

**From:** Freegard, John  
**Sent:** 28 June 2011 11:52  
**To:** Holland, Linda  
**Cc:** Gollidge, Kate; Steady, Graham  
**Subject:** FW: Review of Premises Licence of The Pheonex Bar, Wootton Bassett- Environmental Protection comments

Linda,

Regarding the recent Licence review of the above, I would make the following observations regarding the amplified music:

1. As you are aware, I have received complaints in the last year from residents in the High Street, regarding noise from amplified music.  
Unfortunately, despite offering to carry out monitoring at resident's properties, I have had no opportunity to substantiate whether or not a statutory nuisance has been caused. I would assume that this is mainly because when we receive complaints, either of us have written to the Licensee and things go quiet for two or three months, therefore residents do not request monitoring. Then one night in the future, the controls are relaxed, thus causing an adverse noise impact locally.
2. Nevertheless, I have visited the premises recently in order to familiarise myself with the building and what activities take place where.  
The main bar is generally fine in that, I understand, the windows are never open during the playing of music and there is air conditioning provided. The main access door is, however, a cause for concern in that if it was opened, any music would break out straight into the High Street. This would mean that if there was any live music in the bar, with potential internal noise levels of 85-90dB(A), then this would lead to 75-80dB(A) immediately outside on the pavement.  
  
It is not difficult to envisage this adversely affecting the properties opposite and I can confirm that such noise levels would be unacceptable. Indeed, this is reflected in the addresses that I have received complaints from regarding amplified music in the last year.
3. I have discussed this with Mr Kerr and he fully accepts this and intends to introduce a 'double-door' lobby/porch into this main entrance. This will significantly improve the 'noise breakout' situation and will also solve the 'banging of doors' which has also been the subject of complaint as the doors will have self-closing mechanisms. Mr Kerr has indicated that these works will be completed by 1<sup>st</sup> August 2011.
4. Regarding the Function Room to the rear of the premises, I saw no evidence of weaknesses or causes of noise breakout. The room is air-conditioned and there are double-doors and hallways before the noise could reach the outside. I have no reason to suspect that this room is the cause of my amplified music complaints.
5. In summary, with the exception of the front door that needs replacing with a lobby, I see no reason to conclude that there are activities taking place internally, that the building fabric is incapable of containing. Indeed, even if I had carried out monitoring and substantiated a statutory noise nuisance, it is likely that the introduction of a double-door lobby would be the requirement in any notice in order to abate the nuisance.

6. I have explained to Mr Kerr that whether the complaint is music, external gatherings, banging, shouting etc., it is he and Mr Morris, as Licensees, who are ultimately responsible for the 'housekeeping' of such issues so as to ensure that any impact locally is minimised. I also always explain to my complainants that we cannot deliver 'inaudibility' from any licensed premises, but can try and ensure that noise levels are not unreasonable to the extent that they constitute a statutory noise nuisance.
7. Please treat this as my formal response to the recent 'review' and I am happy for the content of this email to be shared with those that may require it.

Regards

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