

**Application for Variation of Premises Licence (ref. TVBC\PREM-LIC\049)
The Swallow, Pilgrims Way, Andover**

Summary

The applicant has requested unlimited events involving regulated entertainment, including live and amplified music, which is a substantial departure from the existing level of entertainment that may be provided. For reasons stated below, I cannot support this application as it stands. However, I consider that some relaxation of the existing restrictions can be accommodated, provided that appropriate conditions are imposed in the interests of minimising the risk of public nuisance being caused to local residents.

Observations

This response is made on behalf of the Environment & Health Service Pollution Team.

I have had extensive discussions with the applicant about the possibility of extending the number of regulated entertainment events. I have also provided advice about measures to control the breakout of noise, especially in the light of the recent (and ongoing) complaints from one local resident.

In response to previous complaints, the most important change made by the applicant has been to move all events involving live or amplified music from the main bar in to the function room, and ensure that windows and doors are kept closed throughout such events. Since this change was implemented, we have conducted a number of unannounced visits to the premises during events to assess noise nuisance and found no justification for taking action using our statutory nuisance powers or otherwise recommending action under the Licensing Act 2003.

There is obviously a trade-off in terms of what level of disturbance ought to be tolerable from any one event and the frequency / timings of such disturbance occurring. For example, the more frequent the events, the lower the level of disturbance that is acceptable. Whereas I am satisfied that a reasonable number of regulated entertainment events can be held without being likely to cause public nuisance, I feel that the type, number and timings of events still need to be restricted. The reasons for this are:

1. The building has poor sound insulation; it was not designed to contain high levels of noise. Therefore, we expect some breakout of music and high spirited behaviour.
2. There is no noise limiter on the premises. A high level of control by the applicant is therefore required to ensure that the volume of music etc. is adequately controlled. Whereas I am aware that the applicant employs a DJ who is aware of the need to control the music volume, the function room is hired out for private use on occasions; this reduces the applicant's control over such events.
3. Housing is very close to the pub. Even with good management controls, from time to time there may be brief lapses in the controls. The most likely 'failures' include the inadequate control of the volume of music and amplified speech, doors and windows being opened for comfort cooling (the pub does not have air conditioning) and the failure to control rowdy behaviour adequately.

Recommended Conditions

For reasons of preventing public nuisance, I recommend conditions to the following effect.

Live music

1. Live music shall only take place within the function room, and only between the hours of 1000 - 2300 hrs.

Recorded music

2. Recorded music events (including karaoke) shall take place within the function room, and only between the hours of 1000 -2300 hrs Monday to Thursday, 1000 – 0100 hrs Friday – Saturday and 1000 - 2230 hours on Sundays.

Performance of dance and provision of facilities for dance

3. Dancing and the provisions for dancing to accompany a musical performance shall only take place within the function room and between the hours of 1000 - 2300 hrs Monday to Thursday, 1000 – 0100 hours Friday – Saturday and till 2230 hours on Sundays.

Anything of a similar description to the above

4. Quiz nights, etc. shall only take place indoors and between the hours of 1000 and 2300 hrs Monday to Thursday, 1000 – 0100 hrs Friday – Saturday and 1000 - 2230 hrs on Sundays.

General Matters

5. During events involving live or amplified music and speech (other than low level background music), all windows and external doors to the function room shall be kept closed. In addition, the connecting doors between the function room and the main bar shall also be kept closed during events, except where necessary for access and egress.
6. Regulated entertainment (other than low level background music) will not take place more frequently than
 - (a) 82 events per year in total
 - (b) of the 82 events, no more than 30 shall extend beyond 2300 hrsRecords of the dates, finish times and type of each event (live, recorded music etc) shall be kept by the applicant and made available for inspection by the Licensing Authority on request.
7. Regulated entertainment (other than low level background music) will not take place more frequently than two events per week, except for the period between 24 December and 1 January.
8. At each exit point a prominent and clear notice will be displayed to the effect that customers should be considerate to local residents by leaving the premises and the area quietly.
9. No amplified music or amplified speech shall be audible at the boundary of the premises after 2300 hours. For events continuing after 2300 hrs, regular checks shall be made by the applicant or a responsible person nominated by the applicant.