

**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 Wiltshire Council

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Queens Arm Public House, Ivy Street,	
<b>Post town</b> Salisbury	<b>Post code (if known)</b> SP1 2AY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Christopher Brown
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<b>Number of premises licence or club premises certificate (if known)</b> LN/000042241
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 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**

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 Environmental Control and Protection Team Public Protection Wiltshire Council Bourne Hill Salisbury SP1 3UZ
Telephone number (if any) 01380 826373
E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 1)**

The grounds for review relate to the failure of the premise to comply with the licence conditions attached to the Licence, in particular the Noise Management Plan which details how to appropriately manage, monitor and control levels of amplified music played inside the premises.

In February 2016 a Statutory Noise Abatement Notice was served upon Adrian Sainsbury the Designated Premises Supervisor in respect of amplified music. This authority is still continuing to receive complaints regarding noise from loud amplified music being played in the premises.

During June and July 2017 the Premise Licence Holder and Designated Premises Supervisor roles changed a number of times, but issues with noise disturbance continued. This leads the Public Protection Team to have lack of confidence in the robust management of this premise.

An investigation into the complaints during 2017 has confirmed the existence of a public nuisance and breach of the Statutory Noise Abatement Notice and it is the opinion of the Public Protection Team that the public nuisance licensing objective is not being met.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

In February 2016 the Queens Arms changed hands and commenced using the barn at the rear of the premises as a 'live music venue'. Amplified music was played between midday and 11pm over two consecutive days resulting in a significant number of complaints being made to Wiltshire Council Public Protection Team. Nearby residents reported that loud amplified music was unduly affecting them in their homes.

Music was advertised to take place the following weekend. Wiltshire Council Officers attended the location during the music events to carry out an investigation and it was determined that the noise from amplified music did amount to a Statutory Noise Nuisance as well as a public nuisance. On 26<sup>th</sup> February 2017 a Section 80 Statutory Noise Abatement Notice was served on Adrian Sainsbury as the Designated Premises Supervisor of the Queens Arms Public House. The abatement notice required him to abate the nuisance and prohibit recurrence at properties within 50m of the Queens Arms, Ivy Street.

NEP Investments are the owners of the building. At the time notice was served NEP Investments were also the Premises Licence Holders. Adrian Sainsbury and Chris Brown had a joint tenancy agreement for the property, and Adrian Sainsbury was the Designated Premises Supervisor. Sandra Oattes was employed as the bar manager.

The Noise Abatement Notice was subsequently appealed in March 2016, and upheld in court and remains in force.

Since service of the notice, amplified music has not been played in the barn, but has continued to be played in the main bar area of the premise. Amplified music is usually played between about 8pm and 11pm on Friday, Saturday and Sundays in accordance with the premises licence, however there have been occasions when amplified music has continued beyond 11pm.

In January 2017 a complaint was received by Public Protection regarding amplified music. A joint visit to the premises was carried out by Trish Morse, Public Protection and Ian Garrod, Licensing Officer. The complaint was discussed in detail with Adrian Sainsbury and Sandra Oattes and a follow up letter was sent to Mr Sainsbury to confirm the details of the conversation.

Further complaints were made in March, April, May, June and July 2017. A letter was sent to Adrian Sainsbury about complaints in March and April 2017. At the end of April, Trish Morse contacted NEP Investments as the PLH to notify them of further complaints and was asked to refer all complaints to Adrian Sainsbury. A message was left on Mr Sainsbury's voicemail however Mr Sainsbury did not return the call.

The Licensing Officer also contacted or visited the premise on the following dates: 21<sup>st</sup> March, 27<sup>th</sup> April, 11<sup>th</sup> May, 19<sup>th</sup> May, 21<sup>st</sup> June and 28<sup>th</sup> June

During this period of time, Wiltshire Council Out of Hours officers attended the location to witness noise from amplified music on 29<sup>th</sup> April, 27<sup>th</sup> May and 10<sup>th</sup> June 2017. On each occasion the officer witnessed a public nuisance and breach of the Noise Abatement Notice both outside on the street, as well as inside the complainants homes. Officers were able to identify the songs being sung/ played in the complainants homes.

In addition to complaints about amplified music, residents have also complained about noise from patrons of the premises who congregate outside the front of the

premise to smoke. This was also witnessed by an officer on 29<sup>th</sup> April 2017. Police were called to an incident outside the premise on 10<sup>th</sup> May 2017 when a fight took place.

On 23<sup>rd</sup> June 2017, Adrian Sainsbury left his position as DPS. Section 80 Statutory Noise Abatement Notices were then served upon NEP Investments as the Premises Licence Holders, and Sandra Oattes the newly appointed Designated Premises Licence Holder.

At the beginning of July 2017, NEP Investments submitted paperwork to transfer the Premises Licence jointly to Sandra Oattes and Chris Brown.

On 17<sup>th</sup> July 2017, Sandra Oattes and NEP Investments (as owners of the property) were notified of two further complaints. Sandra Oattes notified this authority on the same day that she had left the employ of the premise and would be removing herself as Premises Licence Holder and DPS.

On 21<sup>st</sup> July 2017 a S80 Statutory Noise Abatement Notice was served upon Chris Brown the new Premises Licence Holder.

On the same day Mr Brown advised Wiltshire Council following the departure of Sandra Oattes, Adrian Sainsbury would be re-instated as DPS for a short period of time.

Consideration has been given to what is the most appropriate course of action to effectively manage and respond to complaints about this premise, however the quick succession of changes in management for PLH and DPS of the premise have made it very challenging to prosecute for breach of notice.

Noise Abatement Notices have now been served on everyone having an interest in the property. Further breaches of the notices will be considered for prosecution.

As the Licenced Premise has demonstrated a disregard for the law in terms of breach of the Statutory Noise Abatement Notice and very poor noise management practices over a considerable period of time, review of the licence to disapply the Live Music Act 2012 and addition of further conditions would seem appropriate.

The Licensing Sub Committee may also wish consider a period of suspension of the Premises Licence to enable the premises to address the management issues, review the Noise Management Plan and implement any newly imposed conditions.

I recommend below additional or amended conditions:

1. Live Music Act 2012 disapplied

Monitoring:

2. Installation of CCTV inside & outside the premises. Recordings to be kept for a miminum of 28 days and made available to officers on request.

3. Outside area to the front and side of the premise to be checked hourly between the hours of 8pm and closing. Any patrons using these areas are either be moved on away from the premise, or asked to use the designated smoking shelter. Written records of all checks to be recorded and made available to local authority officers on request.

4. No glassess or drinks permitted outside.

5. Smoking to be restricted to the designated smoking area in the court yard.

Noise:

6. Installation of Noise Limiter device which must be used for all amplified music performed on site.

7. Amplified music events to be limited to two events per calendar month.

8. Noise levels will be controlled by the Designated Premises Supervisor (or nominee) at all times.

9. Noise management plan to be reviewed and updated. Any changes to be agreed in writing with the Licensing Authority and Wiltshire Council Public Protection.

10. DPS or Personal Licence Holder to be on site at all times during events which include amplified music.

**Please tick yes**

Have you made an application for review relating to this 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 this premises please state what they were and when you made them**

**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, 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 9<sup>th</sup> August 2017

Capacity Public Protection Officer

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.