxi rank, taxis situate themselves directly outside our venue. They are aware not to leave their engine running. It takes us, on average, 20 minutes to clear the High Street of patrons at the end of the night. This is due to the professionalism of our door supervisors who go above and beyond to ensure that the High Street is cleared as swiftly and safely as possible. They are not employed to act as taxi marshals, however they do this to speed dispersal.

“The full complement of 5 Security Staff was part of the agreement, to be present at all the opening the times. This doesn’t happen! How many security staff will be required for the two venues, and two exits. What has been applied for?”

This is factually incorrect. We employ 5 door supervisors on a Friday and Saturday in line with our premises licence. Were we to open on a Thursday, we would do the same. We are not required to employ door supervisors on any other day unless our risk assessment determines it necessary.

The re-opening of the first floor does not demand any additional door supervisors. It will be only be open until 10pm, when the main bar downstairs is not open. Furthermore, the capacity of the first floor has been limited to 30 customers on a reservation only basis.

“Residents of Amesbury have had no end of trouble since July 2018 when The Bank opened.”

This is also factually incorrect. The Chief Inspector briefed the Amesbury Town Council last year that anti-social behaviour in Amesbury has reduced since The Bank opened.

“Two access points to the one building in a short distance is not practical.”

We would welcome further information on why you consider this unpractical? Each floor will be open at different times.

“As it is, their [Beechwood Court] entrance is frequently blocked by waiting cars, taxis and commercial vehicles unloading goods.”

We have no control over who parks in front of Beechwood Court. There is a loading bay directly outside our venue which is used by The George Hotel. I am not aware of any occasion where we have caused blockage to Beechwood Court. Our deliveries take place in The New Inn car park.

“People queuing block the pavement and litter the pavement with cigarette ends and make so much noise thereby disturbing residents of Beechwood Close, High street and guests at The George Hotel and The Fairlawn Hotel.”

Queues to our venue are formed on our own property. It does not stretch onto the pavement. The pavements from our venue are cleared at the end of the night so that the daytime community is not impacted.

There are three venues on the High Street, each having their own issues and their own measures to promote the licensing objectives. We firmly believe that we do our utmost to minimise public nuisance and anti-social behaviour. We also rely on the will of other venues to set a high standard.

We do not believe that there will be any additional noise generated by this application to vary the premises licence.

“When deliveries are made through the main front doors, the trucks not only block Beechwood Close entrance but the delivery men unloaded the crates to the pavement before taking them indoors thereby blocking pedestrians walking along the High Street.”

We believe you may be referring to deliveries that take place to The George Hotel. All deliveries to The Bank are made in The New Inn car park, and we then use sack trucks to move them via the side door.

“Access via the original HSBC Bank main front doors is not user friendly as there is no forecourt unlike the side entrance. There are steps and outward opening doors and no ramp, which makes access for people with disabilities difficult. In an emergency people would tip straight into the street traffic, as again, there is no forecourt.”

This door has already been approved as a fire exit. We have a ramp available for use in an emergency. We have an accessible entrance at the side of the building. We are unclear why it is necessary to have a forecourt. Almost every shop in Amesbury exits directly on to a pavement.

“These front doors are currently designated for Fire Exits, emergencies only. How will two separate venues in the building evacuate in an emergency?”

There are two emergency routes from upstairs, and three from downstairs.

“If any changes are to be introduced then, I think the Licensing Department should review the hours of opening at The Bank and reduce them to midnight. 2.00 am is quite out of keeping with this otherwise quiet corner, the old village part of Amesbury!”

There are five venues in Amesbury, two of which open until 2am on Friday and Saturday, two of which open until 1am and one which opens until midnight.

Regards
Nathan Muirhead
Director Keystone Entertainment

Response to Representation from Poppleston Allen Solicitors

Dear Sir, Madam

Thank you for the opportunity to respond to the representation you have made in respect to our application to vary a premises licence. Please see below our comments:

“However, with the existence of The Bank Cocktail Lounge directly opposite to it, on a very narrow street, our client has experienced complaints from customers who have not been able to sleep due to the noise from the nightclub directly opposite the road.”

There are three licensed premises on the High Street, all operating until the early hours on a Friday and Saturday. This includes your client’s two bars, one of which operates regulated entertainment until 1am on the weekend. Our routine sound level checks show that noise comes from music played at your client’s premise as well as the neighbouring pub – both being old buildings with limited noise insulation. On New Year’s Eve, your client’s music was heard by residents 100 yards away at one point. We do therefore find it difficult to conclude that our venue is the primary cause of noise on the High Street.

With regards to noise from customers, we encourage all to leave our premises quietly. We also aid customers into taxis and away from the High Street. We also boast a swift record of clearing the High Street at the end of the night, within 20 minutes of closing the venue. Our door staff go above and beyond to achieve a this, including a general sweep of your client’s car park. One of the known issues is the dispersal policy of other venues. Whilst we do our utmost to minimise disturbance, we have little control over customers leaving from other premises.

Given that we are seeking to use the front doors when there is no recorded music being played on the ground floor, we do not believe there is any additional impact on your client and local residents.

“Should customers of The Bank Cocktail Lounge be able to use the front doors directly opposite our client’s hotel, then this will cause more disturbance to the hotel and its residents, not only from people coming and going using this entrance, but also from people queueing.”

Our variation seeks permission to use the front doors when there is no regulated entertainment on the ground floor. This in effect means that we will only be using this door for access to the first floor, when the main bar is closed. We are more than happy to tweak the variation to make this more clear - the front doors will only be used up until 10pm. The main bar downstairs does not open until 10pm.

The capacity of the first floor has been reduced to 30 people and the bar operates on a pre-booking basis. This means that there will never be an excessive number of people queuing outside, and certainly not after 10pm.

Similar to our previous point, the use of the front door will be limited to 10pm. We therefore disagree with suggestion that residents will be impacted.

“We are attaching to this email copies of videos showing the situation as it is now on the High Street on occasions, and the levels of disturbance when the entrance to The Bank Cocktail Lounge is at the side entrance as opposed to the main entrance itself. **Could the video footage not be made public, since we believe it should only be shown in private at a hearing where the public should not be admitted.”**

At the timing of responding we are not sighted on the date and time information for each video and photograph. We do however believe that the videos and photographs present an unfair perspective of the nightlife in Amesbury. There is no evidence to suggest that all these events are a result of our premises. This is evidenced in the monthly police reports which show a low trend of anti-social

behaviour and public nuisance caused by patrons leaving The Bank, particularly in the last 12 months. In the Autumn, we engaged with Wiltshire Police to review our Dispersal Policy – a document which sets out the procedures for the management of customers before, during and after their visit to the premises. This has been in place for several months now and we believe that it has been executed to a high standard.

We maintain a positive relationship with frontline police and encourage their presence on the High Street over the weekend to deter anti-social behaviour. Sometimes there are incidents and the emergency services are required. We do not see this as a negative.

“We would also like the Committee to note that the premises has, in any event, been breaching its Premises Licence now, and it has been using the main entrance on the High Street to allow customers into the premises despite the condition on the Premises Licence which states: “The entrance to the building will be relocated to the side door at all times (amended 10/09/2018)”. We attach a photograph showing the entrance being used. It calls into question if the Premises Licence Holder does not observe this condition now, what other conditions is it breaching or will it breach in the future.”

We agree that we have used the front door on a two occasions for private events. We have learned from this mistake and have since not used the door. The photograph that has been included in your representation shows the front door in use. We can confirm that the premises was not open to the general public on this occasion.

“Should the variation be granted, our client therefore has little faith that there will be no recorded or live music allowed on the Ground Floor. In any event, that condition will have no effect up until 23:00 under the provisions of the Live Music Act 2012, which would suspend such a condition until that time, and so there will be music breakout when the door is opened and closed.”

There will be no breakout of music from the front door as downstairs will be closed whenever it is in operation, and music upstairs is limited to background music.

Additional points raised by Poppleston Allen:

“We also wish to highlight the fact that with the entrance being moved directly opposite the hotel and in closer proximity to the bedrooms, there will be additional noise coming from those people who are coming out of the premises to smoke. There is no indication nor conditions as far as we can see on the Premises Licence which requires anybody to use an enclosed smoking area whereby access is confined to those people who have entered the premises, rather than a general smoking area outside on the street.”

We must be clear that the entrance is not being moved. We are seeking an additional entry for access to the first floor only, up until 10pm on a Friday and Saturday. Even so, the entrance is opposite your client’s own front door entrance which has no sound insulation and is often propped open, allowing regulated entertainment to blast out onto the street.

Our smoking area will remain the same as it is now, at the rear of the property. Customers will be escorted to the smoking area.

Regards
Nathan Muirhead
Director Keystone Entertainment