

20th December 2021

Mrs Adkins  
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Environmental Control and  
Protection Team  
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Dear Mrs Adkins

### **New Inn High Street Amesbury – Licence Review**

The Environmental Control and Protection Team are in receipt of the consultation on the Wiltshire Police application for review of premises licence LN/000043211 held by Keystone Public Houses Limited. I have covered the Amesbury area for investigation of noise complaints since July 2020 and supported colleagues covering the area for a number of years prior to that. I am therefore responding to the consultation on behalf of the Environmental Control and Protection Team. Our team is mainly concerned with the 'Prevention of a Public Nuisance' Licensing Objective.

Since 2018 we have been regularly involved with licence consultations and the investigating noise complaints about The New Inn. We have investigated complaints mainly in relation to noise from loud music emanating from the main pub, courtyard when music is played outside, and from the function room now known as 'The Stables'. Along with colleagues in the Licensing Team and Police we have also received complaints about noise and antisocial behaviour caused by members of the public in Amesbury Town Centre late and night and in the early hours of the morning.

The Licence holder has a Noise Management Plan (NMP) in place which has been developed over the years and amended when it has become apparent that changes to noise control are required. Adherence to the noise management plan has, at times, been inconsistent. There are also a number of conditions on the licence which relate to the control of noise from music. There is a condition which states: 'A noise limiter will be provided to limit the sound from both live and recorded music to prevent public nuisance.' During my involvement, until recently, there has been a noise limiter in the main pub to ensure compliance with this condition. The Live Music Act 2012 means certain conditions are disapplied before 23:00.

I will give a brief summary of our involvement with the premises in the last 12 months.

In February/March 2021 the function room, now called The Stables, was refurbished and sound insulation was installed. I was made aware the licence holder intended to apply for a full variation for regulated entertainment in there until 02:00. The Stables was already licenced to have regulated entertainment until 00:30. Given the history of our involvement, I suggested rather than apply for the variation straight away, they trial the 02:00 regulated entertainment using Temporary Event Notices and apply for the variation once that had shown music until 02:00 could take place without causing a public or statutory nuisance

I visited 23.03.2021 at 20:30 with Alastair Day to inspect The Stables and help set the noise limiter. The noise limiter at this time was not a standard noise limiter, it was a level that could be set on software so it could not be exceeded. The level could then be password protected. This was not ideal but we were assured by Mr Murihead that once the level was set it could not be changed unless the password was used. A PCSO went to the nearest resident's property and listened with the resident while Alastair and I stayed in The Stables with Mr Muirhead. The volume was adjusted so it was just below the level where it was audible inside the resident's property. We then set the software and password protected it from any changes, only myself and Alastair Day knew the password.

On 12<sup>th</sup> April 2021 outdoor venues such as pubs were permitted to re open and on 17<sup>th</sup> May up to 30 people were allowed to mix outdoors. On 21<sup>st</sup> June all legal limits on social were planned to be lifted but this relaxation was delayed until 19<sup>th</sup> July 2021.

I received noise complaints from a resident about music taking place outside at the New Inn on 22<sup>nd</sup> May and 29<sup>th</sup> May 2021. Advice was given to Mr Muirhead about control of music noise levels. Given the locality, regular events with music outside at the New Inn are not recommended because it is very difficult to play music at a level required for entertainment and not adversely impact at residential properties. Prior to Covid, outside music only took place 2 or 3 times a year for the 'music festivals'. However, considering the challenging time the hospitality industry had been through, that music noise level should have been restricted to avoid customers having to raise their voices and that outside music was only planned for once a week until restrictions were lifted we decided to apply a light touch to the plans for music outside for a couple of weeks. The most impacted resident was also able to accept this this given the circumstances.

Social distancing restrictions were then extended until 19<sup>th</sup> July. Mr Muirhead cancelled some planned events but intended to continue with outside music approximately once a week. I visited the evening of 3<sup>rd</sup> July 2021 to observe the noise levels at the nearest residential property. Our opinion of the music noise level that night was that if residents were regularly subject to noise at that level it would constitute a public nuisance and a statutory nuisance under the Environmental Protection Act 1990. We were also concerned about the music level for customers as we found it at a level significantly above that which would cause customers to have to raise their voices. In the 12 months prior to this a considerable amount of advice had been given to Mr Muirhead about music noise levels during the pandemic. Our experience on this evening was that this advice was not being followed. I forwarded these concerns to the Covid Compliance Officer.

After informing Mr Murihead of our observations on 3<sup>rd</sup> July he said he amended the schedule so the performances on 10<sup>th</sup> and 17<sup>th</sup> July would be quieter; they would be acoustic and a duo. We did not receive complaints about noise on these weekends. From 24<sup>th</sup> July, other than the planned music festival, music would be inside. A number of TENS for music in the Stables until 02:00 were applied for over the summer and autumn.

During the visit on 3<sup>rd</sup> July I was informed that, due to a power cut, we would need to reset the 'noise limiter' in The Stables. A standard noise limiter would not require this so I became more concerned about the suitability and effectiveness of the noise limiting provision.

On 6<sup>th</sup> August I visited with a colleague to make observations of the music noise level emanating from The Stables during an event with music inside. Given the noise limiter, music should not have been audible inside the dwelling, but it was. We went to the pub and found the doors to The Stables were propped open. We asked Mr Muirhead to close them and turn the bass down. He went off to do this and reported he had turned the bass down a quarter turn. We went back to the dwelling and the bass was quieter but still just about audible. I decided to investigate this further with a visit when the pubs were not open.

Up to this date the NMP stated '*Ensure that there are two doors between the regulated entertainment and outdoors.*' I had felt there was clear understanding that this meant the doors needed to be closed except for access and egress so as to create an 'acoustic lobby'. Given our observations on 6<sup>th</sup> August and subsequent conversations I asked Mr Muirhead to alter the NMP so it now read '*Ensure that there are two doors between the regulated entertainment and outdoors, both of which will remain closed unless in use for ingress/egress.*' Following this there were further reports of bass beats being audible inside the dwelling over the next few weekends. There are other businesses operating late at night in the town so it can, at times, be difficult to be certain where noise like this is coming from. I made a planned visit with colleagues on the evening of Monday 23<sup>rd</sup> August to make further assessment of the bass from The Stables and from another premises in the town. On that occasion it appeared that the noise limiters in both premises were working effectively. The weekends of 28<sup>th</sup> August and 3<sup>rd</sup> September were reported to be much quieter.

Mr Muirhead emailed on 30<sup>th</sup> August for advice regarding the variation he was planning to apply for. I advised that due to the unreliability of the noise limiter in The Stables we would ask him to install a more standard noise limiter if he was to apply for this variation. On 8<sup>th</sup> September Mr Muirhead sent me details of an Astrada SL2000 noise limiter he intended to purchase and I agreed it was acceptable. He confirmed it would be installed by 24<sup>th</sup> September, the next occasion he was hoping to have a TENS for the Stables until 2am. He also informed me the music system in The Stables had been replaced with a smaller system. I therefore did not object to his TENS applications.

On 23<sup>rd</sup> October I was advised by the nearest resident that they had not been impacted by music from the New Inn for the last few weekends. Unfortunately, that night they were then impacted by 'thumping bass' and again on the 30<sup>th</sup> October. I discussed this with Mr Muirhead and he said he would adjust the limiter level down.

I arranged to visit the pub in 17<sup>th</sup> November with Alastair Day and Sergeant Tina Osbourne to discuss the variation application and inspect the new noise limiter. I found the Astrada 2000 noise limiter had not been purchased and instead the noise limiter that had been in the pub had been moved to The Stables. This meant there was not limiter in the pub, as required by condition. Mr Muirhead thought this would be acceptable providing music in the pub stopped at 23:00. I explained to Mr Muirhead that although, due to the Live Music Act, he wouldn't be breaching licence conditions by doing this it was not in accordance with his own NMP and showed inconsistency and lack of a proactive approach towards control of music noise. On inspection of the noise limiter I had some concerns about its suitability in this location and, given the noise complaints, its reliability. One specific concern is that the microphone that measures the sound level is next to the limiter itself which is behind the stage and speakers. Noise limiters are usually designed to have their microphone in front of the speakers in the middle of the room.

The way the noise limiting device matter has been managed is indicative of the way noise management at the pub often seems to be approached. It falls to the authorities to notice matters that need attention for compliance rather than management having firm control over compliance and noise management.

There has appeared to be a willingness by the Licence holder to work with us and to put in place measures to control music noise. However, the practical application of these measures has been inconsistent which has results in disturbance for residents and a comparatively high level of involvement from this department over a number of years. I therefore support Wiltshire Police's concerns about the ability of the Licence holder to comply with the 'Prevention of a Public Nuisance' Licencing Objective.

If you would like to discuss the contents of this letter please contact me.

Yours sincerely

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