

# Wiltshire Council

Where everybody matters

201108259

ACK  
Letter  
Sent

12/7/11

KLS

## REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

In the Licensing Act 2003, the term 'vicinity' is used with particular reference to those 'interested parties' who may lodge Representations to applications for Premises Licences and who may make Representations concerning existing Premises Licences. Although the Act does not define the term 'vicinity' it does define the term an 'interested party' as 'a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity, a body representing those persons' or a member of the relevant Licensing Authority (ie, elected Councillor).

Premises about which Representation is being made	Phoenix Bar, High Street, Wootton Bassett	
Your Name	Cllr Peter Doyle	
Postal Address	Wiltshire Councillor – Wootton Bassett South 49 New Road Wootton Bassett Wiltshire SN4 7DG	
Contact Telephone Number		
Are you:	Yes	No
• A person who lives in the vicinity?		
• A person who operates a business in the vicinity?		
• A person representing residents or businesses in the vicinity?		
• A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority in which the premises is situated)?	YES	
If you are representing residents or businesses in the vicinity please list those residents or businesses who have asked you to represent them		

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	None
2. To prevent public nuisance	See detailed evidence on separate sheet attached.

OBJECTIVES	EVIDENCE
<b>3.</b> To prevent crime and disorder	<b>See detailed evidence on separate sheet attached.</b>
<b>4.</b> Public Safety	<b>See detailed evidence on separate sheet attached.</b>

Please list below any suggested actions that you feel the applicant could take to address your concerns.

Reference should be made to the evidence supplied on the separate sheet referred to when considering these suggested possible actions.

1. Acceptance of previously given undertakings to abide by decisions of Wiltshire Council licensing and other enforcement officers.
2. Re-establish and reaffirm that the footpath outside the licensed premises is public property and not provided for the benefit of patrons during the course of their visit to the Phoenix licensed premises. Possible actions could include:
  - Removal of the No Smoking Sign and repositioning of this on private property inside the premises;
  - Acceptance that all existing and future use and display of any advertising signs on the embankment railings, trees and all other publicly owned property in the immediate vicinity of the licensed premises and elsewhere on Wootton Bassett High Street should be properly authorised or not otherwise take place;
  - Agreement that there should be no use of fly-posting to advertise events at the licensed premises;

REASON: to prevent public nuisance

3. If patrons of the licensed premises continue to congregate on the public footpath, for any purpose, then private arrangements for cleaning the footpath should be agreed to the council's satisfaction and/or otherwise paid for in full so that the public purse is not disadvantaged for private gain.
 

REASON: to prevent public nuisance

4. The introduction of a 'no customer return to the licensed premises within 2 hours policy' could reduce any congregation of patrons on the public footpath and help minimise public nuisance and threat to public nuisance, public disorder or public safety.
 

REASON: to prevent public nuisance and reduce the risk of public disorder and potential risk to public safety

5. A requirement to keep all windows and doors closed during musical or other entertainment events could help minimise noise complaints from local residents. Arrangements for mechanical ventilation of the premises should be reviewed to enable all windows and doors to be kept closed during such events.
 

REASON: to prevent public nuisance

6. A restriction on loudspeaker volumes or output power could also help minimise noise complaints from local residents.
 

REASON: to prevent public nuisance

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If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant.

Signature ... Cllr Peter Doyle (submitted and signed electronically via Wiltshire Council)

Date ..... 11 July 2011

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

<b>Chippenham:</b>	Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
<b>Devizes:</b>	Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT
<b>Salisbury:</b>	Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP
<b>Trowbridge:</b>	Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD

## 1. The prevention of harm to children

No observations here

## 2. To prevent public nuisance

As the local Wiltshire Council Member (Wootton Bassett South) I began receiving complaints from a number of local residents about the Phoenix Bar during the summer of 2010 and passed a number of these onto licensing enforcement officers for action.

Complaints made to me either in writing or verbally during August 2010 have included:

- Excessive use of advertising signs including A boards, banners and other signs. Some of these are regularly situated on the pavement. Others were attached on a regular basis to the railings alongside the roadside embankment while others were frequently screwed into trees belonging to the town council/town trust at either end of the embankment. One very large A board - I would describe it as double decker was secured to the roadside railings with a chain and padlock. The railings do not belong to the Phoenix Bar and the use of the double decker sign in particular, but also banners at this location, is not appropriate in a Conservation Area on the approach to the town.
- There is frequently a large amount of litter on both the pavement and the roadside embankment associated with the clientele of the Bar, mostly cigarette butts. I have (pre August 2010) witnessed an employee sweeping these into a dustpan from the immediate pavement area outside the entrance. I do not know whether these were disposed off properly - it could be that the 'litter' may be the result of a combination of discarded cigarettes from customers and/or sweepings from around the entrance.
- Other complaints relate to the late night behaviour of the clientele of the Phoenix Bar on the pavement in the vicinity of the door including conversational noise. I have witnessed such on odd occasions. These, however, may be no worse than for other licensed premises.

Actions taken by Wiltshire Council officers has, to my knowledge, included

- A letter was sent by planning enforcement officers to the Phoenix Club on 31 August 2010 warning about the consequences of displaying unlawfully displayed banners while the 'double-decker A board was removed shortly afterwards by highways officers
- Licensing officers visited the premises on 31 August 2010 and secured undertakings that included:
  - *Patrons to be discouraged from using the area outside the front of the building to smoke , signs to be put up to this effect and the management to enforce. No drinks will be permitted to be taken into this area, patrons will be directed to the side smoking area nearest the school away from residential property. **This to take effect immediately***
  - *The outside front area to be cleaned on a more regular basis. **This to take effect immediately***

## Observations since August 2010

I regularly walk the footpath outside the Phoenix Bar, both during the day and late at night on most days of the week including Friday and Saturday and since August 2010 I would observe:

1. While there was a temporary diminution in the display of advertising banners etc following the various actions of enforcement officers in August 2010 this was accompanied, at least initially, by the fly-posting of leaflets advertising events at the Phoenix premises, attached to the trees on both sides of Wootton Bassett High Street. Such fly-posting is suggestive of a general attitude of non-compliance on the part of the license holders, regarding the duty to avoid public nuisance;
2. I telephoned the owners of the premises in August 2010 and offered, as the local councillor, to discuss problems associated with the premises and possible resolutions. That offer was declined.
3. Generally there has been a diminution, since August 2010, in the number of persons congregating outside the front door of the club premises though small numbers still do, and also smoke – though I have observed none drinking outside. I have continued to receive complaints from local residents;
4. Those congregating outside the premises, albeit in smaller numbers and less frequently than was the case prior to August 2010, still tend to engage in loud and often abusive and/or foul language conversation, witnessed by myself, and which I consider could potentially disturb nearby residents – particularly on Friday and Saturday nights;
5. Generally there is still an increased amount of cigarette litter immediately outside the front door of the premises when compared to elsewhere on the pavement in the immediate vicinity;
6. There has been frequent disregard, particularly for weekend and/or special events held at the club, for previous undertakings given to enforcement officers in respect of not displaying banners on the embankment railings;
7. I would not describe, as a layman, the noise from on-site entertainments as any more extensive or intrusive than that might be expected from a high street premises club of this nature. Generally the front door is being kept closed while entertainment is in progress. At times, however, especially on a Friday or Saturday night, the music noise can be heard quite loudly from approximately 100 metres away (e.g. at the bus stop located to the south of the club premises on the High Street by the pedestrian crossing) – possibly because windows or a side door are open.

### 3. To prevent crime and disorder

See point 4 above (Public nuisance)

Those engaged in the sort of behaviour described at para 4 above, potentially risk causing disorder on a public footpath and potentially therefore putting passers-by at risk of harm.

### 4. Public Safety

See point 4 above (Public nuisance)

Passers-by on the public footpath experiencing the behaviour outside the premises as described at paragraph 4 could potentially feel threatened or intimidated by the same.

Signed  
Cllr Peter Doyle  
Wootton Bassett South

To accompany Section 2 Objectives on the Representation Form – all submitted electronically.



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# Wiltshire Council

Where everybody matters

RECEIVED

11 JUL 2011

## REPRESENTATION FORM

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Premises about which Representation is being made	THE PHEONEX BAR	
Your Name	MISS CHARLOTTE CLARK	
Postal Address	168 HIGH STREET WOODTON GASSETT WILTSHIRE SN4 7BT	
Contact Telephone Number	[REDACTED]	
Are you:	Yes	No
• A person who lives in the vicinity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• A person who operates a business in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A person representing residents or businesses in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority in which the premises is situated)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you are representing residents or businesses in the vicinity please list those residents or businesses who have asked you to represent them		

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	
2. To prevent public nuisance	NOISE FROM 'BAR' AS LATE AS 2 AM, EVEN ON WEEK DAYS. VERY LOUD MUSIC. ON MORE THAN ONE OCCASION WE HAVE HEARD THE BASE VIBRATE AGAINST THE FLATS THAT ARE AT THE BACK OF OUR GARDEN. CUSTOMERS SHOUTING AS THEY LEAVE THE BAR.





From MR ALEX PITCHER & MISS CHARLOTTE CLARK  
168 HIGH STREET  
WOOTTON BASSETT  
WILTSHIRE  
SN4 7BT

To  
Senior Licensing Officer  
Licensing Dept  
Wiltshire Council  
Monkton Park  
Chippenham  
SN15 1ER

30 JUN 2011

28<sup>th</sup> Jun 2011

Review of Licence for Phoenix Bar SN4 7BS

Please note my support for Ms P Evans and Ms L Sefton with regard to the noise nuisance late at night and the Antisocial behaviour of patrons leaving the Pheonix Bar. I live very close to the bar and have also been witness/victim to this.

Regards



REP FORM  
RECEIVED FROM  
C. CLARK.  
11/07/11

\* SEE ATTACHED LETTER.



201108257

ACK  
KLS  
Sen  
KLS

**5 High Street, Wootton Bassett, Wiltshire, SN4 7BS**

Tel: [REDACTED]

[REDACTED]

Senior Licensing Officer  
Licensing Department  
Wiltshire Council  
Monkton Park  
Chippenham  
SN15 1ER

Dear Sir

**Review of Licence for Phoenix Bar, Wootton Bassett**

I understand that the licence granted to the Phoenix Bar in Wootton Bassett is currently being reviewed. As the nearest residential neighbour to this establishment, I would like to register my complaints about the current management of this amenity, and to request that serious consideration be given to revoking the licence or changing its terms and conditions. I would also ask you to bear in mind the sensitive location of the bar. Not only is it in a residential area, it is also next door to a church on one side, and a primary school on the other.

We have lived at 5, High Street for over twenty years now, and for much of that time the building was run as the High Street Club. We experienced few problems during this time.

Since this became the Phoenix bar, however, there has been a significant increase in anti-social behaviour on the part of patrons of the bar. This includes damage to property (broken windows, upturned flower tubs and stolen plants), fighting in the street, obscene language, loud noise at anti-social hours, public urination and vomiting, and littering (empty glasses and bottles, sometimes broken, cigarette ends and packets).

There is also a significant noise nuisance associated with the bar. Music is often played very loudly until early in the morning (typically 02.00 hrs – 02.30 hrs), generally at weekends. The volume is increased significantly when patrons smoke on the pavement outside, because the entrance door is then opened.

We have other concerns about the management of the bar, including putting out of waste containers for collection and signage in inappropriate areas.

I would be happy to supply further information if required.

Yours faithfully

[REDACTED SIGNATURE]

Neil Burden

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07 JUL 2011  
[REDACTED]



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201108259  
Ack Letter Sen

Mr M Lympny  
16 High Street  
Wootton Bassett  
Swindon  
Wiltshire  
SN4 7AG



7<sup>th</sup> July 2011-07-07

**To whom it may concern re;- Review of license for Phoenix bar,Wootton Bassett**

I absolutely object to the license being granted for the Above dwelling.  
There is an insurmountable amount of noise, fighting youth disturbance on a continual basis from this establishment.

Yours Sincerely

Mr Mark Lympny



ACK JOURNAL SENT 12/7/11 KLS  
201108259

157 High Street  
Wootton Bassett  
Wilts  
SN4 7BT

Senior Licensing Officer  
Licensing Department  
Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER



7th July 2011

Dear Sir/Madam

Re: Review of Licence for Pheonex Bar, Wootton Bassett

Residents have been experiencing problems with nuisance from the Pheonex Bar for a long time. I have mentioned this to the local police in the past, in the hope that something could be done about the nuisance when people are turning out of the bar, and was given the impression that we had to put up with it. After another very noisy evening of Friday, 1st July, I decided to approach the licensing department. However, I discovered that the licence is already under review.

This area of the High Street is mainly residential. The Pheonex Bar is opposite a row of 17 houses, flats and maisonettes. There are 3 houses on the same side and in the immediate vicinity of the bar. There are several other houses on each side of the road plus living accommodation above a few shops. People have to go past these in order to get along the High Street. Some people also go along Rope Yard and Beamans Lane, which also have houses along their lengths.

When there is music on at the bar, the bass beat travels a long way. Often we can hear it in our house, even with the windows closed. I would not consider our house to be so close to the bar that we should hear that. It must be very bad for people who live closer to the bar.

On any evening, people spill out onto the pavement at the front of the bar for a smoke. Sometimes they come up as far as Rope Yard. Their talk is noisy. There are no front gardens to the houses so people have been seen sitting on doorsteps and leaning on windowsills. It's intimidating to residents and passers-by, as they block the footpath (it's the only way to get along that part of the High Street).

Many of the patrons are very noisy, there are people who don't seem to consider residents at all. On occasion, I have seen people heading towards the bar with boxes of fast-food, which they then dispose of through the railings of the church or the primary school which are on either side of the bar. They then go inside.

Even people heading into the bar (usually around 9pm) are sometimes noisy. Most recently, on Friday 1st July, groups of people were shouting as they went along the High Street towards the bar. They appeared to be drunk already! It was particularly noisy as they came out later.

The turnout time seems to be around 1 - 1.30am. People don't go home immediately. They hang around shouting, swearing, sometimes arguing or fighting, for half an hour or so. At that time of night, a lot of people are in bed. For residents along the High Street, Beamans Lane and Rope Yard - it's not fair.



There are occasions when men urinate in the street. (I have sometimes seen this - just a few minutes after someone has left the bar).

This is a residential area and there is no direct access to the bar. Car parking is further along the High Street and doesn't stretch to the bar. It must be at least 50 metres from the nearest parking space or drop-off point. So everyone has to pass several houses (they're on both sides of the road), in order to get there. Most people will pass considerably more houses, as they will have further to walk.

There is very little traffic on the High Street at night and so it is very quiet. The noise made by people leaving the bar is always disruptive and, at times, disturbing.

In view of the residential aspect of this neighbourhood and the negative impact of this bar, we feel that the licence should be revoked or, at the very least, licensing hours should be greatly restricted, in order to make them more acceptable to residents.

Yours Faithfully

MJ Penny & ME Penny

It doesn't seem adequate that residents have to find out about this review by way of a notice on the wall outside the premises. Many of us have no reason to ever pass the bar, but we are affected by the current licence conditions. We only found out about this review by chance. A previous application to change the licence conditions, when it became the Pheonex Bar, went through without residents being aware. Surely these notices should be more widely displayed (as for planning applications) or those in the immediate vicinity should be notified (we have been notified about neighbouring, listed building, planning applications in the past). Could this be done for licensing matters?

201108250

Senior Licensing Officer,  
Licensing Department,  
Wiltshire Council,  
Monkton Park,  
Chippenham,  
Wiltshire,  
SN15 1ER



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12/7/11  
KL

6 July 2011

**Re: Application to Review under Section 51 of the Licensing Act 2003 the Premises  
Licence issued to The Phoenix Bar, 4 High Street, Wootton Bassett,  
Wiltshire SN4 7BS**

Dear Sir or Madam,

We would like to make a representation as interested parties living in the vicinity of the premises in question. We live at 158 High Street in Wootton Bassett, across the road and slightly north of the Phoenix Bar.

We fully support a thorough review of this license. For some years now there has been a great deal of late-night noise and other nuisance from the patrons of this establishment, including frequent incidents of fighting; littering; vomiting and urinating on High Street and in the doorways and lanes adjacent; and vandalism to cars parked on High Street - two of ours, personally, on several occasions. We feel we comfortable asserting that the source of this trouble is the Phoenix Bar because we can and have watched from our bedroom window, as inebriated patrons of the Phoenix Bar leave its premises and wander up High Street, along which they often congregate. We have seen and listened to the late-night commotion: people running along bonnets of parked cars, shouting and swearing, brawls and arguments and general carrying on.

Owners and managers of licensed premises operating within the night-time economy have a duty of care towards their patrons and premises, but also towards the wider community in which they are situated. Phoenix Bar is in a residential area of Wootton Bassett, and particularly at the weekends, as a result of the activities of the bar and its patrons, our sleep is disturbed, our property damaged and our neighbourhood feels unsafe for our family, our friends and ourselves.

Yours sincerely,

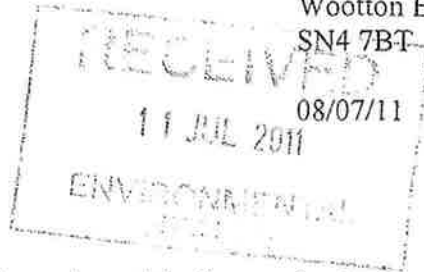
Drs B Hardman and A Repton

158 High Street  
Wootton Bassett  
Wiltshire SN4 7BT



THE WOOTTON BASSETT 10-11/11  
201108259  
W

Flat 1/164 High street  
Wootton Bassett  
SN4 7BT



Dear Sir/Madam

I am writing to you with regard to the review of the licence for the Phoenix Bar, Wootton Bassett.

We are young professionals living across the street from this bar. Every weekend there is arguing, swearing and violence fitting for 'The Jeremy Kyle show'. The patrons of that pub, mostly, have no respect for this town, I am scared to park my car on the high street at the weekends because of what I have witnessed outside that pub. There has been physical violence, verbal abuse, property destruction and litter. It is hell living near that pub. There is no way on Earth that pub should be given a licence. The type of people that the owners allow into their pub, the type of behaviour the owners allow to happen is appalling, and clearly they are not fit to run a pub. The noise pollution is not something we should have to live with as rent-paying tenants.

Please consider these views and make the right decision. This pub is destroying this beautiful town.

Regards  
V J Munnelly and AW Foster.  
(Miss) (Mr)



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05 JUL 2011  
RESIDENTIAL

2 01108254

159 High Street  
Wootton Bassett  
Wiltshire  
SN4 7BT

5<sup>th</sup> July 2011

**Review of Licence for Phoenix (sic) Bar SN4 7BS**

I recently observed a notice outside the above premises referring to comments made by Ms P Evans and Ms L Sefton regarding a licence review, adding that the documentation could be viewed at Monkton Park in Chippenham. There is a common disconnect in all such licence procedures in that the documentation is held 15 miles away from the location concerned and that local residents, and this IS a residential area, are not informed of any application or review. It is somewhat obvious that this deters any comments being made and it is equally clear that copies of all documentation should be held locally, in this case at the Town Council offices, and that all residents within a radius of (say) 500 yards of the premises concerned should receive notification by post. This is not the first time that this situation has occurred in this vicinity, and with that in mind I am copying this letter to Peter Doyle (our Wiltshire Council Councillor) in the hope that he will take action to resolve this procedural defect.

I have not seen the documentation but I can guess the problems that Ms Evans and Ms Sefton are experiencing. At weekends, excessive noise in licensed premises and antisocial behaviour both continue well into the early hours in this RESIDENTIAL part of the High Street. This whole issue goes back to 2005 when the Central Government of the time introduced legislation to allow licensed premises to have extended opening hours, and the then NWDC Council handled such applications in an offhand manner. I personally went to one Licensing Hearing on Wednesday 17<sup>th</sup> August 2005 at Monkton Park regarding an application from the licensees of the Waggon and Horses in the High Street. By this time, Central Government had already issued amended guidelines to the handling of such applications for premises in residential areas in that the concerns of the local residents should be taken into account before ANY extended hours were permitted. Representations by myself and another resident that this application would lead to increased antisocial behaviour and unacceptable noise late into the early hours were dismissed by the chairperson on the grounds that the extended hours had to be allowed because it was the law, which was and still is totally untrue, and that the antisocial behaviour would be handled by the police; there is no police presence in Wootton Bassett outside of normal working hours so it was always difficult to see how that would work; hence the chairperson completely ignored the Central Government guidelines. Also note that the chairperson and the Licensing Officer in attendance were totally ignorant of the law relating to the boundaries of licensed premises and agreed that the "café culture" would be a good thing by allowing drinking to take place outside the premises on the pavement. Thankfully, a NWDC Officer Mr Summerhayes was present and confirmed that this was illegal.

I am pleased to say that the licensees of the Waggon and Horses have since taken their position within the local community very seriously, have a well behaved clientele, and the general nuisance from their premises is now minimal. The same cannot be said of several other premises in the High Street where extended hours into the early hours have been granted, and more particularly in our neighbourhood.

As I forecast in 2005, noise and anti-social behaviour have increased well beyond the point of tolerance. The early hours of Saturday and Sunday mornings are a total nightmare for the residents in this area with shouting, foul language and car horns causing noise pollution and vomit, urine, discarded junk food and junk food packaging causing health and safety problems, and petty vandalism well out of control. These problems are caused by drunks "enjoying the café culture" heralded by NWDC in 2005, and it is time for corrective action.

Some customers from the Phoenix Bar are certainly guilty of many of these problems as they tend to accumulate outside the front door of the premises smoking and generally making a noisy nuisance of themselves, and later at the entrance to Rope Yard waiting for taxis or shouting to other departing people as they progress to the junk food outlets. This is well into the early hours when civilised people are trying to get to sleep, which I believe to be their basic human right. The management of the Phoenix Bar have made considerable efforts to alleviate these problems with notices asking customers not to smoke outside the front door and to leave quietly, but regrettably some of their clientele is not to the standard of the Waggon and Horses, and as I have noted above there is no police presence to control this antisocial behaviour as promised by that NWDC chairperson on Wednesday 17<sup>th</sup> August 2005.

There is also little doubt that the hours for music licences are a major concern to residents. This is fairly well controlled by the licensees of the Waggon and Horses, which is immediately opposite our house. The same cannot be said of the Phoenix Bar or, incidentally, the Curriers Arms, and we can hear the noise at a distance of some 200 yards. For those people living opposite it can only be an unbearable problem. The problem can be reduced by installing noise barriers in the premises, ensuring that doors and windows are kept closed, installing double glazing on all windows of the licensed premises and restricting the hours when music can be played.

I'm sorry that this is a particularly long letter but I think it is important that the errors and misjudgements of the past are corrected for the well being of the residents.

Yours sincerely,



John Wilks

Senior Licensing Officer  
Licensing Department  
Wiltshire Council  
Monkton Park  
Chippenham  
Wiltshire  
SN15 1ER

Copied to:- Mr Peter Doyle, Wiltshire Council Councillor