

Representation from Environmental Health

The Jolly Butcher 174 Kingston Road Staines

The premises are located at 174 Kingston Road, with a beer garden and car park contained within the site. The premises are surrounded on two sides by residential properties to the west and south, with the Kingston Road running along the northern boundary. On the eastern side there commercial premises. The beer garden is located to the west of the public house and borders the residential premises in Chestnut Grove.

The current licence holders, Soulcurry Ltd, become licence holders in July 2015.

The licence has restrictions imposed on by Spelthorne's Licensing committee, in 2008, these are:

Permit the sale of alcohol from 10.00 to 23.00 Monday to Saturday and from 10.00 to 22.30 on Sundays. Seasonal variations: from 10.00 until 00.30 the following day for Christmas Eve and from 10.00 to 02.00 the following day on New Year's Eve.

The opening hours are 30 minutes later than the last sale of alcohol.

Regulated entertainment of recorded music has been applied for on seasonal dates of Christmas Eve and New Year's Eve only. No live music has been applied for.

The operating schedule that forms part of the application, includes that doors and windows shall be kept shut when regulated entertainment is being held, that meetings shall be arranged with residents (if they require) on the first Sunday of the month, that signage will be displayed to leave quietly and that no ball games will be permitted by customers.

Since Soulcurry, took over the premises, in July 2015, Environmental Health have received 4 noise complaints and these are:

July 2015 The pub has a person on a microphone and very loud music.

Action

Log sheets sent to complainant. Completed log sheets were not returned.

August 2016 Loud music, windows open, customers spilling out on to road.

Action

Letter sent to the pub

May 2017 The complainant was disturbed over the weekend by loud music and general noise coming from the above premises. She said that the doors and windows were wide open which is breaching their conditions. She does not want to complete log sheets but has asked that Licensing send out a letter reminding them to keep the doors and windows closed.

Action

Complainant did not want to complete log sheets, just a reminder to the premises to keep doors and windows shut.

June 2017 Loud Music

Action

This case is open and currently under investigation. Completed log sheets have been returned. Awaiting installation of noise monitoring equipment to be set up in one of the complainant's properties. Awaiting receipt of additional completed log sheets and reports from the council's out of hour's service, if contacted.

In August 2015, advice was given to the premises, concerning noise control measures, namely:

Where amplified music is being played, keep doors and windows closed.

Where amplified music is being played, and the temperature is sufficiently high as to require the windows and doors to be open, reduce the volume to a level that it does not cause a nuisance, i.e. cannot be heard beyond the boundary of the premises.

The reported incidents that have been received from the complainants as detailed in their completed extensive log sheets, covering the period April – July 2017 are:

1. The frequent playing of ball games outside in the garden. Additionally balls going over into neighbouring gardens and the retrieval by climbing over the boundary fence. , frequent occurrence, neighbours garden
2. Frequent events of loud music, disturbed sleep, need to sleep with windows closed, even when warm evenings, unable to watch television.
3. Frequent Groups outside pub screaming, swearing and shouting from late afternoon to closing time.
4. Customers remaining around the premises, after hours, loud talking/shouting/swearing.

It was noted that Rajesh Singh of Soulcurrency Ltd, on three occasions did respond to, in relation to the reported incidents

1. He reported that all the windows were all shut and the level of music coming over was anything more than street noise.
2. Playing ball games Customers threatening to towards him. Concerned about repercussions
3. Conversations with customers, concerning ball games etc.

The Council's out of hours service was called out and visited on the 17th June 2017, concerning a complaint made in respect of loud amplified music from a live band at The Jolly Butcher. The band played whilst the officer was on site, he felt that the noise level was not a statutory nuisance with the patio doors closed, however with the patio doors open borderline statutory nuisance. He gave to the person in charge, requested four open windows to be closed behind the band. Also, to ensure doors and windows are kept closed all the time the band are playing. He visited the complainant's property, prior to leaving the area, music at a reasonable level.

On the, 25th July 2017, I had a site meeting with Rajesh Singh of Soulcurry Ltd and Robert Thomas Licensing Officer was present for part of the meeting.

1. They took over the premises in July 2015.
2. Raj reported that they are monitoring the perimeter of the site and the main noise is from road traffic. He said that it was higher than the noise from the pub. He could hear music in the back ground and hear talking. They are keen to resolve the issues. Recordings made by Raj, were played during the meeting, no loud music was heard on the recordings.
3. During the weekend and evenings in the summer their peak hours are 16:00 – 19:00, on Friday's there are very few customers. They have banned several people due to the use of offensive language.
4. It was suggested that the floodlights to be connected to sensors and to limit the length of time they are on and reduce light nuisance to neighbours.
5. Concerning reports of people coming back. They are not seen on CCTV, as does not cover the whole site.
6. Football, notices up about not playing ball games. They advised me that this only occurred once. Ball over fence and an argument with the neighbours.
7. Control of the car park, out of hours was discussed and suggestion made concerning some form of barrier/chain to be installed.
8. The music brings in a decent crowd.

9. Meetings with neighbours to drop in. he would letter drop all neighbours. Also, provide a direct land line number to the DPS.
10. He had no knowledge of the reported incident concerning a car engine being run in the early hours of the 20th July 2017.
11. They have moved back to Stanwell within the last 2 weeks. There is no one at the premises overnight. He mentioned that the living accommodation could be let.

I will be issuing an addendum to this representation when the results of the installation of the noise monitoring equipment and further completed log sheets and reports are received from the Council's out of hour's service.

Leslie Spearpoint
Senior Environmental Health Officer
18th August 2017

Addendum to Environmental Health Representation Dated 18th August 2017**The Jolly Butcher
174 Kingston Road Staines**

There have been no further reports made to the Council's out of hour's service, since their last visit on the 17th June 2017 in respect of loud music coming from The Jolly Butcher. (Although, one additional report was received, in relation to a car with it's engine running, in the pub car park, during the early hours of one morning).

Additional log sheets have been received by the Council, the reported incidents, replicate what was recorded before, i.e. loud music, noisy customers leaving the pub, swearing and ball playing. However, it was reported that on one occasion the pub doors were propped open. In addition, it was reported that the music was so loud and that it was audible over the television. In addition, the complainants, were unable to sleep.

The Council, installed noise monitoring equipment in a nearby property, it was installed on Friday 25th August and was collected on Thursday 31st August 2017, this covered the August Bank Holiday weekend. Recordings were made only on the evening of Saturday 26th August 2017, there were 8 recordings made, covering the time period of 20:55 to 22:08. The results of the recordings is that that beat of the music could be heard, although not the actual words. There was one occurrence when the level of music increase, perhaps this is when a door opened.

The level of the music, was such that if a television or radio on in the room that the noise monitoring equipment was installed, it could mask the music coming from The Jolly Butcher.

Environmental Health, has given the guidance, in relation to noise emanating from premises. It would appear that, this advice was not being followed when the noise monitoring was being undertaken. If advice had been followed, the noise from the music could not have been heard.

Recommendations

In order to protect the residents being affected by noise from loud amplified music, the following are conditions are proposed to be added to the licence:

1. Staff will check prior to the commencement of regulated entertainment, and periodically during the regulated entertainment, that all windows and doors are shut.
2. From opening until 23:00 hrs. To prevent entertainment being intrusive, noise emanating from the premises will not be clearly distinguishable above other noise at the boundary of the nearest residential property. (You should not be able to identify the tune above normal background noise, although you may still be able to hear something).

After 23:00 hrs noise emanating from the regulated entertainment should not be audible outside the premises.

3. Person(s) who are assessing the noise, to have the authority to take the necessary action, i.e. to reduce the noise level, should the noise level exceeds the above criteria by requiring the sound level to be reduced.
4. Consideration should also be given to the installation of a noise limiter device.
5. Also, the installation of internal doors, to the entrance area, to create a lobby, to reduce the level of music coming from the premises, when the outside doors are open, when customers enter and leave the premises. Access to the premises to be restricted to the main entrance. Fire escape doors to be unlocked, whilst customers are on the premises and fitted with breakable straps, or other easy access device, in the event of a fire. In order to stop them being used to access the premises.

Leslie Spearpoint
Senior Environmental Health Officer
5th September 2017