

MID SUFFOLK DISTRICT COUNCIL

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 **ANDREW RUTSON-EDWARDS**

(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 RAMPANT HORSE INN CODDENHAM ROAD NEEDHAM MARKET	
Post town IPSWICH	Post code (if known) IP6 8AU

Name of premises licence holder or club holding club premises certificate (if known)
THE RAMPANT HORSE INN LTD CODDENHAM ROAD NEEDHAM MARKET IPSWICH IP6 8AU

Number of premises licence or club premises certificate (if known)
MPL0372

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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 ANDREW RUTSON-EDWARDS ENVIRONMENTAL PROTECTION TEAM MID SUFFOLK DISTRICT COUNCIL ENDEAVOUR HOUSE 8 RUSSELL ROAD IPSWICH SUFFOLK IP1 2BX
Telephone number (if any)
E-mail address (optional)

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

THE PREVENTION OF PUBLIC NUISANCE

Summary

The Council's Environmental Protection team have received multiple complaints from nearby residents regarding noise from live and recorded music held outside (in the outside bar/beer garden area) at the Rampant Horse. The outside bar/beer garden area is closely surrounded on three sides by several residential properties (refer to images in the Appendix). The multiple complaints have occurred since May 2021, when Alison Wyartt became Designated Premises Supervisor (DPS) of the premises.

Following investigation, an Abatement Notice was served under the provisions of the Environmental Protection Act 1990 in September 2022. Noise complaints have continued to date, and excessive noise has been witnessed by Council officers on several occasions during different performances of live music. It is therefore considered that the premises is breaching the requirements of the prevention of public nuisance objective.

The Rampant Horse was granted a temporary minor variation to its premises licence in June 2021 which had effect until the end of September 2021. This was to allow for an outside bar to assist the premises in recovering from the Covid-19 pandemic. As a result of this variation, and Environmental Protection concerns, the following temporary condition was attached to the licence:

“BEFORE THE USE OF THE TEMPORARY BAR GRANTED UNDER THE MINOR VARIATION FOR TEMPORARY PERMISSION UNTIL 31 SEPTEMBER 2021 TAKES PLACE, THE PREMISES LICENCE HOLDER SHALL CREATE A SUITABLE AND SUFFICIENT NOISE MANAGEMENT PLAN (NMP) WHICH IS DOCUMENTED AND AGREED WITH MID SUFFOLK DISTRICT COUNCIL’S ENVIRONMENTAL PROTECTION TEAM (EPT) AT LEAST 21 DAYS BEFORE THE USE OF THE TEMPORARY LICENSED AREA TAKES PLACE. THIS DOCUMENT SHALL INCLUDE A NOISE ASSESSMENT/VALIDATION REPORT TO CONFIRM ACCEPTABLE NOISE LEVELS. THE FINAL AGREED NMP SHALL BE SUBMITTED TO THE LICENSING AUTHORITY NO LATER THAN 7 DAYS PRIOR TO THE FIRST DAY OF THE FIRST EVENT TAKING PLACE. THEREAFTER THIS DOCUMENT SHALL BE RETAINED AND ADHERED TO.”

The condition was not complied with.

The venue is surrounded by hard reflective surfaces, which have the effect of amplifying noise, and is in close proximity to residential premises and thus appears to be unsuitable for outdoor live or recorded music.

Outdoor music is not specifically permitted by the premises licence and is allowed purely by the virtue of national deregulation which allows outdoor music at licenced premises until 23:00 hours, unless conditions relating to this activity are attached following a review.

Despite the service of the of the Abatement Notice and repeated attempts to engage with, and offer advice to, the DPS, she shows no regard for the prevention of the public nuisance licensing objective and thus respect for neighbours, despite having had ample opportunity to resolve the issue. Enforcement of the Abatement Notice may result in a fine but may not improve the situation for residents in the long term.

Please provide as much information as possible to support the application (please read guidance note 3)

TIMELINE OF EVENTS

2021

DATE	ACTIONS
4/5/2021	Complaint received from Resident A (High Street) of loud outdoor music from the Rampant Horse, several nights a week. Andy Rutson-Edwards (ARE) advises incoming DPS Alison Wyartt (AW) of the complaint and that the premises need to be reasonable and not cause a nuisance. Advised this may be difficult due to all the hard reflective surfaces around the courtyard. AW agrees to monitor future events.
8/6/2021	Rampant Horse makes application for a minor variation to their premises licence to have a temporary outdoor bar – concerns raised to the Licensing team by Environmental Protection due to existing noise complaint, resulting in a temporary condition being placed on the premises licence (as detailed above).
6/7/2021	Complaint received from Resident B (Kerridge Court) about loud music on 2 nd & 3 rd July.
13/3/2021	ARE discusses complaint with AW who advises the act was live singers with a pre-recorded backing track. AW is advised to monitor noise from performances and that if it is audible outside their perimeter, then it is likely to be an issue.
13 - 15/9/2021	Noise complaints received from Residents C & D (separate addresses in Coddendam Road) who report loud music every Friday and Saturday night and that they are unable to have windows open or sleep during it.
17/9/2021	ARE visits premises and advises AW that further complaints have been received and what the next steps will be. Reminded AW that she needs to monitor noise from future events and ensure noise levels are reasonable.

2022

23/6/2022	Noise complaint received from Resident E (Fairfax Gardens) who reports loud live music from the Rampant Horse most weekends and that they can hear it inside even with windows and doors shut.
28/6/2022	Environmental Protection are copied into a letter sent by a resident of Coddendam Road to the Rampant Horse asking them to reduce their noise levels.
18/7/2022	Noise complaint received from Resident F (High Street) who reports highly amplified music meaning they are unable to sit out in their courtyard.
22/7/2022	Noise complaint received from Resident D (Coddendam Road), who reports very loud music.
24/7/2022	Noise complaint diary returned from Resident E (Fairfax Gardens) documenting loud music on 8 th , 10 th , 6 th , 17 th , 23 rd and 24 th July and stating they are unable to sit in their garden or have windows and doors open during music events.

27/7/2022	DPS contacted by telephone by ARE and advised of latest complaint. Reiterated advice that DPS must ensure levels are reasonable and not a nuisance and that the Council may carry out officer monitoring during events.
31/7/2022	Site visit made to the area by ARE and Jamie Balaam (JB) during performance of singer with acoustic guitar (amplified). Officers toured Station Yard, Coddendam Road and Fairfax Gardens and found music to be clearly audible throughout. Officers visited the premises and discussed findings with AW. Advised her she needs to monitor noise levels in the area and set the music noise levels accordingly – accompanied DPS out to Station Yard to enable her to listen to the levels which officers consider to be 'loud'. Advised AW to engage a noise consultant as to the best way to manage the sound levels but again advised it would be difficult to attenuate the noise due to the yard being surrounded by reflective surfaces.
15/8/2022	Noise complaint letter received from Resident C (Coddendam Road) stating that noise levels were excessive on 8 th , 10 th , 15 th , 16 th , 23 rd , 24 th , 29 th , 30 th and 31 st July and 5 th and 11 th August 2022.
16/8/2022	Noise complaint diary returned from Resident F (High Street) advising of loud music on 13 th & 24 th July and 5 th August 2022.
23/8/2023 – 30/8/2023	Noise monitor installed at property of Resident D (Coddendam Road). Recordings made demonstrate that the noise amounts to a Statutory Nuisance under the Environmental Protection Act 1990.
6/9/2022	Noise complaint received from Resident F (High Street) advising music was very loud on 26 th August and 2 nd September 2022.
28/9/2022	Environmental Protection Act 1990 Abatement Notice served on both AW and the Rampant Horse Inn Ltd by hand.

2023

10/5/2023	Noise complaint received from Resident E (Fairfax Gardens) advising noise is an issue once or twice per week and they are unable to site outside.
11/5/2023	Letter sent to the Rampant Horse reminding them of the requirements of the Abatement Notice.
15/5/2023	Noise complaint received from resident E (Fairfax Gardens) advising of loud music on 13 th May 2023, which was audible inside the house.
29/5/2023	Noise complaint received from Resident E (Fairfax Gardens) reporting loud music on 19 th and 27 th May 2023 resulting in cancellation of planned BBQ.
4/6/2023	Noise complaint received from Resident E (Fairfax Gardens) advising of loud music on 4 th June 2023 preventing resident from using garden.
11/6/2023	Report received from Resident E (Fairfax Gardens) advising of loud music on 11 th June 2023.
14/6/2023	Visit made to premises by ARE and JB. Spoke to AW to offer advice, remind her about monitoring and managing the music levels from the site and advising that officers will be monitoring events.

15/7/2023	Noise complaint received from Resident F (High Street) about loud music – stating unable to use their courtyard due to excessive noise.
17/7/2023	Nose complaint received from Resident E (Fairfax Gardens) about live music on 7 th July and 15 th July.
21-24/7/2023	Noise monitor installed at property of Resident E (Fairfax Gardens) – however, poor weather meant that the band performed inside, and residents reported as a result there were no noise issues.
3 - 8/8/2023	Noise monitor installed at the property of Resident F (High Street). Recordings indicate noise is a public nuisance and breach of the Abatement Notice.
18/8/2028	Message left by ARE for AW requesting contact to discuss ongoing noise complaints.
18/8/2023	Noise complaint received from Resident G (Jubilee Court) reporting loud live music most weekends.
21/8/2023	Noise complaint received from Resident E (Fairfax Gardens) reporting very loud music on 11 th August, “loudest noise ever” on 18 th August, and loud music on 20 th August 2023.
23/8/2023	ARE has telephone conversation with AW. Discussed the option of her applying for a minor variation to remove permission for outdoor music, but she advises she wants to continue to have it. ARE advised the Council are considering calling the licence in for review and/or pursuing enforcement for a breach of the Abatement Notice and explained each breach would be a separate offence. AW responded by saying she would get Andy Otley (an Elvis tribute act) in “one last time and get him to turn the levels right up”.
29/8/2023	Noise complaint received from Resident E (Fairfax Gardens) reporting extremely loud live music on 26 th and 27 th August with music audible inside the house with windows and doors closed.
10/9/2023	Noise complaint received from Resident E reporting that live music was extremely loud, and they were unable to open their windows in the hot weather on 1 st and 3 rd September. On 8 th September they were unable to get to sleep until it had stopped.
11/9/2023	Noise complaint received from Resident H (Jubilee Court) reporting that live music was so loud on 8 th September 2023 that they were unable to open their windows.
14/9/2023	Noise complaint received from resident I (Coddendam Road), sent via Licensing team, complaining of noise from amplified music.
15/9/2023	Monitoring visit made to the area by ARE and JB. Sound Level Meter used, and field calibrated at the time of the visit. Band had just started up at 19:45 hours and levels in Fairfax Gardens were reasonable. However, as the performance progressed the volume increased whilst officers were on High Street. A nearby resident came out to speak with officers, advising the music regularly keeps their children awake. Fairfax Gardens visited again, and the noise level had increased but the band then had a break. Officers visited Resident J's property at 21:00 hours and the music clearly constituted a nuisance. LAeq 59.9dBA with LMax levels at 71dBA during the performance. The officers then walked along the High Street and noted that music was audible

	up as far as The Causeway. Officers consider that this a breach of the Abatement Notice and a failure to uphold the public nuisance objective in the licence.
20/9/2023	Visit to Rampant Horse made by ARE and JB. Hand delivered a letter to AW advising that complaints continue and of findings following monitoring visit on 15 th September. AW advised she had not gone outside on 15 th but had been unable to hear the music inside. Officer advised her that they were satisfied that the noise constituted a nuisance and that it was possible that the licence might be called in for review. AW advised that all bands had been told to reduce their volume levels. Officers advised that some of the residents had acknowledged this had occurred but that officers still considered the noise levels to be a public nuisance. AW reminded of the requirements of the notice and that she needs to consider the levels again and that officers would be carrying out further monitoring. AW suggested she may reduce the frequency of events – she was advised that noise levels from any event would still need to be reasonable.
22/9/2023	<p>Officer monitoring visit by ARE and JB. Sound Level Meter used and calibrated at the time of the visit. Music could be heard by officer when driving past the premises and was audible at Jubilee Crescent public car park.</p> <p>Monitored levels at Jubilee Crescent parking area, music and lyrics are audible at 55dBA.</p> <p>Officer monitoring at Station Yard at 20:50 hours and levels were between 54-60dBA when the drums of the track (“In the Air Tonight” by Phil Collins). Returned to Jubilee Crescent and levels were approximately 58dB during “Two Tribes” by Frankie Goes to Hollywood. Music and lyrics clear.</p> <p>Officers monitored at Coddensham Road – levels up to 58dBA. In Fairfax Gardens levels of 52dB in the street. Visited the rear garden of Resident J (Coddensham Road) Sound levels of up to 85dBA and 90dBA during drum strikes. Left this premises at 21:30 hours.</p> <p>Walked back along the High Street and measured levels up to 80dBA from the music with no road traffic noise.</p> <p>Officers consider this to be a public nuisance and thus no upholding of the licensing objective.</p>
25/9/2023	Report from Resident E (Fairfax Gardens) reporting the music on 22 nd September was very loud.
7/10/2023	<p>Officer monitoring visit by ARE and Joanna Hart (JH). Sound Level Meter used, and field calibrated at the time of the visit. Both officers were able to hear the music from the Rampant Horse when separately driving past to the meeting point. Monitored music from public car park in Jubilee Crescent where it could be clearly heard.</p> <p>Monitoring in resident car parking area to rear of Block 14-18 Jubilee Crescent. Music and lyrics to “All Night Long” by Lionel</p>

Richie, very clear with levels of 56dB (20:44 hours).

Monitors outside 13 Station Yard music and lyrics very clear to “She Used to be My Girl” – levels of 55dBA (20:48 hours).

Outside High Street at music was dominant and the overall levels was 69dB (62dB without traffic noise and peaks of 67dB) music and lyrics very clear to “Ain’t No Stopping Us Now” by McFadden & Whitehead, and “Love Train” by the O’Jays (20:56 hours).

Monitored at property of Resident E (Fairfax Gardens) in rear garden by back door, music and lyrics to “You Might Need Somebody” by Randy Crawford, then a duet (song unknown to officers) were clear and dominant, with levels of 59dB (21:03 hours).

Officers then went into rear conservatory with windows and back door shut and recorded levels of 56dB, with the music and lyrics to “Car Wash” by Rose Royce clearly audible (21:11 hours).

Officers then went to the back garden of Resident D (Coddensham Road) – levels were 70dB by the back door and further down the garden which runs parallel to the rear yard of the Rampant Horse. Music and lyrics to “Ain’t Nobody” by Chaka Khan and Rufus, dominant (21:20 hours). The guttering and satellite dish attached to the rear of the Rampant Horse barn was vibrating with the music and bass tones. Drain cover in garden could be felt to be vibrating underfoot with bass tones. In the kitchen of the property, with windows and door shut, levels were 50dB with the lyrics to “Hold Back the Night” by The Trammps clearly audible and akin to having a radio on in the room (21:28 hours).

Officers then went to the walled back garden of Resident F’s property (High Street). Measured levels of 60dB with the music and lyrics of “Your Love Keeps Lifting Me Higher and Higher” by Jackie Wilson clearly audible (22:03 hours). Left at 22:15 hours.

Officers conclude this is a further breach of the Abatement Notice and that the premises is not upholding the licensing objective of the prevention of public nuisance.

Recorded audio from the calibrated meter is submitted with this representation, available upon request.

In conclusion, the Environmental Protection team considers the playing of live and recorded music outside at the Rampant Horse to be an activity which gives rise to public nuisance and thus goes against the licensing objective of the prevention of public nuisance. Officers have visited during different performances and maintained this view. Complaints have been made from 10 separate addresses in the locality about various performances. It is these factors which we believe are grounds for review.

The Environmental Protection team considers that the location and design of the rear yard of the premises means it is fundamentally unsuitable for outside music due to the reflectivity of nearby surfaces and proximity of sensitive dwellings (refer to images in the Appendix). This may be why outside music is not given as a specified activity in the premises licence.

Section 177A(4) of the Licensing Act 2003 allows for new conditions relating to live and amplified music to be attached to a premises licence. Such conditions must state within them that section 177A of the Licensing Act 2003 does not apply to the condition, enabling them take effect despite the provisions of deregulation.

The Environmental Protection team would request that such conditions are attached to the premises licence as are necessary to prevent the playing of live or recorded music outside the premises. We do not request restricting the performance of music inside, as this has not led to complaints.

APPENDIX





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

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **19th October 2023**

.....

Capacity **Senior Environmental Protection Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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Post town	Post Code
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Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

