

**LICENSING SUB-COMMITTEE****15 January 2009****Attendance:**

Councillors:

Wright (Chairman) (P)

Hiscock (P)

Mather (P)

**Others in Attendance who did not address the meeting:**

Councillor Jackson

**Officers in Attendance:**

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mr D Ingram (Environmental Protection Manager)

Mrs S Blazdell (Environmental Health Officer)

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**1. REVIEW OF PREMISES LICENCE – THE BRICKMAKERS ARMS, SWANMORE**(Report [LR284](#) and [supplementary](#) refers)

The Sub-Committee reconvened to consider an application by Mrs Susan Blazdell, Environmental Health Officer, Winchester City Council, for the review of the Premises Licence for The Brickmakers Arms, Swanmore under Sections 51, 52 and 53 of the Licensing Act 2003. The meeting had been adjourned from the previous hearing held on 3 November 2008 to allow for an acoustic survey to be conducted.

Present at the meeting were Mrs Susan Blazdell (Applicant and Environmental Health Officer), Mr Dave Ingram, (Environmental Protection Manager), Mr Robin Pierson (licence holder and Designated Premises Supervisor - DPS, The Brickmakers Arms) and his wife, Mrs Leslie Pierson. PC Gary Miller (Hampshire Constabulary) was also in attendance, representing the Police as a Responsible Authority. Miss Clare Chamberlain (resident) was also present.

Mr Myall presented his Supplementary Report. He explained that, at the time of writing, he was unaware of any implemented measures to reduce noise levels, but that an acoustic report had been conducted in response to the Sub-Committee's recommendations. He had visited the premises with Mr Ingram and Mrs Blazdell on Tuesday 6 January 2009 to establish what progress had been made in relation to the recommendations contained in the acoustic report. He also summarised measures available to the Sub-Committee under the Prevention of Public Nuisance Objective, including preventing any music

events being held until the noise management works were complete. Members could also opt to impose a deadline on the Schedule of Works or delegate the monitoring of this to Environmental Health. If it was considered appropriate, the Sub-Committee also had the option to take no action.

The Chairman agreed that the Sub-Committee should refer to two documents from the licence holder, a Schedule of Works and a Noise Management Plan for the garden area, and these were circulated to all present.

Mrs Blazdell addressed the Sub-Committee and explained that an Acoustic Consultant had surveyed the premises and recommended that significant structural improvements were needed, primarily to the rear lobby and windows. A noise limiting device was an additional option, plus the removal of a ventilation fan drawing noise from the building. When visiting the premises it was noted that much of the structural work was being undertaken by Mr Pierson himself. Mrs Blazdell also suggested that prior notification of events held by the licensees would assist officers in assessing the effectiveness of the implemented noise reduction methods.

Following questions from the Sub-Committee, Mr Ingram explained that the continued limitation of events at the venue may be overzealous, as newly implemented acoustic screens should be effective in reducing noise omissions. He confirmed that Environmental Health would continue to monitor the premises and verify that the remedial methods were adopted in a timely manner.

PC Miller spoke as a representative of Hampshire Constabulary, confirming that only one noise related phone call had been received since 1 November 2008. This was from the licensee requesting that the Police visit the premises and confirm that noise levels were appropriate for the current time of night.

Mr Pierson then updated the Sub-Committee and explained that his intent had been to become part of the Swanmore community. He was grateful to Hampshire Constabulary and Winchester City Council for their support. He stated that he closely followed licensing regulations and considered that providing music for his customers assisted with the costs of running the business, especially in the current economic climate. He clarified that sound-proofing boards had been constructed at the front of the premises within the last week.

Miss Chamberlain spoke as a witness to the application for the Review, as a representative of Mr Pendred, a resident who had spoken at the 3 November 2008 hearing. She confirmed that noise levels had dropped considerably since the previous meeting, but that this may have been a result of the winter weather and residents' windows being closed. In response to Miss Chamberlain, the licence holder confirmed that the front porch now had a self-closing door to limit noise, and signage at the front of the premises identified this area as non-smoking to prevent customers from congregating there.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

**RESOLVED:**

That the Premises Licence be amended with the following additional Conditions:

- 1) No regulated entertainment consisting of amplified music shall be provided without notifying the Head of Environment before the event until remedial works have been completed to the satisfaction of the Head of Environment.
- 2) The premises licence holder shall implement a noise management plan approved by the Head of Environment in order to control the noise from patrons using the garden area.

**Reason for Decision:**

The Sub-Committee considered that adding these conditions to the Premises Licence was necessary in order to further the Licensing Objective of preventing Public Nuisance.

The meeting commenced at 9.30am and concluded at 10:25am.

Chairman