

Annex 4

**Additional Information Submission for the review of a premises licence
or club premises certificate under the Licensing Act 2003**

Premises or club premises details

The Piston Broke 43 London Street Andover Hampshire SP10 2NU	
Andover	Post code SP10 2NU

Name of premises licence holder or club holding club premises certificate (if known) Elland Promotions Ltd

Number of premises licence or club premises certificate (if known) PREM/10/0397

Applicant details

I am

Carol Ruddle
Environmental Health Manager
Housing, Health & Communities Service
Test Valley Borough Council
Beech Hurst
Weyhill Road, Andover
Hampshire SP10 3AJ

Additional information to support the application:

Following the submission of the application to review the premises licence on 19th April 2011 the following additional information is now submitted.

On April 20th 2011 an e-mail was received by Lorna Taylor from Mr Lavery of Elland Promotions Ltd. A copy of this is attached here in the appendix.

At 23.57 on Saturday 23rd April a call was received from a nearby resident regarding amplified music disturbance from The Piston Broke, on this occasion an officer did not attend as they could not get back in touch with the complainant.

On Sunday 1st May 2011 Environmental Health Officer Nigel Burton received a call at 00.50 to say that a complaint had been received from a resident about loud music from The Piston Broke. Nigel Burton was unable to get back in touch with the complainant and no visit was made.

Later that same day at 23.50 Nigel Burton was contacted again about loud music from the Piston Broke and attended to witness the music between 00.16 and 01.05. Throughout this time he witnessed loud music coming from The Piston Broke audible in a neighbouring property over the television, with very short occasional drops in the sound level. Nigel Burton also noted intermittent raised voices as a disturbance. When he left the area the music was ongoing.

On Saturday 7th May 2011 Environmental Health Officer Adrian Noakes received a call at 23.47 advising a complaint of loud music from The Piston Broke. He attended the area between 00.34 and 01.35 and witnessed bass noise from the playing of loud music and amplified speech, both at an intrusive level throughout.

On Thursday 12th May 2011 Adrian Noakes received a call at 01.58 as a complainant had called to say that there was loud music coming from The Piston Broke. Adrian Noakes spoke to the complainant at 02.03 and the volume had been reduced, on speaking with the complainant the following day it was advised that the music stopped completely around 10 minutes after that call. Subsequently the complainant advised they believed that the music had been generated by people who were staying overnight at the premises.

On Saturday 14th May Adrian Noakes received a further call relating to loud music from the Piston Broke. Adrian arrived in the area at 00.03 and walked past The Piston Broke before entering the complainants' property. He could see a DJ through the front window of The Piston Broke – positioned with music equipment on the ground floor. This is not the arrangement which was in place when sound testing took place and no-one has contacted us on behalf of The Piston Broke to advise any intention to change or move the equipment. This location was advised quite clearly in our letter of 23rd July 2010 as being “unsuitable for the playing of any music other than low level background music”. On entering the flat above The Piston Broke Adrian Noakes could hear extremely loud music – with very prominent bass. The music stopped at 01.19 but amplified speech could be heard until he left at 01.34.

Updated Conclusions:

1. The bar management have been given ample opportunity to co-operate by reducing the volume of music and / or restricting times of operation and / or upgrading the soundproofing of the building, but have declined to do so.
2. Condition 17 of the licence, which requires music noise to be played at a level so as to be inaudible in the nearest residential premises, has by our own evidence been breached on the following dates: 14th August 2010, 12th February 2011, 18th March 2011, 1st May 2011, 7th May 2011 and 14th May 2011. Reports from residents suggest that this happens quite often and that private gatherings often take place after the premises has closed at 01.30 hours, and disturbance from these has continued on some occasions until 05.00 hours.
3. The premises are inadequately soundproofed for the level of music entertainment being played, and volume reduction alone would not be sufficient to prevent unreasonable disturbance to the occupants of the flats above (due to the breakout noise from raised voices).
4. Based on the accounts of the complainants and the statements of Rhian Jenkins, Dean Bennett, Nigel Burton and Adrian Noakes, I am satisfied that unreasonable disturbance is being caused by The Piston Broke on a regular basis to their residential neighbours. Therefore, this review is called in the interests of the prevention of public nuisance.

Appendix:

E-mail received 20th April 2011 from A Lavery

Dear Miss Taylor,

Thank you for your letter / email dated 19/04/2011, the comments of which have been noted.

I had hoped for a response to my last letter some time ago, and before the environmental health officer's last apparent visit to our premises on Friday April 8th this year, but apparently you could not find time in your busy schedule to show a modicum of professional courtesy by responding to my comments and queries.

I feel it necessary to remind you that Mr Cooper and I are Test Valley residents, and you should show us the same level of professionalism, fervour, and diligence which you seem only too happy to show the residential tenants above us.

Moving on, I must take exception to many of your comments, some of which are inaccurate, some conjecture, and others, flagrant fabrication.

Firstly, *"The bar management have been given ample opportunity to co-operate by reducing the volume of music and / or restricting times of operation and / or upgrading the soundproofing of the building, but have declined to do so."*

You are **fully** aware that we moved our sound system into the basement and reduced the volume of that system to a level that **you** agreed was acceptable.

Even though we did not deviate from the agreed levels, there were more complaints, and so we were forced to let our DJ go entirely, and make do with our own music system.

Unfortunately, following more correspondence from you, we were forced into a position where we felt we had to disconnect our amplified sound entirely, and fit a home stereo with 50w speakers behind the bar, where the only thing above this sound was the flat roof behind our building, to further reduce any nuisance to our neighbours.

While these measures seemed to have “done the trick” for a period of approximately four months, *somehow* the noise became a problem for our neighbours once again recently.

I assume all this action undertaken by us, at great cost to our income, must have slipped your mind, as I'm sure you would not have ‘spun’ your report to paint us in a bad light?

Inaccuracies aside, let's look at conjecture;

Private gatherings often take place after the premises has closed at 01.30 hours, and disturbance from these has continued on some occasions until 05.00 hours.

While I am aware that you have a job to do, I must also comment that you are well aware that the complainant in this case is not always entirely honest, and has made no secret of the fact (in point of fact, exclaiming it to me, in front of several witnesses) that he will “say or do anything he can to ‘get us out’ of 43 London Street”.

This is one such example of these tactics. No “Private gathering” has ever taken place. I therefore **insist** that you refrain from making reference to such speculation in **all** further correspondence.

I echo my earlier request of more professionalism please, this kind of conjecture is unacceptable in a report of this nature.

Finally, fabrication;

Rhian Jenkins noted that music remained audible until 01.42.

Quite simply, no she didn't.

Our music goes off at 01.15 hours. Always. No exceptions, no excuses.

This is the item of greatest concern to me, since, there is no way around the fact that someone here is lying.

Either Miss Jenkins is lying in her report, or you are lying in yours. Plain and simple.

I'm inclined to say “If you can't trust local authority, who can you trust?” But given your ‘memory loss’ regarding our measures to reduce noise, that seems naive on my part.

We await notice of our license review and we will be meeting with our solicitor at first opportunity.

If, like the last time I wrote to you, you do not intend to respond to this letter, can you at least confirm receipt?

Regards,

A. Lavery - Piston Broke.

In a message dated 19/04/2011 15:11:51 GMT Daylight Time, TLorna@testvalley.gov.uk writes:

<<Review final version - e-mail.rtf>> <<Appendix to Review.doc>>

Dear Sirs

application for Licence review: the Piston broke, 43 London Street, Andover, sp10 2NU licensing act 2003

Please find enclosed an application for licence review of the above premises under the Licensing Act 2003.

Any questions should be addressed to Licensing Manager Michael White on 01264 368013 or MWhite@testvalley.gov.uk.

Yours sincerely

Lorna Taylor

Senior Environmental Protection Officer

Housing, Health & Communities Service

On behalf of Carol Ruddle, Environmental Health Manager

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Carol Ruddle
Environmental Health Manager
Housing, Health & Communities Service
Test Valley Borough Council
Beech Hurst
Weyhill Road, Andover
Hampshire SP10 3AJ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address CRuddle@testvalley.gov.uk