

LICENSING SUB – COMMITTEE

15 January 2009

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application - **Review of a Premises Licence – Resumed Hearing**

The Brickmakers, Swanmore

Part A.	Report	<i>Buff</i>
1	Supplement to LR 284	
2	Observations	
3	Conditions	
4	Other Considerations	
Part B.	Appendices	<i>White</i>

1. SUPPLEMENT TO LR 284

- 1.1 The Licensing Sub Committee met on 3 November 2008 to deliberate an application from the Head of Environment to review the Premises Licence for the Brickmakers, Swanmore, under Sections 51, 52 and 53 of the Licensing Act 2003.
- 1.2 The hearing was adjourned for the premises licence holder to obtain an acoustic report for the premises.
- 1.3 An acoustic report was commissioned by the licence holder and has been submitted to the Head of Environment. To date, no confirmation has been received that any of the recommendations have been implemented.
- 1.4 The Head of Environment makes recommendations to address the public nuisance objective, which are shown in Section 3 of this report.

2. Observations

The Sub-Committee is obliged to determine this application for a review with a view to promoting the following Licensing Objective:

- The prevention of public nuisance

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps that it considers necessary to promote the Licensing Objectives:

1. Modify the conditions attached to the licence either permanently or for a period not exceeding three months.
2. Exclude a licensable activity either permanently or for a period not exceeding three months.
3. Remove the Designated Premises Supervisor.
4. Suspend the licence for a period not exceeding three months.
5. Revoke the licence.

If the Sub-Committee decides that none of the above measures are necessary, they may take no action.

Licensing Objectives.

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the premises having regard to the observations of the Head of Environment, the Police and the Interested Parties.

(Licensing Policy Section C)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1

of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

3. **Possible Conditions**

If the application for review is granted, the Sub-Committee may wish to consider the following conditions under the Public Nuisance objective.

1. No regulated entertainment consisting of amplified music shall be provided until an acoustic report is obtained by the premises licence holder and remedial works have been agreed with, and completed to the satisfaction of the Head of Environment.
2. The premises licence holder shall submit a noise management plan to the Head of Environment for approval prior to implementation in order to control the noise from patrons using the garden area.

4. **Other Considerations**

Corporate Strategy (Relevance To:)

This report covers issues which affect the principles of “safer and more inclusive communities” and “safeguarding our high quality environment for the future.”

Resource Implications

No licence fee is applicable in this case. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Recent References

LR284

Appendices

1. Minutes of the Licensing Sub Committee 3 November 2008.
2. Map of premises showing representations.

MINUTES OF THE LICENSING SUB COMMITTEE 3 NOVEMBER 2008

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

The Sub-Committee met to consider an application by Mrs Susan Blazdell, Environmental Health Manager, 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.

Present at the meeting were Mrs Susan Blazdell (Applicant), Mr Robin Pierson (licence holder and Designated Premises Supervisor - DPS, Brickmakers Arms) and his wife, Mrs Leslie Pierson. PC Gary Miller (Hampshire Constabulary) was also in attendance representing the Police as a Responsible Authority. Mrs Boyes, Mr Pendred and Mr Rodrigues (residents) were also present and the Sub-Committee accepted a request for them to speak as witnesses to the application for the review, under Regulation 8 (2) of the Hearings Regulations. There were no representations received from Interested Parties with regard to the application.

Mr Myall presented the application as set out in the Report. The Review related to the prevention of the public nuisance objective of the Act, following a number of complaints of noise and disturbance from the premises over a period of time. This was generally caused by live music entertainment and from persons congregating outside. Mr Myall reported that he, together with the Environmental Health Officer and the Police, had met with the Licence Holder and DPS (Mr Pierson), to remind him of the conditions of the existing licence to limit noise pollution and advice was also offered to improve the situation. Finally, Mr Myall advised that letters of support to the premises, although not strictly relevant to the application, had been included in the Report as background information.

Mrs Blazdell explained that complaints had been ongoing with regard to noise and disturbance from the premises. Monitoring of the premises had been undertaken on 8 September 2008 from the street outside of the premises and from within neighbours' homes. She had concluded that noise from a live band at that time was a disturbance and she suggested that acoustic works to the premises would improve the situation. She also advised that the building was currently acoustically inferior and unable to attenuate the noise emissions. As a consequence, it had been suggested that the licence holder seek professional advice to upgrade the building to reduce noise. She also advised that some remedial work, which had already been carried out at

the windows, was unlikely to solve the problem in isolation of more substantial works.

PC Miller then spoke regarding the representation from Hampshire Constabulary as a Responsible Authority. He drew attention to his letter of representation at Appendix 2 to the Report. He referred to his visits to the premises since Mr and Mrs Pierson took over as Licence Holder in May 2007, including with Mr Myall and Mrs Blazdell, with regard to ongoing complaints.

Mr Pendred spoke as a witness to the application for the Review, under Regulation 8 (2) the Hearings Regulation. He advised that he lived opposite the premises and spoke of excessive noise from live bands and also of anti social behaviour outside. He also referred to the area of the building where the bands played and suggested that, as this was of single skin construction, it would be difficult for remedial action to totally alleviate the noise disturbance.

Mrs Boyes also spoke as a witness to the application for the review, under Regulation 8 (2). She lived next door to the premises and stated that noise was particularly excessive on Friday and Saturday evenings. She also referred to noise and bad language from smokers congregating outside and she had been unable to enjoy her own garden as a consequence.

Mr Rodrigues also spoke as a witness to the application for the Review, under Regulation 8 (2). He also lived close by and stated that noise was intolerable and occasionally had drowned out his television. Noise sometimes continued after 12midnight from patrons leaving the pub, including shouting, car doors slamming and car stereos. He regularly complained via the 101 telephone line.

Mr Pierson addressed the Sub Committee and reported on the varied activities of the premises, including local community uses. An inspection from an acoustics consultant was imminent and he reported on proposed changes to the schedule of entertainment that should further improve the situation. Live music would finish at 11pm and Karaoke at 10.45pm (their licence allowed for entertainment up to 11.30pm). He also advised that the premises' rear entrance would be utilised for the loading and unloading of equipment, to further assist in reducing noise outside of the premises. Mr Pierson also clarified that bands did not actually play within the adjacent stable block to the premises, but in an area close by that benefited from double glazing. Further to questions, he confirmed that signs within the premises asked patrons to respect the rights of neighbouring properties. Some customers had previously been barred due to their inconsiderate behaviour. Finally, he advised that smokers were now limited after 7.30pm to an external area that was located away from his neighbours.

Further to questions, Mr Myall advised that, should the Sub-Committee be minded, Mr Pierson's proposed changes to the hours of

entertainment could be included in the conditions, along with anything further that it considered was necessary to achieve the Public Nuisance objective. These may be apparent after the acoustic survey had been undertaken at the premises.

At the conclusion of further discussion, Members agreed that it would be appropriate to adjourn the hearing to allow for the acoustics survey to be undertaken and for it to report its recommendations to the licence holder. Mr Pierson would then be requested to consult with the Environmental Health Officer and the Licensing and Regulation Manager within 14 days on works to be undertaken to reduce noise emissions.

RESOLVED:

That the hearing be adjourned, for the reasons given, to a future date to be agreed.

The meeting commenced at 9.30am and concluded at 11.45am.

LICENSING SUB – COMMITTEE

3 November 2008

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application - **Review of a Premises Licence**

The Brickmakers, Swanmore

Part A. Report *Buff*

- 1 Application**
- 2 Responsible Authorities**
- 3 Interested Parties**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

Part B. Appendices

- Appendix 1 Application** *White*
- Appendix 2 Representations from Responsible Authorities** *Green*
- Appendix 3 Noise logs and correspondence** *Cream*
- Appendix 4 Other Appendices** *White*

Part A.**1. Application**

Applicant: Mrs Susan Blazdell, Environmental Health Officer
Winchester City Council

Premises: The Brickmakers, Church Road, Swanmore

- 1.1 This application by Mrs Susan Blazdell, Environmental Health Officer, Winchester City Council is for the review of the Premises Licence for The Brickmakers under Sections 51, 52 and 53 of the Licensing Act 2003.
- 1.2 The reason for the review relates to the prevention of the public nuisance licensing objective following complaints of noise and disturbance from the premises, caused by live entertainment and persons congregating outside the premises.
- 1.3 As a result of complaints of noise, the Environmental Health Officer in company with the Licensing and Registration Manager, and Police licensing officer met with the licence holder who is also the designated premises supervisor, Mr Robin Pierson, reminding him of the conditions relating to noise pollution attached to the licence, and advice was given on methods to minimise noise disturbance.
- 1.4 Monitoring of the premises was carried out by Mrs Blazdell, Environmental Health Officer on Saturday 6 September 2008. This monitoring was carried out in the street and from neighbouring houses. At this time there was considerable noise emanating from the premises. The noise was caused by a three piece band in the premises.
- 1.5 No direct representations have been received since the advertising of the review, however previous complaints and noise log sheets are included at Appendix 3.
- 1.6 Letters of support for the licence holder have been received from nine households in Swanmore, the primary school, and two addresses in Bishops Waltham. The letters of support do not constitute relevant representations, however they are included in the appendices and the Sub Committee may attach such weight to them as it considers reasonable.
- 1.7 The application for review was received on 8 September 2008.
- 1.8 Notice of the application was displayed outside of the premises for a period of 28 days until 7 October 2008, and advertised on the Council's website and at the City Offices.
- 1.9 Notices of the hearing were sent to all Parties on 8 October 2008.

Relevant Representations**2. Responsible Authorities**

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

Head of Environment

The Head of Environment submitted the application for a review of the premises licence.

Hampshire Constabulary

The Police submitted a representation relating to public nuisance.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Head of Building Control

No representations received.

Head of Safety Standards

No representations received.

3. Interested Parties

No representations were received from interested parties, however letters of support were received and are attached at Appendix .

4. Observations

The Sub-Committee is obliged to determine this application for a review with a view to promoting the following Licensing Objective:

- The prevention of public nuisance

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

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If the Sub-Committee decides that none of the above measures are necessary, they may take no action.

Licensing Objectives.

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the premises having regard to the observations of the Head of Environment, the Police and the Interested Parties.

(Licensing Policy Section C)

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Susan M Blazdell

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Brickmakers Arms Church Road Swanmore Hampshire.	
Post town Southampton	Post code (if known) SO32 2PA

Name of premises licence holder or club holding club premises certificate (if known) Robin Derek Pierson The Brickmakers Arms Church Road Swanmore Southampton Hampshire SO32 2PA

Number of premises licence or club premises certificate (if known) PREM85

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Susan Blazdell Environmental Health Officer Operations Directorate Winchester City Council Colebrook Street Winchester SO23 9LJ
Telephone number (if any) 01962 848479
E-mail address (optional) sblazdell @winchester.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The prevention of public nuisance.

Please provide as much information as possible to support the application
(please read guidance note 2)

Environmental Health and Police have been for some time in receipt of complaints alleging noise disturbance from activities being held at the above premises. Principally the complaints relate to loud music during events, noise from patrons using the smoking area and leaving the area at closing time. These issues have been raised on a number of occasions with the the current premises licence holder.

A further visit to the premises by Environmental Health was made on 19 June 2008 accompanied by the Police and Winchester City Council's Licensing Officer when advice was given on methods to minimise noise disturbance which was confirmed by letter to the premises licence holder on 23 June 2008.

However the complaints have continued and local residents are still being disturbed.

Following the complaints noise monitoring has been undertaken, the latest being on Saturday 6 September 2008 when the site was visited the Environmental Health Officer between 2205 and 2245. At that visit it was my opinion that the noise emanating from the premises was unacceptable and was creating a significant disturbance.

The noise from the 3 piece band could be heard 100m away and was clearly audible within the complainants' properties. It appeared that no sound proofing was in place and no off site noise monitoring by the licence holder was observed.

Events are held at these premises on a regular basis and it is apparent the current conditions on the premises licence are not preventing public nuisance as detailed in Section C of Winchester City Council's Licensing Policy 2008.

I therefore recommend a review of the premises licence is undertaken.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

CONFIDENTIAL

Our Ref :
Your Ref :

Winchester Police Station
North Walls
Winchester
Hampshire
SO23 8DW

Licensing Sub Committee
Winchester Guildhall

Telephone: 0845 045 45 45
Direct line: 01962 871 386
Fax: 01962 871353

e-mail: gary.miller@hampshire.pnn.police.uk
MiniCom: 01962 875000

07 October 2008

Dear Sir/Madam

This report is written in response to the application for review by Sue Blazdell Environmental Health officer in respect of the Brickmakers Arms Public House, Church Road Swanmore.

The Brickmakers Arms is a detached building situated in a residential road surrounded by dwelling properties. The premises cater for both the local community and due to the regular music/ karaoke nights have built up the trade and attracts customers from outside the local area.

To assist the committee with their recommendations I have taken Police records that are contained in our systems. I have only used records from the proceeding 12 months (Oct 2007 – Present)

Police records show that since the DPS Rob Pierson & his wife Leslie took over the running of the establishment in May 2007 reported incidents to the premises have increased.

During the above aforementioned dates 14 complaints have been recorded on our Records Management System (RMS). This system covers incidents including rowdy & inconsiderate behaviour, drugs and other recordable crimes such as assault, burglaries etc.

Out of the 14 reports, 6 refer to general rowdy & inconsiderate behaviour & drunkenness incidents. Six are not relevant to this Hearing, with the other 2 for theft and a neighbour dispute over noise. Out of the 14 reports the DPS Robin Pierson or his wife Leslie have been the informants on eight.

These reports probably do not give a true reflection of the level of noise complaints received however, for example via 101 calls, although Environmental Health should receive a copy of such calls made through this number.

Noise complaints alone are not generally recorded onto RMS, unless they relate to licensed premises and have other aggravating factors so Environmental Health figures would be more accurate in this respect.

CONFIDENTIAL



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

CONFIDENTIAL

I have personally visited the Pub on 5 occasions since Mr & Mrs Pierson took over in May 2007. The last occasion was on the 19th June 2008 when a daytime visit was carried out with both Winchester City Council & Environmental Health. During this visit both Mr & Mrs Pierson were present and the ongoing complaints received by EHO were discussed at length.

It has been clear from my visits and conversations with Mr & Mrs Pierson they are trying very hard to make a go of running this their 1st pub. They inherited some issues with the premises when they took over that they are trying to address. They are also very receptive and supportive of the Police.

Mr & Mrs Pierson have made me aware of the severe financial constraints that they face in just trying to make a living. They have informed me that without regulated entertainment the business would not be financially viable in the climate today. They also stated that there are insufficient funds for the required works to address some of the issues with noise.

Unfortunately due to the amount of regulated entertainment that they provide, merely moving bands and artists from one part of the building to another and other low cost options like positioning boards over windows in an attempt to suppress noise exiting the building clearly does not work.

The pub also suffers badly from its proximity to other properties as since the introduction of the smoking ban in public places legislation introduced last year a great many of the customers naturally congregate outside on the decking area they have built in the garden. This issue alone regarding smokers affects many Licensed Premises.

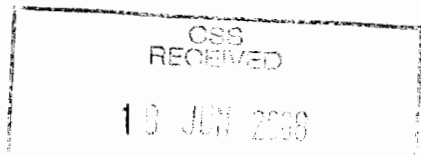
Yours Sincerely

A handwritten signature in black ink, appearing to read 'Gary Miller', written over a faint horizontal line.

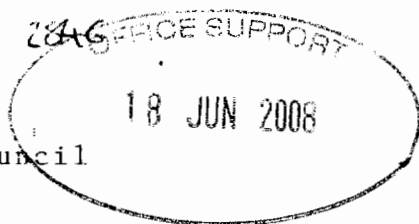
PC 1526 Gary Miller

Winchester District Liquor Licensing Officer.

CONFIDENTIAL



JM 02/07 2846 SERVICE SUPPORT



Licensing Dept

Winchester City Council
City Offices
Colebrook Street
Winchester SO23 9LJ

17th June 2008

For attention of John Mayall

Dear Sir or Madam

Re: Loud rock & roll music and antisocial nuisance
coming from pub " The Brickmakers " on
Church Road, Swanmore, SO32 2PA.

On Friday 13/6/08 and Saturday 14/6/08 loud rock and roll music from a live band was played continuously from 8pm to 12pm in the above mentioned pub.

All the windows of the pub were fully open and the music coming from the pub was so loud that it could be heard loudly in our front bedrooms in spite of the fact these have double glazed windows. Then at midnight a group of young teenage larger louts came out of this pub into the forecourt and were fighting, shouting and effing until 1.30am. All this noise and antisocial behaviour prevented us from going to sleep..

This noise nuisance and antisocial behaviour from The Brickmakers occurred (and still occurs) on daily basis for the past 6 months specially on Wednesdays, Fridays and Saturdays, days when live rock and roll bands and karioki is being played in the pub till midnight and beyond.

Several residents including us living in the vicinity of The Brickmakers are being denied proper sleep during normal sleeping time because the present landlord of this pub is catering for the these teenage, underage larger louts who want loud music with their binge drinking, drug taking and sex. These louts come in cars and after pub closing time gather in the forecourt of this pub and hoot car horns, play loudly car radios/cassettes, bang car doors when shouting, fighting and effing which goes on from 12pm to 1.30am

We the residents of Church Road, Swanmore have several times complained of this matter to Winchester City Council who has ignored our complaints and done nothing. WHY?

By not acting on our complaints you are encouraging this antisocial behaviour to flourish to the detriment of our quality of life. All the pubs in Swanmore close at 11pm. Why is the Brickmakers licensed to operate with loud music beyond the hours of midnight?

It appears that the present landlord of this pub is incapable of controlling this antisocial behaviour on his premises. It is an intimidating environment; we had our garden wall smashed during one of the fights; we fear that if not dealt with soon there could be a fatal stabbing. Because of this not many locals use or frequent The Brickmakers and the pub does not serve the social needs of Swanmore village. The modus operandi of the present landlord is not compatible with the quiet village life of Swanmore.

continued

continued from page 1.

Swanmore is not a city to have noisy music hall with live bands blasting loud music till early hours of the morning. Even in the city these music halls contain their loud music within their premises by providing sound proof devices and installation. The Brickmakers leave all the pub windows open and do not have sound proof installation..

In the circumstances we urge you to restrict the licence to The Brickmakers on 3 conditions:

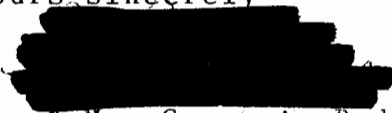
- 1) The pub must close not later than 11pm
- 2) There must not be any liveband music or karioki music played in the pub beyond 10pm
- 3) There must be policing of the pub premises ^{between} 11pm and midnight.

The above conditions should stop the larger louts attending and frequenting this pub.

If even with these measures the antisocial behaviour persists the pub licence should be withdrawn.

We await your reply to this complaint.

Yours sincerely


Mr. & Mrs. Gregorio Rodrigues



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Environmental Dept
Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire SO23 9LJ

8th September 2008

Your ref. 08/02984 /NOINRH
For attention of Sue Blazdell

Dear Madam

Re: complaint regarding noise nuisance at
Brickmakers, Church Road, Swanmore.

We refer to your letter dated 23/6/08 in response to our complaint.

The Landlord of the Brickmakers' pub has not and is not complying with the conditions stipulated in your letter under reference.

- A. There are still no notices in place requesting their customers to respect the needs of the local residents and leave the premises quietly.
- B. Loud live music is still being played with the pub windows wide open after 2300 hours. No boarding or any sound proofing has yet been provided at the premises to contain the noise within the pub.
- C. Live loud music is still being played after 2300 hours up to midnight and sometimes beyond.
After this the pub customers, deliberately, out of spite to the local residents, cause antisocial behaviour by arguing loudly and effing outside the pub, banging car doors, playing loudly their car radios and hooting their horns.
The landlord does not call the police to control this nuisance because he does not want to lose his lager lout customers.

In view of the above the only solution is to withdraw the pub's entertainment licence for playing live music in the pub that seems to attract the rowdy elements.

We await your further response in this matter.

Yours sincerely

[REDACTED]

Mr. & Mrs. G. Rodrigues



Sue Blazdell,
Environmental Protection Team
Winchester City Council.
City Offices,
Colebrook Street,
Winchester
SO23 9LJ

June 29th, 2008

Dear Ms Blazdell,

Re : **The Brickmakers Arms, Church Road, Swanmore**

Thank you for your letter dated June 23rd regarding the above.

As previously requested, I have now kept a log of noise disturbance and enclose this for your perusal.

You will see from this log that every Friday and Saturday evening, the landlord has live bands playing. On each night the music starts at 21.00 hrs and finishes at 23.30 hrs. This is then followed by more noise from the back garden/decking area from customers until after midnight.

As I have already mentioned to you, I do expect a certain level of noise living next to a public house, but recently, under the management of this landlord, the noise from the live bands and his customers has been excessive.

It is impossible for my family to enjoy summer evenings in our garden with this music booming out from the pub. This is the time of year when we look forward to having barbeques with friends around, but we are no longer able to enjoy this. I do feel our quality of life has suffered due to these live bands playing.

I am surprised that as this public house is surrounded by houses in a fairly quiet, rural village, that the landlord was able to obtain a license for this kind of entertainment without there having been any consultation with the neighbours.

The bands play their music in a recently restored old stable block attached to the main building. This was renovated by a previous landlord to provide a restaurant area. It is only constructed of a single skin of brickwork, which is why we are affected so much by the noise. The landlord does keep all the windows shut at the front of the building but this is not enough to contain the noise. On one evening I was sat in my sitting room, with all windows and doors shut and you could clearly hear what music was being played.

I was disappointed to read in your letter that "live or recorded music in the garden should end at or before 22.30 hrs" Surely this does not mean he can play live music outside?? That would be even more of a disturbance and I cannot believe this could be allowed in a built-up residential area.

I was pleased to read that you and your colleagues called to see the landlord regarding this on June 19th – a Thursday. I would like to invite you to call to my garden on any Friday or Saturday evening to experience the noise for yourself. I would however like to point out that since your visit, nothing has improved.

Finally, I would like to mention that I have lived in this property for 9 years now and have never had cause to complain in this way before.

Thank you for all you are doing in this matter and I look forward to a reply to these points made.

Yours,

A large black rectangular redaction box covering the signature of Karen J Boyes.

Karen J Boyes (Mrs)

Encl.

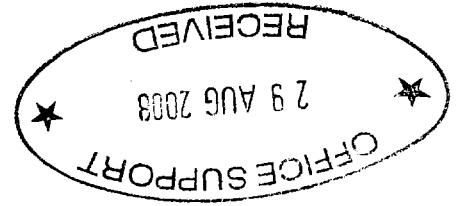
Please note my correct name – not Carol Boyce as per your letter!

01489

893705.



Sue Blazdell.
Environmental Protection Team,
Winchester City Council,
City Offices,
Colebrook Street,
Winchester.
SO23 9LJ.



August 27th, 2008

Dear Ms Blazdell,

Re : The Brickmakers Arms, Swanmore

Further to our telephone conversation on July 14th, I would like to keep you up-dated regarding noise from The Brickmakers. As you may recall, I told you on this date that there had been no improvement at all to our quality of life with regard to excessive noise on Friday and Saturday evenings. That is still the case.

My family and I went on holiday at the end of July and returned home on Friday 15th August at 9.30 pm, only to be greeted on our return by booming music from the pub's band. This loud music (made worse by the rear doors of the pub being left open all evening } went on until 11.45pm.

The following evening, Saturday 16th, there was another band playing, so again we were forced to listen to the loud music until approx. 11.45 pm. Later that evening, at 12.30 am, we had to telephone 101 because two of the pub's customers were having a fight in the middle of the road outside our property. At first we tried to ignore this disturbance, but soon had to do something because one of the lads was screaming out for an ambulance as he was bleeding. The bad language and their actions were obviously due to having been served excessive quantities of alcohol by the landlord.

The following morning, my husband decided to go and talk to the landlord as we are now totally fed up with the continued noise. The landlord was very sarcastic to my husband, saying that if he wasn't happy then he knew who to complain to. He also said that he could not afford to sound-proof the 'band area' of the pub as he had received a quote for £18000, which he thought was too expensive. My husband replied that he should turn the volume down or not have bands playing, to which the landlord replied that he didn't make any money without them. My husband also complained about the fight the previous night saying he was obviously selling alcohol irresponsibly – to which the landlady replied that her responsibility finished the minute customers left her pub!

The next day the landlord contacted the police saying we were harassing him!!

As you can see Sue, this situation is worsening.
Again I would like to invite you or a member of your department to my back garden on any Friday/Saturday night to hear the noise level for yourself.

I still find it hard to believe that he is allowed to have live music, in a built-up residential area without adequate sound-proofing, and that when neighbours have made complaints against him regarding this, he is allowed to continue. It appears that he is not at all concerned, and not taking his publican responsibilities seriously.

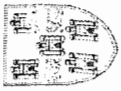
I would like to stress that if this situation is not rectified soon, then I will be contacting my local MP for further guidance.

I look forward to hearing from you soon regarding this matter.

Yours,

A large black rectangular redaction box covering the signature area.

Karen Boyes {Mrs}



CITY OFFICES, COLEBROOK STREET, WINCHESTER, HAMPSHIRE, SO23 9LJ

TEL (01962) 840222 FAX (01962) 840586

GENERAL COMPLAINT LOGSHEET

COMPLAINANTS NAME

Karen
Mrs ~~Boyes~~

ADDRESS

[Redacted]

INVESTIGATING OFFICER

Sue Blazdell

EXTENSION NO

2479

TYPE OF COMPLAINT

Noise

SOURCE

The Brickmakers, Church Road

COMPLAINT REF NO

08/02830/NOINRI

DATE DELIVERED/SENT

10 June 2008

COMPLAINANT'S SIGNATURE

K. Boyes

DATE

I CERTIFY THIS IS A TRUE & ACCURATE RECORD OF EVENTS, OBSERVED BY ME AT THE TIME THE INCIDENTS OCCURRED. I UNDERSTAND THAT IT MAY BE USED AS EVIDENCE IN COURT IF NECESSARY.

DAY & DATE	START TIME	FINISH TIME	DURATION	COMMENTS
FRIDAY 6TH JUNE	9.00 PM	11.30	2.5hrs	Live band playing. Music too loud to be able to sit outside in garden. Had to close all windows and doors + even then could hear music from band in my house.
SAT. 7TH JUNE	9.00 PM	11.30	2.5hrs	Live band playing. Music even louder, if that's possible. At one point, with all doors + windows shut, I could recognise one of the songs being played by the band from my sitting room on the other side of my house.
FRI 13TH JUNE	8.50 PM	12.30	3.5hrs	Live band playing. Excessive noise as previous weekend. Band finished at 11.30 however customers remained in pub garden until 12.15 - talking, drinking, laughing etc. Noise from cars + saying goodbye to each other when they finally left - 12.30.

DAY & DATE	START TIME	FINISH TIME	DURATION	COMMENTS
SAT 14/6/08	9.00 — 12.30	11.30 — 12.30	3.5 hrs	LIVE Band playing. Too loud to sit outside in garden + had a pleasant evening. Customers still in pub garden at midnight chatting etc. Noise from cars when they finally left at 12.30am - shouting to each other
FRI 20/6/08	9.00	11.30	2.5 hrs	LIVE band playing. Extremely loud again noise from pub garden by customers
SAT 21/6	9.00	11.30	2.5 hrs	LIVE band playing Ditto !!
FRI 27/6				Cannot comment - Out all evening til late
SAT 28/6				Out this evening - returned home at 11.10 pm. Greeted by loud music on my return as per other weekends. This finished at 11.30 pm.

Jeanette Batt

From: Jeanette Batt
Sent: 21 August 2008 17:41
To: [REDACTED]
Cc: Sue Blazdell
Subject: RE: Noise complaint Brickmakers Public House Swanmore - Your Ref 07/06326/NOINRI

Thank you for your e-mail. I have passed the details to a colleague in Environmental Protection for their consideration in Mrs Blazdell's absence. We have been advised that on the occasions that WCC staff visited the vicinity of the public house recently there was not sufficient evidence to allow for any changes to the licence conditions to be sought at this time. Another visit to the site is to be arranged.

In the meantime, to progress the matter further, it has been suggest that your name should be added to the list for a recording device to be installed in your property. This would allow us to monitor the effect of the events at the Brickmakers Public House over a weekend or for a week depending on the length of time the machine is available. Someone will contact you when the machine becomes available in order to arrange for its installation.

-----Original Message-----

From: [REDACTED]
Sent: 17 August 2008 20:54
To: Jeanette Batt
Subject: Fw: Noise complaint Brickmakers Public House Swanmore - Your Ref 07/06326/NOINRI

----- Original Message -----

From: [REDACTED]
To: jbatt@winchester.gov.uk
Sent: Sunday, August 17, 2008 8:47 PM
Subject: Fw: Noise complaint Brickmakers Public House Swanmore - Your Ref 07/06326/NOINRI

Dear J Batt

Please find attached details of a complaint for your attention in the absence of Sue Blazdell.

M Pendred

----- Original Message -----

From: [REDACTED]
To: SBlazdell@winchester.gov.uk
Cc: JMyall@WINCHESTER.GOV.UK
Sent: Sunday, August 17, 2008 8:33 PM
Subject: Noise complaint Brickmakers Public House Swanmore - Your Ref 07/06326/NOINRI

Dear Sue

I wondered if you could update me with reference to my correspondence dated 29 June 2008. There is no improvement to my quality of life with regard to the noise of live amplified bands and customers from the Bricklayers Public house. Please see continuation of diary below. In your communication of 14/07/08, I note you hope to conduct sound monitoring at the premises, has this been completed yet?

As a direct result of the incident that occurred on Saturday night 16/07/08, a fight which I believe resulted in ambulance attendance, I had cause to speak with the landlady and landlord. They stated amongst many other things that the police and Environmental Health Department has visited them on three of four occasions and both were happy with the running/management of the public house. The landlady went on to explain that Environmental Health were more than happy with the 3" thick sound proofing that they use behind the drawn curtains. I have yet to see any evidence of the soundproofing and if it is in existence it has done nothing to suppress the sound levels. Interestingly they stated they had been quoted £18K to soundproof the building and that they could not afford to do this. I would suggest that anything that they are currently using is just piecemeal and whilst not knowing if £18K is a realistic price to pay for soundproofing I would suggest until adequate measures have been taken that any existing license allowing amplified music should be suspended.

Please could you respond to this corresponded and answer some of the questions I have raised from my previous enquiries, as a number of my questions appear unanswered.

Perhaps it would be of assistance if we arranged a meeting to discuss the subject?. I have started to record the noise which live bands produce and you are more than welcome to listen and/or take copies.

regards

Michael Pendred

DIARY

Wednesday 02/07/08, Karaoke - loud music and loud compare.
Friday 04/07/08, loud bass music from amplified band. Single board placed in one window.
Saturday 05/07/08 20.45 Very heavy bass /guitar music. No sound proofing seen.banging at midnight as band loaded equipment and loud conversation until 00.30hrs.vehicle diesel engine running for 15 minutes.
Friday 11/07/08, loud rock music with heavy bass.21.00 main door opening and closing several occasions,causing louder blasts of music. Car horns sounding 00.10hrs, shouting as drinkers depart. Equipment being loaded and banged around. 00.30 main pub lights still on. (band - weird fish).
Wednesday 16/07/08, loud karaoke. 23.15hrs two - three males singing outside front of pub.loud conversation and shouting at Daniel to put his shirt on. Two diesel engines running for 15 minutes.
Friday 18/07/08, loud bang, band. After 23.59 slamming of vehicle doors. Male and female in conversation until 00.30hrs.
Wednesday 23/07/08 Karaoke, loud announcer, song lyrics containing repeated word of rhymes with 'banker'.
Friday 01/08/08 loud live band (Davy Jones Locker) main entrance open, no sound proofing seen. vehicle sounding horn 11.20.
Saturday 02/08/08 loud band 21.00 onwards, no soundproofing seen. Male loud conversation on mobile 23.00 onwards. Pub lights remain on until 01.15
Monday 04/08/08 21.00 onwards, loud males and raised voices in front of entrance to pub. Drinkers still in front of pub until 00.20 when loud revving of vehicle took place.
Wednesday 06/08/08 Karaoke , amplified music, especially announce. slamming car doors 00.10
Friday 15/08/08 Live band approx 21.15 onwards. no soundproofing seen, curtains not drawn. band loading equipment until 00.20
Saturday 16/08/08 Heavy bass from rock band (lynchpin). 00.15 sound of roadwork furniture, cones etc being thrown around directly outside.
Sunday 17/08/08 15.00 hrs conversation with landlady and landlord as above.

----- Original Message -----

From: SBlazdell@WINCHESTER.GOV.UK

To: [REDACTED]

Cc: JMyall@WINCHESTER.GOV.UK ; CStefanczuk@WINCHESTER.GOV.UK ; gary.miller@hampshire.pnn.police.uk

Sent: Monday, July 14, 2008 4:59 PM

Subject: RE: Noise complaint Brickmakers Public House Swanmore - response to letter dated 23/06/08 Your Ref 07/06326/NOINRI

21/08/2008

Thank you for your e mail. John Myall is on holiday this week, however we intend to some monitoring on a Wednesday/Friday/Saturday night on his return. PC Miller is also requesting the Police patrol the area on a more regular basis to address the issues of noise from patrons leaving the site.

Regards

Sue

Sue Blazdell

Environmental Health Officer

Part Time

Monday, Tuesday and Thursday

Environmental Protection

Environment Division

Winchester City Council

Colebrook Street

Winchester SO23 9LJ

T 01962 848479

F 01962 840586

E sblazdell@winchester.gov.uk

www.winchester.gov.uk

-----Original Message-----

From: [REDACTED]

Sent: 14 July 2008 16:43

To: Sue Blazdell

Cc: John Myall

Subject: Fw: Noise complaint Brickmakers Public House Swanmore - response to letter dated 23/06/08 Your Ref 07/06326/NOINRI

Hello, I was wondering if there was any reply/response to my communication of 29 June 2008, I would like to know what actions are in hand by your respective departments before I am able to pursue my next course of action, thank. Please could you acknowledge receipt of this e-mail with in three working days.

Michael Pendred

----- Original Message -----

From: [REDACTED]

To: SBlazdell@winchester.gov.uk ; licensing@WINCHESTER.GOV.UK

Cc: jmyall@winchester.gov.uk

Sent: Sunday, June 29, 2008 11:25 AM

Subject: Noise complaint Brickmakers Public House Swanmore - response to letter dated 23/06/08 Your Ref 07/06326/NOINRI

Dear Sue,

Thank-you for your letter 23/06/08, I am grateful that you and your colleagues have visisted the Brickmakers Public House and drawn the licensees attention to his legal position with regard to public nuisance. The prominent display of notices requesting patrons to have respect for the needs of local residents, if in place have little, or no effect. (please view dairy entries below).

Extract from your letter states ' All doors, windows capable of being opened to outside shall be kept closed after 23.00hrs... '. I would like to use my garden before 23.00hrs! In fact I would like to be able to sit in it at weekends from early evening onwards. This of course is not possible unless I wish to listen to every word, note and cord from a live rock band.

Friday 27/06/08 and Saturday 28/06/08 is the first time I have ever seen any attempt to put boards up in the front elevation of the public house. This consisted of one board lent against a window section out of a total of seven window/door sections to the front elevation. I would suggest this is wholly insufficient, the board looked no more than a table top in one window section only and did nothing to restrict noise.

As I have highlighted before I regard the premises as inappropriate for live music, being for the most part a converted stable block and is mostly glass fronted. Before and during contact with yourself I have approached the landlord on at least five occasions to enquire about soundproofing and have heard several different excuses from being let down by contractors to not being able to afford it.

I understand the public house has been visited by yourself on at least two occasions and still

my quality of life is being adversely affected by the licensee's business practice. The building is a licensed premises and as such has conditions placed upon it and the licensee. I would recommend placing restrictions upon the licence in terms of live music and would suggest a 'once a month' live music policy as part of the conditions and only when suitable soundproofing measures have been undertaken.

The current regime is wholly unacceptable as bands are playing every Friday and Saturday night with loud karaoke taking place each Wednesday evening, making the opening of windows at night to let fresh air in and the social use of our garden impossible on these occasions.

I quote from the Human Rights Act, First Protocol, Article 1.

'The right to peaceful enjoyment of one's possessions; Not to be deprived of these except in the public interest and subject to the condition provided for by law and the general provisions on International law.'

I would be grateful for your assistance and further investigation ,

Kind regards

Michael J Pendred

DIARY

Friday 13/06/08, Evening onwards : Very loud band, heavy bass, vehicle horn sounding at 00.30, external public house lights on until 00.50, 01.00 disturbance shouting and swearing by several males, possible fight. 01.05 banging on pub door, opened by landlady (Leslie?) loud conversation between landlady and males (Luke and Craig?) stating that he had a scuffle with a curly haired fella and conversation continued, Leslie stating she would ban him, conversation went onto 01.30

Sunday 15/06/08, 22.30 wheel spinning, revving of engine as vehicle left public house.

Saturday 21/06/08 00.30 three to four males, loud conversation , swearing for 5 - 10 minutes before slamming of car doors and one group walking off.

Wednesday 25/06/08. Karaoke, 22.30 main door of pub still open, no boarding in windows.

Friday 27/06/08, loud rock band, heavy bass, 22.30 screeching of vehicle tyres and horn sounding. 00.20 external pub lights still on, loud conversation

Saturday 28/06/08, 20.45 loud rock music, one board seen in one window section. Too loud again to sit in garden, entertain or open windows in residence.

----- Original Message -----

From: SBlazdell@winchester.gov.uk

To: [REDACTED]

Sent: Friday, June 13, 2008 3:15 PM

Subject: RE: Noise complaint Brickmakers Public House Swanmore - ref Continuation of complaint 07/06326/NOINRI

Thank you for your e mail. The Licensing manager, the Police and I will visit the licensee to remind him of his obligations with respect to public nuisance. I will keep you updated.

Regards

Sue Blazdell

Environmental Health Manager

Environmental Protection

Environment Division

Winchester City Council

Colebrook Street

Winchester SO23 9LJ

☎: 01962 848479

☎: 01962 840586

✉: sblazdell@winchester.gov.uk

🌐: www.winchester.gov.uk

-----Original Message-----

From: [REDACTED]

Sent: 11 June 2008 18:03

To: Licensing

Cc: Sue Blazdell

Subject: Fw: Noise complaint Brickmakers Public House Swanmore - ref Continuation of complaint 07/06326/NOINRI

<>

----- Original Message -----

From: [REDACTED]

To: SBlazdell@WINCHESTER.GOV.UK

Cc: licensing@WINCHESTER.GOV.UK

Sent: Tuesday, June 10, 2008 8:50 PM

Subject: Fw: Noise complaint Brickmakers Public House Swanmore - ref Continuation of complaint 07/06326/NOINRI

----- Original Message -----

From: [REDACTED]

To: licensing@WINCHESTER.GOV.UK ; SBlazdell@WINCHESTER.GOV.UK

Sent: Monday, June 09, 2008 7:29 PM

Subject: Re: Noise complaint Brickmakers Public House Swanmore - ref Continuation of complaint 07/06326/NOINRI

Dear John/Sue

I write with reference to noise complaints which I have previously highlighted with your Department/s in respect of the Brickmakers Public House, Swanmore. It is getting to the time of year when we would like to sit in our garden or open the windows to allow cooling breezes through our property. Unfortunately, in particular at weekends we find that we are unable to do this due to noise and cigarette smoke from the Public House. This issue is especially unavoidable at weekends when the landlord often holds live bands/gigs on Friday and Saturday nights. I have completed two if not three of your diaries concerning the noise and it would appear that these concerns have not been addressed and there are no improvements in our quality of life.

In fact the landlord has advised me that the only reason he closes the doors, front doors and windows is out of 'politeness to neighbours' and that he is not obliged to do so.

How is it that a public house is able to promote and hold live rock music/gigs without any concern to the people living in the immediate vicinity. No provision has been made for sound deadening material, the area where the bands play was recently to modernised from outhouses to a restaurant area, with large glass frontage which does nothing to stop the transfer of amplified music. This alone is not the entire problem. Patrons side outside the front of the Public house, smoking, using mobile phones, holding loud conversations and if that wasn't enough vehicle horns are often sounded on leaving the Public House or indeed even passing the building. This can also be accompanied by excessive revving of engines and spinning of tyres. Are copies of individual landlords tenancy agreements a matter of public record? Or are licensees not accountable and free to allow noise and nuisance to the detriment of those who have properties close to licence premises.

Examples of nuisance listed below. I would be very grateful for further investigation into the matter.

Yours Sincerely,

Michael J Pendred (not Pendrith as per letter)

Saturday 03/05/08 19.50 band setting up drums guitars, all doors window open - spoke to landlord requesting doors be closed. Landlord advised under the terms of licence he has no need to close windows and doors until 23.00hrs but does so earlier out of politeness.

Wednesday 14/05/08 21.30 onwards, karaoke, loud amplified music and singing from patrons.

Wednesday 21/05/08, evening onwards, Karaoke , amplified music windows open, car horns 23.30hrs, slamming vehicle doors, 00.39hrs, revving of engine.

Saturday 24/05/08 00.30 am vehicle horn sounding, noise on leaving.

Thursday 05/06/08 23.55 hrs loud conversation between males, 2 vehicles spinning wheels, continued revving.

Saturday 07/06/08 Evening onwards, loud band, booming bass, every word of the amplified vocals heard from rear of our property. Even with our windows closed, heavy bass and music kept us awake until midnight.

----- Original Message -----

From: licensing@WINCHESTER.GOV.UK

To: [REDACTED]

Cc: SBlazdell@WINCHESTER.GOV.UK

Sent: Tuesday, October 23, 2007 9:34 AM

Subject: RE: Noise complaint Brickmakers Public House Swanmore

Dear Mr Pendred

Thank you for your email.

Mrs Adcock no longer works for WCC, however I shall forward this to the Environmental Health department.

We will look into this, possibly by carrying out some noise

monitoring. It would be helpful if you could let us know the times the music finished and at what times doors and windows were left open.

Regards

John Myall

Licensing and Registration Manager

Winchester City Council

City Offices

Colebrook Street

Winchester

SO23 9LJ

(: 01962 848 443

7: 01962 848 472

(: VPN 350 2443

**: jmyall@winchester.gov.uk*

8: www.winchester.gov.uk

-----Original Message-----

From: [REDACTED]

Sent: 22 October 2007 21:01

To: CustomerService; Corporate Communications

Cc: Charlotte.Adcock@winchester.gov.uk; Licensing

Subject: Noise complaint Brickmakers Public House Swanmore

FAO Environmental Protection and the Licensing
Department

22/10/07 Brickmakers Public House, Swanmore

Dear Charlotte Adcock,

I am writing to complain of noise that comes from the Brickmakers Public House located in Swanmore. The premises changed hands in early June 2007 and to the new landlord/landlady's credit I was approached to be told that they intended to put on live bands at the above premises. I was assured that they were to erect some sort of sound proofing as they assured me that the last thing they wanted to do was to alienate any of the neighbours.

Since this time, live bands have played most Friday and Saturday nights and there is also a karaoke night on a Wednesday evening which also involves amplified music and amplified music can be heard in addition to the nights mentioned above.

On several occasions when the bands have been playing, windows have been left open, customers leave the building and spend time outside the front of the pub either talking in groups or making mobile telephone calls. I can only assume it is too loud on the inside of the building to allow them to conduct calls, discussions/conversations satisfactory.

The smoking ban has also made the situation worse as the main front door is being continually opened and closed as customers who smoke exit and re-enter the premises. If a band or karaoke is playing at this point a loud blast and significant increase in the volume of music can be

heard each time the door is used.

The noise people make as they stand at the front of the Brickmakers smoking and drinking sometimes shouting, screaming and arguing is a constant disturbance.

I have asked the landlord on three separate occasions when the neighbours can expect the soundproofing to go ahead and he has told me he has been let down by contractors and then there is the cost of doing the work for him to consider.

I would also like to point out that I feel the use of the Brickmakers as a music venue is wholly inappropriate. Most of the front of the building is glass as the recent extension was built as a restaurant area. The bands are normally playing in an area in front of a set of doors to the front of the public house. The effect of this is that it appears to make the bass sound even more amplified and a 'thump' resonates throughout our bungalow where we live.

It should be noted that our bedrooms are facing the front of the Brickmakers which makes it impossible to sleep and during summer months smoke could be smelt in the bedrooms which compounded by the noise means that our windows have to remain closed.

I attach a diary of events and occasions when I have felt the need to speak with the landlord. This does not include every occasion where I have felt the noise to be overbearing but I am worried if that I do not inform you of this frustrating issue then it will become the norm.

It can not be right that a business can operate adversely affecting those that live in the community around it without that business taking precautions.

Wednesday 6/06/07 Initial contact about soundproofing

Wednesday 13/06/07 Karaoke - loud music, door open, people singing and swearing on the amplified music

Friday 15/06/07 Loud band, outside lights on until 01.00 hrs

Saturday 16/06/07 Spoke with landlord, aware of swearing and would raise with karaoke host. Enquired about soundproofing and was waiting on contractor.

July - bands playing, loud groups, mobile phone calls, groups hanging around until early hours, main door opening closing

Wednesday 01/08/07 Karaoke - all windows open

Friday 03/08/07 Live band - all windows open. Telephoned landlord to request he close them

Wednesday 15/08/07 Karaoke - all windows open. Restaurant and Main door open. Groups of people singing

to karaoke outside the front.

Saturday 18/08/07 Live band - windows left open

Wednesday 22/08/07 Karaoke - windows, main door open

Sunday 26/08/07 Raised with landlord , noise, swearing groups, mobile phones and enquired further in respect of soundproofing. Landlord responded he had been let down by contractors

Friday 31/08/07 Live band , loud music Windows open

Friday 07/09/07 Live band , loud music, group of people singing , generally making noise, shouting and laughing to 00.45am

Wednesday 03/10/07 Karaoke, groups outside pub shouting and swearing

Friday 05/10/07 Live band, groups of people drinking shouting and smoking at the front

Saturday 06/10/07 Live band , loud music, front door continually opening and closing, groups out front of pub, loud.

Wednesday 10/10/07 Karoke, loud music, groups at front shouting swearing , aggressive in nature, appeared to be a fight at 00.15am.

Thursday 11/10/07 Spoke with landlord about previous nights incident, once again enquired about soundproofing. He responded contractors let him down and considering cost.

Saturday 13/10/07 Loud music, females shouting, cackling, main door continually opening and closing

Sunday 14/10/07 Males outside pub talking and swearing, using mobile phones from 21.30 onwards until early morning

Saturday 21/10/07 Live band, people in groups outside pub, music on until midnight, bass thumping constantly

Your sincerely

Michael J Pendred



Winchester
City Council

Premises Licence

Premises Licence Number

PREM85

07/00904/LAPRMV

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Brickmakers Arms
Church Road
Swanmore
Southampton
Hampshire
SO32 2PA

Telephone number 01489 892461

Where the licence is time limited the dates

Licensable activities authorised by the licence

- b) Films
- c) Indoor Sporting Events
- e) Live Music
- f) Recorded Music
- h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
- l) Late Night Refreshment
- m) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

The hours the premises may be used for permitted regulated entertainment shall be as follows:

- b) Films
- c) Indoor Sporting Events - Inside the Premises Only
 - (i) **Monday to Sunday** 1000 to 0000

e) Live Music - Indoors of the Premises Only

(i) **Monday to Sunday** **1000 to 2330**

f) Recorded Music Indoors of the Premises Only

(i) **Monday to Sunday** **1000 to 0030**

h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
- Indoors of Premises Only

(i) **Monday to Sunday** **1000 to 2330**

l) Late Night Refreshment - Indoors of Premises Only

(i) **Monday to Sunday** **2300 to 0030**

m) Supply of Alcohol

(i) **Monday to Sunday** **1000 to 0000**

(ii) **New Years Eve** **1000 to 1000 2 January**

The opening hours of the premises

(i) **Monday to Sunday** **1000 to 0030**

(ii) **New Years Eve** **1000 to 1000 2 January**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Robin Derek Pierson
The Brickmakers Arms
Church Road
Swanmore
Southampton
Hampshire
SO32 2PA

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number
Registered Charity Number

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Robin Derek Pierson
The Brickmakers Arms
Church Road
Swanmore
Southampton
Hampshire
SO32 2PA

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number	2006/00215/06EPEN
Licensing Authority	Eastleigh Borough Council

Head of Legal Services

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

Crime and Disorder

1. There shall be not less than five working days written notice provided to Police if they require it, when event days are planned.

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
2. All doors and windows that are capable of being opened directly to the outside of the premises shall be kept closed after 2300 whilst the premises are in use for the purposes of regulated entertainment.
3. Live or recorded music in the garden will end at or before 2230.

Protection of Children

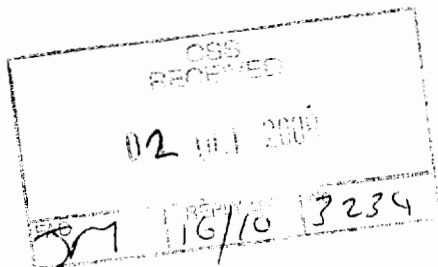
1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Annex 3 – Conditions attached after a hearing by the licensing authority

n/a

Annex 4 – Plans

See attached



The Head of Legal Services
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

29/9/2008

Dear Sir/Madam

I am writing with regard to The Brickmaker's Arms, Swanmore. I understand that there has recently been some concern relating to 'noise nuisance', and feel that I should add my voice to this debate.

The Brickmaker's is not my local pub; however I am a regular visitor, largely due to the fact that over the past year or so the pub has built a reputation for having good live music. Over the course of their tenancy, the proprietors have worked hard to achieve this by having a wide range of musical styles and bands. In my experience, the bands which I have seen have not been particularly loud (in comparison to other pub style venues I have been to). I play in a band which has played here, and we are conscious of this and set our sound levels accordingly. I know for a fact that Rob And Lesley (the Landlords) are also conscious of this, and certain bands which have been considered to be a little on the loud side are not re-booked or have now been cancelled.

The pub trade is at present a hard one to be in, and to survive it is often necessary to have regular events such as music. The Brickmaker's is part of the Swanmore community and it needs to host music in order to survive.

Please do not consign another local pub/music venue to the history books.... Too many are being lost already.

Yours sincerely



Mr Gary Goodchild.



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
13th September 2008

Dear Sirs

Re: The Brickmakers, Church Road, Swanmore.

I understand that due to the receipt of a small number of complaints that the conditions of the Brickmakers licence is to be reviewed and I wish to register my strong support for the licencees and the way it presently operates.

I have used the Brickmakers as my local for the last 25 years and have seen licencees come and go, the present licencees in my opinion are doing their utmost to survive in a financial climate that is seeing pubs all over the country boarded up and closed.

In Swanmore every pub except the Brickmakers has become a pub-restaurant, unless you are going for a meal you are unable to mix socially without feeling uncomfortable.

The Brickmakers has tried in the past to compete with other pubs but the food market is limited and there is just not sufficient trade to enable it to be spread 4 ways in one village, undoubtedly if the Brickmakers had continued trying it would have failed by now and have been boarded up and lost for good.

Commercially the Brickmakers relies on the revenue it achieves with its Live Music nights where it is a highly respected venue attracting a very loyal following of support from locals and outsiders and attracts some of the best performers in the area.

The only other pub in the area that occasionally has live music is far smaller than the Brickmakers and gets so crowded it is unhealthy and probably contravenes some fire laws as well, the Brickmakers is by far the best venue for having live music in Swanmore.

The live music subsidizes the pub and allows it to remain a traditional pub, where you can socialize with your peers and not have a menu forced in your face when you walk in the door, the Brickmakers offers its customers a dart board and a first class pool table (the only one in the village) there are darts teams and two pool teams using these amenities as well as many of the villagers.

The Brickmakers is the only pub in the village where people of all ages can meet in a warm friendly atmosphere and enjoy these amenities.

The village pool team has in the last week become Champions of division 1 of the Bishops Waltham Pool League they would obviously be unable to defend their championship if the pool table was replaced with a dining table !

The locals are well aware that should the music nights be stopped or restricted we would lose our pub and its amenities and see yet another attempt at a pub-restaurant, we have seen this fail before and it is inevitable that eventually we would see our pub boarded up with the loss to the community that would entail.

Swanmore NEEDS the Brickmakers to remain as a pub, the community needs it to remain as a friendly place to meet friends and socialize, play darts or pool in a friendly, safe and controlled environment, it does not need another restaurant or another housing estate gobbling up a precious village asset.

The youth of the village have a place in the Brickmakers where they can meet and socialize, they respond well to this and they behave very well, the licencees have a very strict anti drugs policy and the Brickmakers is totally drug free unlike many other pubs and clubs in the area.

The licencees have always responded positively to comments and criticism from their neighbours and have been only too pleased to make changes to aid relations but lately some of the complaints have been ludicrous to the extreme and amount to dictatorship and restriction of trade which if anything is far worse harassment than any of the people living nearby face from the Brickmakers.

The Brickmakers has been in the heart of Swanmore for more than 100 years anyone moving nearby should have been aware what business a pub is in? if you hated children I wouldn't expect you to move next to a school? by moving in next to this sort of business you have to be aware what you are doing and not expect it to change just to suit you, I personally feel that the licencees have bent over backwards to appease their neighbours and that the very small number of upset neighbours show that by and large they are succeeding in this, they will never, however have any joy with people that seem to have their own personal agenda with regard to being serial complainants.

Noise issues have been addressed by the licencees and noise reduction is an ongoing project, ways are continuously being looked at to minimize noise pollution and the landlord checks several times a night to make sure that external noise is minimal.

I have stood outside myself in the past and found that the sound of the band playing was drowned out by a car driving past, I wonder if certain people would also like to see Swanmore a pedestrian village also ?

The only times that the music is heard clearly externally is when a customer enters or leaves the premises or goes into the back garden for a cigarette, with the best will in the world the licencees cannot alter or change that. In fact it was the government bringing in the new smoking laws that have largely brought on this increase in complaints about noise levels generally in pubs and clubs.

The licencees are providing a valued service to the community I fully support them and their efforts and would hope that instead of condemning them you would find ways to help and assist them in achieving a compromise that doesn't restrict their ability to continue trading.

Yours sincerely

A large black rectangular redaction box covering the signature of Dave Emmence.

Dave Emmence

The couple that run the Brickmakers do all they can to make the clientele happy and give them what they want - it keeps the community happy. It keeps our younger generation off of the streets as they can play pool or darts or just listen to music - all the sort of good things we should as a community 'encourage'.

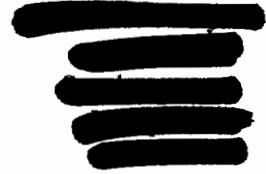
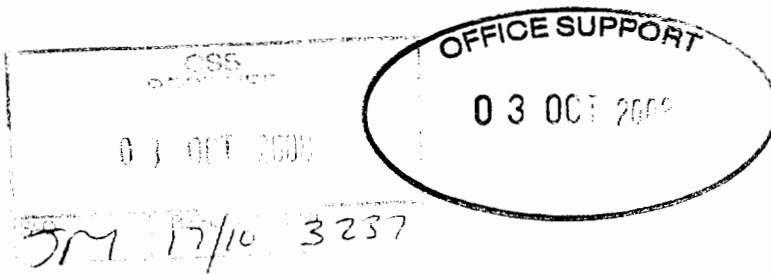
I personally have had some excellent nights in the pub with my wife and also with my children. It's that sort of family atmosphere that makes us return there - with good music, friendly hospitality and entertainment all round - for a village pub, that is an outstanding compliment to the management.

It would be a tragedy if for any reason, that this type of public house were to be restrained in any way, shape or form from doing what it is there to do and good at - **SERVE THE COMMUNITY WITH WHAT IT WANTS.**

Yours Faithfully,

A black rectangular redaction box covering the signature of R.D. Thorne.

R.D. Thorne,
DuPont Senior Account Manager
Aston Martin Lagonda



30th September, 2008

Subject: Brickmaker's Arms Public House, Swanmore.

Dear Sir/ Madam,

It has come to my attention that the above establishment is subject to a hearing, following complaints by neighbouring residences of excessive noise.

As a customer of this Public House, I would like to state my support for the current publicans. In my opinion, they have managed the premises in a responsible and professional manner and have always been sympathetic to the needs of both their customers and neighbours.

Following the recent neighbours' complaints, the landlord and landlady have also investigated various possibilities of sound-insulation to reduce external noise levels, which will require them to make a significant investment. The alternative is to lose the facility of providing live music and karaoke evenings, which provide a large proportion of weekly income.

If this particular Public House is singled out from the other local establishments that provide similar entertainment, I fear that the current owners will be forced to sell the business and the unsavoury clientele that used to frequent the Brickmakers Arms before its current stewardship will return, along with their drugs.

Running any kind of business in the current economic climate is a challenge. If this hostelry is unfairly penalised because of a few selfish and unreasonable demands, running a fair and honest business will become impossible.

Yours faithfully,

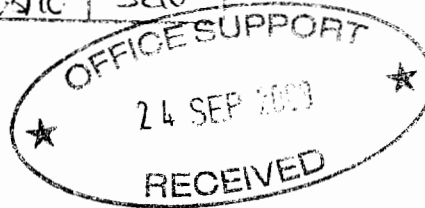
Duncan R. Gill

K.G. FULLEGAR

CSS
RECEIVED
24 SEP 2008

FAO	REPLY BY	NO
JF1	09/10	3210

Head of Legal Services
Winchester City Council,
City Offices,
Colebrook Street,
Winchester,
Hampshire
SO23 9LJ



23rd September 2008

Dear Sir,

Ref The Brickmakers Arms, Church Road, Swanmore,

I notice that there has been a complaint against the noise from the Brickmakers Arms on music nights and should like to speak out in their defence.

I was born in Swanmore over 60 years ago and have been a resident here ever since, in my youth I worked behind the bar in the old hut behind the Bricklayers Arms which had live music twice a week plus several other functions including skittles. All of which created far more noise than the current music nights.

It is a sad reflection of our society when people move in next to a public house, presumably because the property is less expensive, and then complain about the noise.

Swanmore as a community is reliant on the few remaining small businesses and I think it is very important that we do everything possible to support those businesses and not create obstacles.

Has any independent person carried out a noise survey during a music night? I have been past and not noticed any noise, I have heard cars going past my house with louder radios.

All small businesses, in particular the Pub trade, are struggling and without the music it is possible that the Brickmakers may no longer be a viable proposition, this should not be allowed to happen.

Yours sincerely


Ken Fullegar

CSS RECEIVED		
07 OCT 2008		
FAO	REPLY BY	NO.
JM		3250



1 October 2008

To The Head of Legal Services
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

RE: BRICKMAKERS ARMS, SWANMORE

We are writing in support of the Brickmakers Arms. This is our local pub which we enjoy going to, to listen to live music and catch up with friends. We are aged 39 and 32 and find there to be a good mix of people of all ages in the pub, on music nights the age range varies from 18 to 60.

We find the landlord and landlady to be very conscience regarding there neighbours, both with signs and telling people to leave quickly and quietly, they also do not allow people to smoke out the front and blacking out windows.

Our children attended Swanmore Primary School and I find the landlord and landlady to be very supportive of both the school and the local community.

If you require any further information from ourselves, please do not hesitate to contact us.

[Redacted]
Megan & Stephen McMulkin

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CSS RECEIVED		
07 OCT 2008		
FROM	REPLY BY	No.
SM	—	3249

3rd October 2008.

This letter is in support of our local public house The Brickmakers, Swanmore.

Dear Sir or Madam.

We have now been living in the village of Swanmore for over 30 years and have always used the Brickmakers as our local. Since Rob and Lesley have taken it over, its popularity has grown and in our opinion, they are doing a great job. They are working very hard to make a successful business in this difficult economic climate. They are a friendly welcoming couple and are popular with a wide range of the community.

We particularly enjoy the live music on Friday and Saturday nights when many local bands play and are enjoyed by young and old alike. Another big plus is the fact that it is in walking distance so we don't have to take the car out.

They have also built up a good trade with their excellent and good value for money Sunday lunches.

We know that Rob and Lesley are an asset to Swanmore and hope that they will be able to go on providing this community with all the entertainment we have enjoyed for as long as they so wish.

Yours sincerely,

Stephen and Marion Mace.

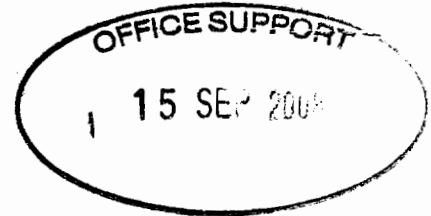
[REDACTED]



[REDACTED]

12th September 2008

Head of Legal Services
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ



Dear Sir

BRICKMAKERS Public House, Swanmore

We have lived for many years behind the Bricklayers Arms/Brickmakers and bought our Cottage knowing there could be a likelihood of noise/activity.

The present leasees have been very keen to integrate with their neighbourhood and we have personally found them very considerate and obliging.

They offer the parents of children at the Primary School in Swanmore, open parking, outside and behind the pub, morning and evening. Twenty cars usually take advantage of this, which helps to relieve the congestion on the dangerous road.

We do not have any reason to complain about the live music; in fact we enjoy the local bands from time to time and frequent the Pub on a regular basis. It provides a good social atmosphere for young and old and has an active Pool/Darts Team.

The music finishes at a reasonable time and people disperse in a quiet fashion.

The New Smoking Regulations have meant the smokers are now obliged to stand and interact outside. This may not be desirable but the law is something Rob and Lesley's do not have control over.

I would be happy to send you further comments if needed.

Yours faithfully

Sara, Jesse and Shen Worrell

[REDACTED]

[REDACTED]

[REDACTED]