

@Home, 5 Bridge St, Salisbury

**Representation of JD Wetherspoon PLC in Support of Review Application by
Wiltshire Police**

JD Wetherspoon PLC (the "Company") own and operate the Kings Head Inn, Salisbury (the "Premises") located adjacent and above @Home. The Kings Head Inn is both a public house and hotel with a total of 33 rooms. The Premises has traded since April 2004.

When @Home's current site was occupied as Truth, the Company lodged a review application in November 2017 based on the venue's then failure to promote the licensing objectives of the prevention of public nuisance and public safety arising in the main from persistent late night noise nuisance caused to residents and staff in the hotel element of the Premises but also from accumulation of waste in the shared service yard to the rear of both venues. The application did not seek the revocation of Truth's premises licence but the addition of a number of conditions which would, in the Company's view, ensure that Truth promoted the licensing objectives and prevent future occurrences of noise nuisance and the build-up of waste. Those conditions were as follows:

- 1) *The premises licence holder and/or DPS will ensure that music and noise from customers from the premises is inaudible in the hotel section of the Kings Head Inn (or any equivalent successor premises in the same location).*
- 2) *The premises licence holder and/or DPS will install a noise limiter in the premises through which all amplified music or voices must be played and its levels set in order to achieve compliance with condition 1 above, after consultation with Wiltshire District Council's Environmental Health Department and the appointed representative of JD Wetherspoon PLC.*

Such levels shall not be capable of adjustment above the levels set by the management of the premises except with prior written authority of Wiltshire District Council's Environmental Health Department.

- 3) *The premises licence holder shall ensure that the rear yard of the premises is maintained in a clean and tidy state and litter is stored in appropriate lidded and secure receptacles located with the demise of the premises whilst awaiting collection and does not obstruct the fire exit of the premises at any time.*

Prior to the hearing of the application, Truth closed and the premises licence was surrendered rendering the review application redundant and it was therefore subsequently withdrawn.

The surrender of the premises licence by Truth meant that any future operator of the location it occupied would have to apply for a new premises licence. Liaison took place between Ms Louella Adamson (whom we understand is the current DPS for @Home) and the Company prior to the lodging of @ Home Salisbury Limited's premises licence application and it was agreed that in return for the Company not opposing the grant of a premises licence, the conditions which the Company had sought in its review application for Truth would be added as conditions on any new premises licence granted.

Further to that agreement, the Company lodged a representation opposing the grant of the premises licence but subject to the proviso that it would be withdrawn if the applicant agreed to the conditions being added to the premises licence. This agreement was given and the representation withdrawn. The Licensing Authority suggested some amendments to the proposed conditions, which were agreed and therefore the following conditions appear on @Home Salisbury Limited's premises licence:

1. *The premises licence holder and/or DPS will ensure that music and noise from customers from the premises is inaudible in the hotel section of the Kings Head Inn (or any equivalent successor premises in the same location).*

2. *The premises licence holder and/or DPS will install a noise limiter in the premises through which all amplified music or voices must be played and its levels set in order to achieve compliance with condition 1 above, after consultation with the appointed representative of JD Wetherspoon PLC. Wiltshire Council's licensing department are to be informed, in writing, of the agreed level.*
3. *Such levels shall not be capable of adjustment above the levels set by the management of the premises except with prior written authority of Wiltshire Council's Licensing Department.*
4. *The premises licence holder shall ensure that the rear yard of the premises is maintained in a clean and tidy state and litter is stored in appropriate lidded and secure receptacles located with the demise of the premises whilst awaiting collection and does not obstruct the fire exit of the premises at any time.*

Despite the conditions being in place, the Premises have unfortunately continued to suffer noise nuisance from music and customer noise on a regular basis since the opening of @Home. The limited hours of operation of @Home have to a certain extent mitigated the impact on the Premises' overnight guests but notwithstanding, the music noise remains intrusive and unacceptable and causes disturbance to guests and staff. @Home has also taken advantages of a number of TENs which has meant the music noise has continued after the terminal hour on the premises licence.

The Company has written to Ms Adamson on a number of occasions (24.8.18, 22.11.18 and 1.2.19) advising her of the noise nuisance and breach of conditions but unfortunately there has been an absence of willingness to engage on the issue and no discernible sustained improvement in noise levels. Music from @Home continues to be heard in the Premises. Noise logs and copy correspondence will be produced should the Police's application proceed to a hearing for determination.

In addition, the Premises management report that on a number of occasions non-compliance with condition 4 has been brought to @Home's attention.

We are supportive of @Home's efforts to create a vibrant and varied entertainment venue in Salisbury and indeed have displayed patience in allowing the venue opportunity to resolve matters on a voluntary basis without involvement of the authorities. This must not come, however, at the expense of disturbance to the Company's Premises, guests and staff and a failure to promote the licensing objectives.

We respectfully ask that the Licensing Committee take into account this representation on determination of the review application lodged by Wiltshire Police.

We would be willing to attend any meeting of the parties to resolve the Police's application if it was felt helpful


Nigel Connor

Company Secretary

JD Wetherspoon PLC

1st May 2019

@Home Noise Log – week ending 6th January 2019

31/12/2018 – NYE Party (7:30pm-2am)

20:45 Can hear music very faintly from reception. Appears a bit louder from the 1st floor corridor.

21:10 Music has appeared to have got a bit louder.

22:15 Music still playing, lots of cheering and clapping from people too. Can be heard louder in 1st floor corridor

22:25 Karaoke has now started

Karaoke accompanied by cheering, can be heard very loudly along corridor to 1st and 2nd floor, 112/113 fire exit and Reception. Music was playing until the designated finish time. The following notes are after the 2am finish time.

2:03- Karaoke is on going- 1 song

2:06 2 song

2:08 Another song has started- 3 song

2:14 - 4 song

2:19- 5 song

2:22-6 song

2:28- 7 songs

2:32- Goodbyes can be heard over the microphone, 32 minutes after their posted finish time for entertainment. Cheering and whooping from the happy crowd, 7 songs past their official event finish time.

04/01/2019- Karaoke Night - 7pm till 10pm

19:15 Music has started audible in the office can not hear in Reception with office door shut

19:35 Music has stopped.

20:40 Can hear faint music with a bit of singing when in the Office but nothing significant.

20:55 Little bit louder now can be heard in the corridor leading to first floor. Can hear singing

21:35 Quite loud wailing, mumbling and singing

22:05 Still music and singing going on, quite loud in Reception back Office and in Corridor leading to 1st Floor.

22:10 Heard them say 'One more song before we go', bass was quite thumpy and loud.

22:20 one more song. All Quiet now.

05/01/19- Cherry Liquour Live Drag18+ event (8pm – 10pm)

20:30- Music has started, can hear singing over microphone which can be loudly hear in Reception, 112/113 corridor and along 1st and 2nd floor corridor. At least she can hold a tune.

20:37- Mumble talking on microphone, guessing she's a stand-up comedy queen.

20:45- Volume has increased, walking on sunshine being sung by entertainer and goes back to stand-up comedy after song. Laughter can be heard and microphone talking is now very audible within all noted locations (Reception, 112/113 corridor, 1st and 2nd corridor)

20:57- can hear volume increase as customers enter and leave, holding the door open for minutes at a time.

22:10- Live singing has stopped- now playing recorded music, still audible in Reception 112/113 corridor and corridor to 1st and 2nd floor

22:24- All quiet, no music can be heard within the hotel.

@home noise log WE 13/01/2019

07/01/2019

20:15 Loud-ish music heard in reception.

20:50 Nothing heard in a while.

09/01/2019

20:35 Karaoke/ Open mic seems to be happening. Can be heard in reception.

21:00 Can be heard quite loudly in corridor leading to first floor.

21:30 Sudden loud bass-y music.

22:06 Still going. Talking loudly into the mic.

22:10 All quiet.

22:16 Nevermind. Practically shouting in the mic.

22:20 Now its quiet.

10.01.2019

20:00 music & chanting? can be slightly heard in back office

20:30 loud thudding can be heard from the reception desk

22:25 loud music can be heard in reception and back office. But not on the street when walking past.

11/01/2019

20:30 Karaoke has started. Can be heard loudly by room 110 and along corridor towards reception. Can also be heard from reception.

21:10 Its more shouting than singing now and can be heard quite well from reception. Its very loud out in the corridor.

21:20 Shouting along to boh rap now

21:30 Singing has got louder. Singing along to 'gree, green grass of home'.

21:50 All gone quiet now

22:00 Can hear singing loudly from 1st floor corridor and by room 110.

22:30 Seems to have gone quiet again.

12/01/2019

19:20 Music can be clearly heard in reception.

21:00 It's been a couple of hours and so far ive not heard much. An occasional beat or two but they have been decidedly quiet tonight.

Guest stayed 22nd December-24th December

[Your Booking.com reviews page](#)

2019-01-08 **8.3**

New!

Beautiful building from outside good value great food

- 😊 Lively pub atmosphere great value meals lovely big comfortable beds. Very quiet in the room above we were in the back so could hear no noise from the street.
- ☹️ Karaoke from the place next door on a saturday night was rather loud but it did finish at 1am.

@home noise log WE 20/01/2019

16/01/19 – Circus Cabaret

21:00 Could hear music along first floor corridor near 110 as I was doing my room checks.

21:30 Music can be heard from back office.

22:00 Singing can be heard quite loudly along first floor corridor and can also be heard in reception.

22.25 Can still hear singing from reception – ‘ Queen’s Crazy Little Thing Called Love’.

22:55 music has stopped

18/01/2019

18:55 Sounds like sound check happening

19:40 Can be heard in back office only

20:08 Is now, just, audible in reception.

20:20 Has started getting louder. Still not overly intrusive.

20:40 Very loud karaoke

21:10 Karaoke (if you can call it that) still very loud

21:40 Still going, still loud.

21:58 About to do fire check and they are still going and now louder.

22:00 Very loud in corridor leading to 1st

22:15 Still going and still loud

22:30 Still going. Loud and bass-y.

22:40 All quiet

19/01/2019

19:30 music very loud on 1st floor, outside reception, in 112 and 113

21:00 music still loud

20/01/2019 – Event – Under 18's live music party

17:30 Sounds like a sound check – lots of random drumming noises. Very loud in reception.

17:40 definitely a sound check and its getting louder. Rock bands and hotels on a Sunday don't mix well.

18:10 A lot of noise from the queue of people waiting to get in.

18:20 Music started but stopped almost as soon as. Very loud while they were going.

18:35 Music still audible but levels have dropped.

19:30 Music levels have fluctuated between very loud and barely audible over the last hour. Currently butchering Bad Wolves – Zombie.

21:00 Suddenly very quiet after an hour of almost non stop rock covers.

21:05 Never mind its started again and louder.

21:15 Guest in 113 has commented that the band is very loud in her room and queried if this will continue during the week. I gave her the best assurances I could specifically that their licence is till 10pm currently.

21:35 Still very loud. Becoming very intrusive and even im finding it uncomfortable sitting at reception.

21:45 They are due to finish by 10pm yet they still have one act left to play!?

22:05 They played through my fire check, So loudly in link-way to 1st that a normal conversation would be drowned out. Could be heard in 1st with door closed so must be loud in 109/110. Could be heard up the stairs to 2nd and the stairs by 113.

@home noise log WE 27/01/2019

25th January- event: West end inspired karaoke

19:30- Music can be heard very quietly in Reception back office only. Nothing heard from any other location.

No other music was heard during the evening shift.

26/01/2019

Pretty steady volume (not overly intrusive) from around 19:00 till 20:00 then it got very loud till it suddenly died at 22:20.

27/01/2019

Quiet all night; no music tonight

@Home Noise Log W/E 17/02/2019.

15/02/2019- music scheduled online until 3am

Music was very loud in hotel, could be heard in 112/113 corridor, linkway corridor to 1st and 2nd floor, reception and reception back office. We blocked out 110-111 due to the bass and possible noise issues.

1:00 approx, guest asked where music was coming from and although they understood that this noise wasn't due to us, it had negatively affected his stay. He declined moving rooms due to his partner falling asleep but did accept a pair of earplugs.

Duty Manager went to business and they stated they had a premise licence until 3am, but did not show this licence to us. Duty Manager called the council to make a formal noise complaint, as well as the non-emergency police number and was informed that nothing could be done at this time, so they will be chasing this up on Monday morning.

3:10 Music stopped

16/02/2019- music scheduled online until 2am

20:30 Could hear music whilst out on 1st floor corridor.

21:15 Music still going on and can hear faintly from back office in reception.

21:40: Guest from Rm 108 asked when the 'thumping noise' is likely to stop as her small daughter is trying to get to sleep. Mentioned to shift leader in pub who said he will try and send someone round there and ask for the volume to be turned down.

10:15 When on my fire check rounds, the music was quite loud by rooms 108-111 and also out in the corridor at the bottom on the stairs going up to 2nd floor. Could also be heard at the top of 2nd floor and by room 112 and 113. Can we heard slightly from the office in reception too. It's just 'thump, thump, thump'.

10:30 Guest from room 108 calls again to say that the music has got louder. I went down to the bar and reported it. Can be heard from outside reception and faintly from reception now.

11:30 Have been informed by duty manager that the pub manager went round to ask them to turn the volume down and they refused him entry onto the premises. Bass could be felt through the floor along 1st and 2nd floor corridor.

00:16 Guest has come to reception to mention that music has not be quietened at all during her stay, if anything it has been climbing in volume. This guest is due at least a partial refund as even with earplugs she is unable to sleep. The bass is keeping her awake, as it is vibrating the floor and furniture. In the bathroom it can be strongly felt through the floor.

00:41 Karaoke shouting has now started

2:00 During my fire check, guest from 112 called to complain about noise and lack of sleep. I was unable to move him due to being fully booked. Guest requested information about what we have done to rectify the situation (which was trying to talk to the business directly without any success, calling the council to place a noise complaint and the non-emergency police line for assistance) and was extremely upset. 1 of the 2 guests had already left, as they were unable to sleep due to the excessive noise caused late at night and the remaining guest has requested a refund tomorrow morning. This guest had booked for 2 nights and may now cancel the next night, costing us further- not to mention the negative reviews we will receive due to the Friday and Saturday night "entertainment"

So far two refunds due totalling £142.20

2:13 screaming Bon Jovi

2:15 Music could also be heard from the side entrance of the bar due to the sheer volume, as well as heard through the locked double doors within the pub to the hotel lift and lobby.

3:08 Music has finally stopped, 1 hour (and 8 minutes) after advertised time and the damage has already been done.

Hotel room 108 was refunded 71.10 on check out.

@Home Noise Log W/E 24/02/2019.

20/02/2019

19:35 – Faint music can be heard coming from next door. Audible in reception.

21:00 – Quiet since around 19:50. No idea what they were doing.

22/02/2019

20:10 – On starting my room checks, singing could be heard clearly from the corridor outside of reception.

20:30 – Singing can be heard in reception. Must be karaoke night!!

21:00 – Can still hear the singing. Think it is also by the same man.

21:25 - A lady is now singing now and appears a lot louder than the previous singer.

21:30 – A man is now singing; or should I say, shouting the lyrics.

21:40 – The owner from @home was down in the pub selling raffle tickets and trying to get more business. She was asked politely to leave the premises.

22:15 – Whilst on my fire checks, the music could be heard very loudly in the corridor outside of reception and by rooms 110/111. Can also still be heard from reception.

22:25 – All gone quiet.

23/02/2019

19:35 – There has been low, near continuous, thumping music coming from next door for approximately 10 minutes.

19:40 – Volume has gone up. Can now hear vocals fairly clearly.

20:40 – Music has been fairly loud for the last hour. Clearly audible in reception.

21:20 – Still going with no change to volume.

21:45 – Volume and bass increased and A LOT of shouting from next doors clients.

22:05 – Fire check – no noise heard during fire check or upon return to reception.

@Home noise log weekending 03.03.2019

26/02/2019

22:00 fire check music can be heard in the link-way to first floor.

22:30 singing has started and can be heard from reception desk

27/02/19

20:30 Music can be heard in reception from next door.

21:20 Still going and still audible in reception

22:30 Can still hear music

01/03/2019 – HARRY OKE NIGHT

21:00 Can hear bass music and someone singing from reception

21:00 Singing can still be heard from reception

22:00 On fire check music could be heard loudly along 1st floor corridor by reception and along by room 110.

22:30 Singing can still be heard from reception

01:30 @home had parents drinking in their place with 3 kids they left at around midnight, one of the kids ran off into the pub garden they were found but police were called. Police were here for a good few hours and kids were taken by social. The pub has done a full report of it if any more info is needed.

02/03/19

19:11 They are playing music but it is only audible in the office.

19:40 Can now hear the music in reception

19:45 Member of staff next door is out on the pavement handing out raffle tickets – I will alert the pub in case they try coming into the pub again.

20:10 Sounds like a live act playing now. Very loud in reception. Judging by the volume I suspect they have the doors open.

21:30 Still going and still loud. Jonny Pill (manager) has been up and even he noted the volume seemed excessive in the corridor.

22:05 Went quiet as I was coming back from fire check.

@Home noise log week ending 24.03.2019

23/3/19 LuLu Delish – Drag Act

20:00 Singing has started and can be heard faintly from reception but loud in the corridor by reception

20:50 The singing can be heard very loudly by the bottom of 2nd floor stairs and by rooms 110/111. Can also heard the words to the songs from reception.

21:20 Singing is still going and other people are joining in.

22:00 Whilst on my fire checks, the singing could be heard very loudly from the bottom of the stairs of 2nd floor and also going up the stairs to 2nd floor.

22:20 All has gone quiet

@Home noise log week ending 31/03/2019

29/03/2019

21:14 loud music can be heard from 112/113 corridor, in reception back office and the linkway corridor to 1st and 2nd floor, as well as Reception- karaoke

30/03/2019

20:15 Got upstairs after locking lift and could clearly hear music and singing from next door. Had a check and it's a drag act tonight.

21:55 About to do fire check and it sounds like next door are winding down ready to close at 22:00. The volume has remained consistently loud throughout the evening with at least one guest commenting that they were glad they couldn't hear "that noise" in their room.

22:08 Returned from fire check and still going. Started a new song so informed Chris downstairs.

22:15 Seems to have stopped now.

31/03/2019

16:00 Could hear drums and talking into the microphone

17:30 Drumming got louder and the electric guitar is also playing now. Looked online and there is a band called 'Nerve Agent' playing between 18:00-22:00, plus 'special guests'. They are @home's resident band. The event is for U18.

17:45. The music has got a lot louder now.

18:15 The band is in full flow now and can be heard very loudly in reception.

19:15: The floor in the back office is now vibrating due to the loudness of the music.

20:30 Room 110 called reception to complain about the loudness of the music. I went down to the bar and spoke with Jacob who said that as it is not even 22:00 then there is nothing we can do. I was told to offer the guest a 'free breakfast' voucher, which I did but it was declined and instead they asked for a free night's stay at the hotel. I spoke with Ami, who said to offer the guests a room move or a refund for tonight. I offered the guests a room change but they said that they were in bed, so I then said that we could offer them a refund for tonight which the guest happily accepted. I apologised for the noise but said that there is nothing we can do. The guest accepted my apology and thanked me for my help in this matter.

21:00 Singing and drums got louder now. Floor in reception is now vibrating.

22:00 On the start of my fire-check, the music was so loud outside of reception and by the bottom of the 2nd floor stairs.

22:15 Music has appeared to have stopped; all quiet.

@Home noise log week ending 07/04/2019

Friday- 05/04/2019

21:00- Karaoke and feedback from mic can be heard in 112/113 corridor, Reception and 1st floor & 2nd floor corridor.

Saturday – 06/04/2019

21:30 Could hear music playing in back office and along the corridor outside of reception.

21:45 People now singing along to songs very loudly and can be heard from reception.

22:00 Music has stopped; all quiet.



J D Wetherspoon plc, PO Box 616, Watford, WD24 4QU | Telephone: 01923 477777 | Fax: 01923 219810
jdwetherspoon.com

FAO Louella Adamson
@Home Salisbury Limited
5 Bridge Street
Salisbury
SP1 2ND

24 August 2018

By email only: [REDACTED]

Our ref: KD/LEGAL/4334
Your ref:

Dear Sirs,

Noise Nuisance

As you are aware JD Wetherspoon Plc ("JDW") is the owner and occupier of the Kings Head Inn, Bridge Street, Salisbury, Wiltshire, SP1 2ND ("the Hotel") which is located next to, and the vicinity of, your premises stated above.

I have been informed that the Hotel has received an increasing number of complaints from its residents relating to excessive noise emanating from your premises. This includes complaints to the hotel staff and has subsequently escalated to online complaints on hotel booking websites. As you will appreciate, this is now having a significant detrimental effect on the Hotel which is unacceptable.

As such, and in light of the forthcoming Bank Holiday weekend this weekend, please ensure noise is kept to a minimum so as not to cause disruption to the Hotel. If the noise continues, JDW shall have no choice to report the matter to the Environmental Health officer, which of course, JDW wishes to avoid. In the meantime, I have asked the Hotel to keep a detailed record of all disturbances, which will be collated and sent to you in the near future.

Should you wish to discuss anything contained in this letter, please feel free to call or email me.

Yours faithfully

[REDACTED]

Katie Doyle
Legal Department

[REDACTED]





J D Wetherspoon plc, PO Box 616, Watford, WD24 4QU | Telephone: 01923 477777 | Fax: 01923 219810
jdwetherspoon.com

@Home Salisbury Limited
5 Bridge Street
Salisbury
SP1 2ND

22nd November 2018

By email only: [REDACTED]

Dear Ms Adamson

Noise Nuisance

I write further to my colleague Katie Doyle's letter to you dated 24th August 2018 in respect of the above.

Unfortunately the Kings Head Hotel ("the Hotel") continues to suffer from noise ingress consisting of music and raised customer voices and singing from @ Home on a persistent basis.

The noise ingress has attracted guest complaints and constitutes a nuisance for the Hotel's staff.

I note with some concern that @home has applied for Temporary Event Notices to allow the premises to provide licensable activities beyond the normal terminal hour for licensable activities on both Sunday 25th and Friday 30th November.

Please can you ensure that music and customer noise is kept within levels that do not cause disturbance to staff and residents of the Hotel on both evenings failing which we shall have no option but to inform the statutory authorities.

I remind you that the premises licence for the venue contains the following condition:

The premises licence holder and/or DPS will ensure that music and noise from customers from the premises is inaudible in the hotel section of the Kings Head Inn (or any equivalent successor premises in the same location).

My review of weekly noise logs provided by the Hotel indicates that @home is in repeated breach of this condition.



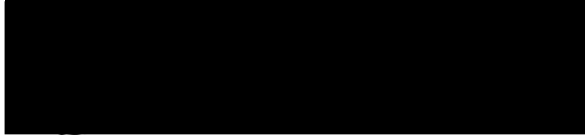


J D Wetherspoon plc, PO Box 616, Watford, WD24 4QU | Telephone: 01923 477777 | Fax: 01923 219810
jdwetherspoon.com

Please be assured that we do wish @home every success but I am sure you will appreciate that it cannot be at the cost of disturbance to our staff and residents.

If you wish to discuss any of the above with me, please do not hesitate to contact me.

Yours sincerely



Nigel Connor
Solicitor
Head of Legal and Company Secretary
JD Wetherspoon PLC



@Home Salisbury Limited
5 Bridge Street
Salisbury
SP1 2ND

22nd November 2018

By email only: [REDACTED]

Dear Ms Adamson

Noise Nuisance

I write further to my letter to you of 22nd November 2018 in respect of the above.

The letter requested that noise from @Home would be kept within levels that would not cause disturbance to staff and residents of the Kings Head Hotel. ("the Hotel")

I have reviewed in full the detailed noise logs which we asked the Hotel to compile for the Christmas/New year period and beyond. During that time you operated on occasions with the benefit of Temporary Event Notices allowing licensable activities beyond the hours permitted on your premises licence.

Unfortunately despite the contents of my previous letter, the Hotel continued to suffer from noise ingress consisting of music and raised customer voices and singing from @home to varying degrees throughout that period.

The noise ingress again attracted guest complaints and constituted a nuisance for the Hotel's staff.

Unless there is an immediate reduction in noise levels within your venue, then we will have no option but to inform the Licensing Authority and ask them to investigate what we consider to be clear breaches of your premises licence conditions.

I reiterate that we do wish your business to be successful but again make clear that it cannot be at the cost of disturbance to our staff and residents.

Yours sincerely

Nigel Connor
Solicitor
Head of Legal and Company Secretary
JD Wetherspoon PLC

[REDACTED]
[REDACTED]