

From: Fowler, Katherine

Sent: 09 April 2019 11:58

To: Hould, Hannah

Subject: FW: s. 51 Licensing Act 2003 - Review Application - @Home, 5 Bridge Street, Salisbury, SP1 2ND

Dear Hannah,

I write further to the application to review the Premises licence for @Home/

On the 18th March 2019 Public Protection objected to the Premises Licence Variation application for @home based on various reasons which are outlined in the attached email response. This department supports the application made to review the licence based on our lack of confidence in management to sufficiently manage and control noise from the premises to minimise disturbance and prevent a public nuisance.

Lack of confidence in management

One of the conditions on the current Licence for @home relates to the requirement for a noise limiting device. At a meeting held on 21st February 2019 with Louella, Licence holder she advised that she was not aware that a noise limiting device had been installed within any of the rooms within @home where music is played. Following the meeting we received photographs of a mixing system which Louella stated was the noise limiting device and was set between 0-3Db. This is an incredibly low noise level and not even perceptible by the human ear.

During the meeting held on 21st February 2019, I provided Louella with various information and advice on managing and controlling noise within the premises, including ensuring she was not in breach of her conditions which relate to noise. We discussed the previous noise complaints between 2015 and 2017 and the noise consultant's report that recommended various measures including the installation of sound insulation, creating a room within a room construction, silenced ventilation, servicing of space to prevent noise breakout, structural isolation of all speakers and sound lock lobbies. Louella advised of the difficulties in implementing these recommendations but confirmed that regular monitoring visits were carried out at the nearby sensitive receptor to ensure noise levels were inaudible during performances with live/amplified music. I advised Louella to submit a Noise Management Plan with her variation application to demonstrate what control measures are currently in place and would be implemented to minimise noise disturbance to neighbouring sensitive receptors. This was not submitted.

Following my email dated 18th March 2019 to Louella advising that Public Protection would be objecting to the variation application I contacted Louella by email on 1st April 2019 to arrange a suitable date to visit the premises to identify the noise limiting device and provide further advice on noise management within the premises. Louella was unable to meet on the days that I am in work (Mon, Tues and Thurs) until after the initial date of the hearing.

Please do not hesitate to contact me if you require any further information.

Kind regards

Kat Fowler

Environmental Health Officer

Environmental Protection, Public Protection Services

Tel: 01722 434346
Internal: 54346
E-mail: katherine.fowler@wiltshire.gov.uk

NB: I work Mondays, Tuesdays and Thursdays

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From: Fowler, Katherine
Sent: 18 March 2019 17:21
To: [REDACTED]
Cc: Hould, Hannah
Subject: Premises Licence Variation Application for @Home, Bridge Street, Salisbury

Dear Louella,

I write with reference to the Premises Licence Variation application for @Home, Bridge Street, Salisbury, SP1 2ND.

The premises currently holds a licence for regulated entertainment performances (live/recorded music) between the hours of 10.00 and 22.00, 7 days a week. The application proposes to extend these hours until 00.00 Monday to Thursdays and 03.00 on Fridays and Saturdays. This department has significant concerns that a public nuisance will be caused if regulated entertainment is licensed within the proposed extended hours. This premises has previously held a late night licence and operated into the early hours of the morning, and between 2015 and 2017 this department received numerous complaints in relation to noise disturbance from the premises. Since @home has been operating we have received one complaint in relation to noise from loud music following a Temporary Event Notice that was held on Saturday 16th February 2019 until 03.00.

One of the conditions on your licence relates to the requirement to install a noise limiting device. Having met with you on 21st February 2019 you advised that that you were not aware of a noise limiting device being installed in any of the rooms within @Home where music is played. We received a photograph of your mixing system which you stated was your noise limiting device and is set between 0 – 3dB. This level of sound is incredibly low and does not relate to the level that would be set on a noise limiting device. A noise limiter is a separate piece of equipment that monitors the sound levels in the room and will control the volume of the sound system to ensure it does not go beyond a set dB level. Some noise limiters will cut power from the sound equipment if the maximum sound level set is exceeded, some will provide a warning traffic light system which will flash when noise levels are nearing the maximum noise level and others may automatically control the volume. The limiter would need to be set at a level in which music noise would be inaudible in the adjacent premises. You would then need to ensure that this level is not adjusted.

Having considered the previous history and the information you have provided it is evident that the building is not adequately insulated and appropriate noise controls have not been implemented to minimise disturbance and prevent causing a public nuisance. In 2016 a noise consultant provided advise and made recommendations to ensure noise would be inaudible at the nearest sensitive receptor, this included installation of sound insulation, creating a room within a room construction, silenced ventilation and servicing of space to prevent noise breakout, structural isolation of all speakers and sound lock lobbies. As far as I am aware none of these recommendations were implemented.

Based on the structure of the building, lack of current noise controls and proximity of nearby sensitive receptor 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 object to the proposals to vary the Premises Licence.

For us to consider supporting a variation application, you as the applicant would need to provide evidence to demonstrate that noise from regulated entertainment (live/recorded music) will not have an adverse impact and be inaudible at the adjacent sensitive receptor. We would also expect a comprehensive noise management plan to demonstrate what controls and measures will be implemented to prevent unreasonable disturbance, this would include the installation of the noise limiter and considering reducing the timings regulated entertainment is performed. I have attached some guidance on noise management plans.

Kind regards

Kat Fowler
Environmental Health Officer

Environmental Protection, Public Protection Services
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Environmental Control and Protection – Review hearing comments

To Licensing officer : Hannah Hould

From Environmental Control and Protection Officer: Kat Fowler

Date: 21st May 2019

Licensed premises address	@Home, 5 Bridge Street, Salisbury, SP1 2ND
Designated Premises Supervisor (DPS)	Miss Louella Adamson
Licensing review date	31 st May 2019
Environmental Health Reference:	(WK/201904486)

In June 2018 the DPS for this premises applied for a Premises Licence to operate until 22.00hrs Monday to Sunday. Following noise concerns three specific conditions were imposed by JD Wetherspoons who operate The Kings Head Hotel.

In March 2019 this department objected to a Premises Licence Variation application for @Home as we have concerns with the suitability of the building operating as a late night venue and a lack of confidence in management to control and manage noise from the premises to prevent a public nuisance. Our email response is attached in appendix 1, dated Monday 18th March 2019.

This department supports Wiltshire Police with their application to review the Licence for @Home based on concerns we have with Miss Adamson's ability to comply with licensing conditions and manage and control noise from the premises to prevent a public nuisance.

Non Compliance with licensing conditions

One of the conditions on the current Licence for @Home under Annex 2B, Prevention of Public Nuisance relates to the installation of a noise limiter in the premises through which all amplified music or voices must be played. The levels set must be in agreement with JD Wetherspoon PLC.

In a meeting held with Miss Adamson on 21st February 2019 she advised that she was not aware that a noise limiting device had been installed within any of the rooms within @home where music is played. Following the meeting we received a photograph of a mixing system which Miss Adamson stated was the noise limiting device and was set between 0-3dB, attached in appendix 2. This is an incredibly low noise level and not

even perceptible by the human ear.

On Tuesday 14th May 2019 a meeting was held at @Home between Miss Adamson, Katherine Fowler and Gary Tomsett (Environmental Protection and Control). Miss Adamson explained that all music in the upstairs room is played via two speakers which are fixed to the rear wall either side of the stained glass window. Miss Adamson pointed to an American Audio DB Display MKII unit. She advised that this unit is the noise limiter and if the noise level of the music goes into the red zone it is turned down. Appendix 3 shows a photograph of the DB Display MKII unit, this is a different unit to the one shown in photograph 1 in appendix 2.

In the downstairs room music is played through a single Naim speaker. On nights with events DJ's will set up their own equipment and speakers. When there are no events customers plug their own phones and/or devices into the Naim speaker provided by @Home. There are no other speakers, amplification systems, display units or noise limiters in this room.

The DB display unit in the upstairs room is not a noise limiter, as there does not appear to be a microphone installed to measure noise in the premises from customers and music. Whilst the unit provides an indication of what the music noise levels are, it is not an effective way to control noise levels on a whole as it relies on someone continuously monitoring the LED display to ensure that the music has not been turned up. Further still the condition for a noise limiter was imposed to control all noise from music and customers in the premises. Therefore, the DPS has no current measures in place to control and monitor the noise from the downstairs room.

At the time of our visit the mixing system was situated on a worktop at the side of the premises next to a laptop which is exposed to possible tampering by customers. Though our visit was carried out when the premises was closed, so it is possible that this is moved out of reach when the business is operating.

Lack of confidence in management

This department has advised Miss Adamson on numerous occasions during meetings, email and phone correspondence what action is required to ensure measures are implemented to manage and control noise and to prevent noise breakout from the premises, but this has been ignored. Our most recent meeting was terminated due to the lack of engagement from Miss Adamson to implement control measures to manage noise from the premises effectively.

In June 2018 Miss Adamson was advised to submit a noise management plan, this was repeated at a meeting held to discuss the variation application and again at a subsequent meeting. This department has still not received a noise management plan for the premises.

Miss Adamson has also been advised several times to engage in the services of a noise consultant to take advice on the best possible solutions to insulate the premises to prevent sound breakout. There are various weak points in the building that could be improved to mitigate noise, including fresh air vents, single glazed windows in the rear lobby area, rear fire door. Miss Adamson has been advised to discuss with the freeholder, JD Wetherspoons whether there are any ways to improve the structural integrity of the building to further attenuate noise from the premises without breaching

the Grade II listed consent.

Taking into consideration the history for the previous premises that operated in this building into the early hours of the morning, the close proximity of neighbouring businesses and residential properties it is evident that the building is poorly insulated and is not suitable to operate as a late night venue with regulated entertainment into the early hours of the morning.

On 20th May 2019 a further email was sent by Kat Fowler to Miss Adamson advising her on what action she should take to comply with the Licensing conditions under prevention of public nuisance, make efforts to improve the insulation of the premises and effectively manage and control noise. This can be found in appendix 4.

Fowler, Katherine

From: Fowler, Katherine
Sent: 18 March 2019 17:21
To: louella [REDACTED]
Cc: Hould, Hannah
Subject: Premises Licence Variation Application for @Home, Bridge Street, Salisbury
Attachments: Noise management guidance.docx

Dear Louella,

I write with reference to the Premises Licence Variation application for @Home, Bridge Street, Salisbury, SP1 2ND.

The premises currently holds a licence for regulated entertainment performances (live/recorded music) between the hours of 10.00 and 22.00, 7 days a week. The application proposes to extend these hours until 00.00 Monday to Thursdays and 03.00 on Fridays and Saturdays. This department has significant concerns that a public nuisance will be caused if regulated entertainment is licensed within the proposed extended hours. This premises has previously held a late night licence and operated into the early hours of the morning, and between 2015 and 2017 this department received numerous complaints in relation to noise disturbance from the premises. Since @home has been operating we have received one complaint in relation to noise from loud music following a Temporary Event Notice that was held on Saturday 16th February 2019 until 03.00.

One of the conditions on your licence relates to the requirement to install a noise limiting device. Having met with you on 21st February 2019 you advised that that you were not aware of a noise limiting device being installed in any of the rooms within @Home where music is played. We received a photograph of your mixing system which you stated was your noise limiting device and is set between 0 – 3dB. This level of sound is incredibly low and does not relate to the level that would be set on a noise limiting device. A noise limiter is a separate piece of equipment that monitors the sound levels in the room and will control the volume of the sound system to ensure it does not go beyond a set dB level. Some noise limiters will cut power from the sound equipment if the maximum sound level set is exceeded, some will provide a warning traffic light system which will flash when noise levels are nearing the maximum noise level and others may automatically control the volume. The limiter would need to be set at a level in which music noise would be inaudible in the adjacent premises. You would then need to ensure that this level is not adjusted.

Having considered the previous history and the information you have provided it is evident that the building is not adequately insulated and appropriate noise controls have not been implemented to minimise disturbance and prevent causing a public nuisance. In 2016 a noise consultant provided advice and made recommendations to ensure noise would be inaudible at the nearest sensitive receptor, this included installation of sound insulation, creating a room within a room construction, silenced ventilation and servicing of space to prevent noise breakout, structural isolation of all speakers and sound lock lobbies. As far as I am aware none of these recommendations were implemented.

Based on the structure of the building, lack of current noise controls and proximity of nearby sensitive receptor 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 object to the proposals to vary the Premises Licence.

For us to consider supporting a variation application, you as the applicant would need to provide evidence to demonstrate that noise from regulated entertainment (live/recorded music) will not have an adverse impact and be inaudible at the adjacent sensitive receptor. We would also expect a comprehensive noise management plan to demonstrate what controls and measures will be implemented to prevent unreasonable disturbance, this would include the installation of the noise limiter and considering reducing the timings regulated entertainment is performed. I have attached some guidance on noise management plans.

Kind regards

Kat Fowler
Environmental Health Officer

Environmental Protection, Public Protection Services
Tel: 01722 434346
Internal: 54346
E-mail: katherine.fowler@wiltshire.gov.uk

NB: I work Mondays, Tuesdays and Thursdays

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Appendix 2 – Photograph 1 sent by Miss Adamson via email to Hannah Hould (Licensing officer) on 21st February 2019 showing what she believes is her noise limiter.



Email correspondence from Louella Adamson to Hannah Hould on 21st February 2019.

On 21/02/2019 19:43, Louella Adamson wrote:

- > Hi,
- >
- > They've just been round and I have had a noise limiter the whole time
- > in my PA, picture attached and it operates between 0-3 decibels on a
- > Friday and Saturday. Still much below the recommended limit. Also
- > attached is my blue form displayed in my window.
- >
- > ---
- > Kind Regards
- >
- > Louella Adamson
- > Top Dog
- > @home Salisbury ltd
- > [REDACTED]
- > athomesalisbury.com
- > fb @homesalisbury ig home_salisbury t @home_salisbury

Appendix 3 – Photograph 2 taken by Kat Fowler (Environmental Health Officer) during a meeting held at the premises with Miss Adamson.

This photograph shows a Phonic Max 1500 amplification unit and an American Audio dB display MKII unit which indicates the dB level of the music noise. It does not appear to have a microphone and therefore it is not considered to be a noise limiting device limiting the overall noise level inside the premises to a level agreed by both JD Wetherspoons and @Home.



Fowler, Katherine

From: Fowler, Katherine
Sent: 20 May 2019 13:41
To: [REDACTED]
Subject: RE: FW: @home Variation
Attachments: Noise management guidance.docx

Dear Louella,

Thank you for meeting with Gary Tomsett (Team Leader) and myself on Tuesday 14th May 2019 at your premises, @home. It was useful to see the layout of the premises and proximity of the guest rooms at The Kings Head.

You have sent across your Health and Safety policy document. Section 18 of this document outlines 'Noise at Work', this relates specifically to The Control of Noise at Work Regulations which place a duty on employers to reduce the risk to their employees' health by controlling the noise they are exposed to whilst at work. This falls under Health and Safety legislation which is not within the remit of this department. Our remit relates to protecting the wider public (neighbouring businesses and residents) through statutory nuisance legislation and acting as a consultee to the licensing department to ensure the Prevention of public nuisance objective can be met.

With a crowd of people and live or amplified music being played in your premises noise levels will certainly be above 80dB. You have mentioned that a noise survey will be carried out by a competent person to ascertain the actual levels where noise output is in excess of 80dB has this been carried out?

There are a number of reasons why we objected to your recent Variation application to extend the operating hours of the premises. These include the poor structure of the building and lack of confidence in management to effectively manage and control noise from the premises to prevent causing disturbance and nuisance to neighbouring businesses and residents. I will outline these concerns below;

Noise management plan

As with any Premises Licence application including variation applications if it is likely that noise from regulated entertainment at that premises could adversely impact on neighbouring businesses and residents we would expect a Noise Management Plan to be submitted as part of the application and may also recommend to the Licensing department that other conditions are attached. When you applied for the Premises Licence you were advised to submit a Noise Management Plan. Despite requesting this several times during email and phone correspondence, meetings and visits this department has still to date not received a Noise Management Plan for this premises detailing exactly how you manage and control noise. Things to consider include hours of operation, number and type of events, volume, sound breakout through doors, windows, vents, building design and construction, location and direction of speakers, use of other equipment by DJ's/bands etc. There is lots of information available online and I have provided a guidance document which you can also use.

Noise limiter

Furthermore, in agreement with Weatherspoons a number of conditions were attached to your licence which relate to controlling noise, one of which included the installation of a noise limiter. At the time of your application in July 2018 Ian Garrod (Licensing Officer) advised that the limiter would need to be set up and operated by the Premises Licence Holder and Designated Premises Supervisor, which is you. Therefore, you were advised to install and agree suitable noise levels with Weatherspoons. It is apparent that this was never carried out and therefore no levels have ever actually been agreed. As discussed in our meeting on Tuesday please can you pass on contact details for your sound engineer so that I can discuss with them where the microphone is for your current noise limiter which you have installed in the upstairs room.

Structure of the building

We appreciate that the building is Grade II listed and therefore limited works can be carried out to the overall structure of the building. However, as Weatherspoons own the building we would recommend that you discuss with them what remedial action can be carried out to better insulate the premises to prevent noise breakout. During our visit we identified a number of weak points in which noise will easily break out including; the ventilation grill above the window in the upstairs room, the rear fire door and windows in the escape route, the toilet windows which appear to have been boarded and filled with expanding foam. There is likely to be some flexibility in making improvements to the premises to attenuate the noise, especially as the noise is impacting on Weatherspoons.

Variation application

Going forward with your variation application and subject to the result of the Licensing review hearing for this department to be satisfied that the Licensing objective; Prevention of public nuisance can be met we would expect you to engage in the services of an accredited noise consultant. They should carry out a survey and advice on the best available solutions to insulate the premises to prevent sound breakout and implement effective controls and measures which should be detailed in a NMP. We would strongly advise you to discuss the possible solutions with Weatherspoons and agree on a noise level to set the limiter to with them. This department can assist in setting a level if required, but all music in the premises will need to go through the noise limiter.

Please do not hesitate to contact me if you wish to discuss further.

Kind regards

Kat Fowler
Environmental Health Officer

Environmental Protection, Public Protection Services
Tel: 01722 434346
Internal: 54346
E-mail: katherine.fowler@wiltshire.gov.uk

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From: Louella Adamson [mailto: [REDACTED]]
Sent: 14 May 2019 18:47
To: Fowler, Katherine
Subject: Re: FW: @home Variation

Hi,

Attached is our original and worked on H&S document that was submitted with the initial licence and accepted. Section 18 page 8 outlines our noise procedures.

I have also downloaded a noise diary from the Wiltshire Council website and will endeavour to fill this in to get a better feel for the sound everyday.

Wiltshire Council don't have a noise management plan template do they? If you need to see things in a different format please detail.

I'm sorry for the frustration you feel towards me and the premises. There is nothing personal and I would hate for you to take it home with you or be upset by our interactions, its merely my argument with the uniform. How many more hoops am I going to be asked to jump through? I have to deal with horrible people on an almost hourly basis sometimes and in this life you've got to fight for everything you've got. @home has traded and continues to trade quite happily without any of your involvement, I unsure why every little thing is suddenly a problem, I will trade tonight just as I did last night and just as I will tomorrow, there are no incidents or complaints coming in. This is a community venture.

Kind Regards

Louella Adamson
Top Dog
@home Salisbury ltd
[REDACTED]
athomesalisbury.com
fb @homesalisbury ig home_salisbury t @home_salisbury

On 02/05/2019 15:37, Fowler, Katherine wrote:

Hi Louella,

You will need to confirm what time and date. I have not received an email from you since 29th April 2019 other than your most recent one just sent, 2nd May at 15.25.

Kind regards

Kat Fowler

Environmental Health Officer

Environmental Protection, Public Protection Services

Tel: 01722 434346

Internal: 54346

E-mail: katherine.fowler@wiltshire.gov.uk

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From: Louella Adamson [mailto: [REDACTED]]
Sent: 02 May 2019 15:25
To: Fowler, Katherine
Subject: Re: FW: @home Variation

Yes, I sent you an email saying yes.

Kind Regards

Louella Adamson
Top Dog
@home Salisbury ltd
[REDACTED]
athomesalisbury.com
fb @homesalisbury ig home_salisbury t @home_salisbury

On 02/05/2019 13:00, Fowler, Katherine wrote:

Hi Louella,

Please can you confirm whether you are available on Monday 13th May? I am on annual leave after today and will not be picking up my emails until 13th May 2019. If this date is not suitable then we will continue to meet at 3pm on Tuesday 14th May.

Either way, please let me know.

Kind regards

Kat

Kat Fowler
Environmental Health Officer

Environmental Protection, Public Protection Services
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Internal: 54346
E-mail: katherine.fowler@wiltshire.gov.uk

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-----Original Message-----
From: Fowler, Katherine
Sent: 30 April 2019 12:40
To: Louella Adamson
Subject: RE: @home Variation

Afternoon,

Can you make any of the dates on Monday 13th May?

Kind regards


Kat Fowler
Environmental Health Officer

Environmental Protection, Public Protection Services
Tel: 01722 434346
Internal: 54346
E-mail: katherine.fowler@wiltshire.gov.uk

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-----Original Message-----
From: Louella Adamson [mailto: 
Sent: 29 April 2019 17:09
To: Fowler, Katherine

Subject: Re: @home Variation

Hi,

Let's do 3pm Tuesday 14th.

Is there a noise problem at the premises? Are people making police reports? What is the reason for the visit? When you see the set up is all as per my conditions will you take your representations away for the review and the hearing?

Kind Regards

Louella Adamson
Top Dog
@home Salisbury ltd
(
athomesalisbury.com
fb @homesalisbury ig home_salisbury t @home_salisbury

On 29/04/2019 15:30, Fowler, Katherine wrote:

Dear Louella,

On 1st April 2019 you replied to my email stating that you were not available on the days that I work, making it impossible for me to visit your premises to discuss noise management, see below.

I am proposing the following dates for a meeting to be held at your premises, @Home for you to demonstrate how you operate your noise limiter. I will also be able to provide you with advice on further measures to control noise from the premises, this is following advice that has already been provided to you during a meeting held at Bourne Hill offices on 21st February 2019.

- Monday 13th May at 11am, 2pm or 3pm
- Tuesday 14th May at 9.30am, or anytime in the afternoon up until 4.30pm
- Monday 20th May am or pm
- Thursday 23rd May am or pm
- Tuesday 28th May am or pm

Please let me know which date and time is suitable. If you are not available on any of the above dates it is going to be very difficult to meet you onsite. I can provide advice over the phone and email but if this advice is not utilised and implemented it is unlikely that we will be able to support you any further with advice on how to effectively manage noise from your premises.

I look forward to hearing from you shortly.

Kind regards

KAT FOWLER

ENVIRONMENTAL HEALTH OFFICER

Environmental Protection, Public Protection Services

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FROM: Louella Adamson [mailto: [REDACTED]]
SENT: 27 April 2019 23:34
TO: Fowler, Katherine
SUBJECT: @home Variation

Hello Katherine,

I have just read your representation regarding the review of my premises. You are more than welcome to come and have a look, I did send you other dates and didn't hear back from you. The noise limiter is set between 0/3 (which is on a scale of :10 I think... and thus audible to the human ear and far below the recommended levels nationwide. I have 2 noise limiting devices, one on the amp (this one rarely moves and will cut out if its in the red for too long) and one on the mixer that gives me a more diverse reading hence the picture shown. Although it seems pretty pointless having limiters when an actual limit hasn't been added to the licence conditions. Which I have offered to implement several times. The noise complaints in 2015-2017 DO NOT RELATE to me. I took the premises over in May 2018. There has been 1 complaint in this time I believe, that was never investigated or actioned by the police.

Please let me know some date options of a site visit and I can show you round the building to better understand it and perhaps discuss a noise management plan that you'd like to see in place.

--

Kind Regards

Louella Adamson
Top Dog
@home Salisbury ltd
[REDACTED]
athomesalisbury.com
fb @homesalisbury ig home_salisbury t @home_salisbury

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