

The Pheasant – Updated Chronology of Events

DATE	ACTION	Appendix No
4.7.20	Pubs in England are given the go ahead to reopen following Covid 19 Pandemic lockdown.	
17.7.20	Application for premises licence made by Spirit Pub Company (Leased) Ltd. Wayne Lesley Parkes takes over from [REDACTED] as the Designated Premises Supervisor (DPS) – Licence number issued is PLN – 20/015928 – Variation of DPS note conditions remain the same as previous DPS as do permitted hours of use.	APP 1 Copy of PLN 20/015928
Between July and October 2020	Over 10 separate households complain of noise, residents meeting held at the Pheasant, lots of residents scared of DPS due to alleged connections with a criminal gang.	
12.10.20	Abatement notice served pursuant to Environmental Protection Act 1990 Section 80 – notice relates to use of electrically amplified, reproduced music, speech and other sounds arising external to buildings on premises known as the Pheasant Inn, Wood End Road, Wolverhampton.	APP 2 EPA S80 Notice and covering letter
4.5.21	Application to vary Premises License by the addition of an outside bar note Premises Licence Application and subsequent notice states will run outside bar between 10:00 - 23:00 daily . Varied Premises Licence variation granted 20.5.21 – 21/07763/PREMIN	APP 3 Copy of PLN/07763/Premin and application
10.5.21	Anonymous complaint of noise from Pheasant received.	
17.5.21	Anonymous complaint of noise from Pheasant received contact made with DPS by Licensing Team advised to turn noise down.	
20.9.21	Complaint of noise from Pheasant contact made with DPS (Wayne Parkes) advised to turn noise down	
25.2.22	Complaint of noise from Pheasant contact made with DPS (Wayne Parkes) advised to turn noise down.	
27.6.22	Complaint of noise from Pheasant contact made with DPS (Wayne Parkes)	
25.8.22	Complaint of noise from Pheasant	
31.10.22	Complaint of noise from Pheasant – ongoing	
6.11.22	Noise monitoring undertaken by Emma L Waites (ELW) at complainants' property. Event on inside The Pheasant. low frequency noise clearly audible in all habitable rooms of complainant's property. ELW walked along Prestwood Avenue, DJ playing. Lyrics and DJ audible but lyrics not discernible. Note the front of houses face Prestwood Avenue the	APP 4 – Map showing location of premises in relation to the Pheasant Pub.

The Pheasant – Updated Chronology of Events

	backgardens face the rear of the Pheasant. See Appendix 4. Note at the time of monitoring there were fireworks, and it was raining yet noise still audible.	
10.11.22	<p>Received telephone call from an anonymous complainant who had originally made an MP complaint that I had spoken to before she insisted on staying anonymous and stated that the noise is as bad as ever her issues are.</p> <ul style="list-style-type: none"> Noise has been bad for 2 years. Council haven't done anything about it Lots of residents had enough with the noise Lots of houses recently sold (people moving due to noise) Lots of elderly/ young families are too scared to complain Lady miscarried this year she blames it on the stress from noise from Pheasant 	
11.11.22	Community Protection Warning Notice (CPWN) pursuant to the Anti-Social Behaviour Crime and Policing Act 2014 served on DPS (Wayne Parkes)	APP 5 - CPW Notice
15.11.22	Meeting at Pheasant ref means to control noise outbreak following receipt of CPWN present Wayne, Bruce Wakeling (Area Manager for Greene King), Emily Fellows (Environmental Health Team Leader) and myself. Structural works recommended to control noise outbreak from inside pub, requested a scheme of acoustic measures to address problems – not received	
17.11.22	Email sent to Bruce Wakeling reiterating action taken by Environmental Health and reiterating request for a scheme of acoustic measures to mitigate noise be submitted – Never received	APP 6 - email to Bruce Wakeling requesting scheme of acoustic measures to mitigate noise
4.1.23	Emailed ■ asking if she felt the noise situation had improved since service of CPWN she responded by saying the noise is as bad as ever.	APP 7 – emails to BT
10.1.23 – 20.1.23	Email chain to Bruce Wakeling requesting an update - structural works to mitigate noise outbreak from within the pub alluded to but never materialised.	APP 8 – email BW
29.1.23	ELW visited complainant. Music noise audible in property in living room but the lyrics were not discernible. From 21:30 the low frequency noise (bass beat) could be heard and felt. Walked along Linthouse lane and Prestwood music just audible but not discernible at the front of the houses. ELW left complainants property with the music still audible. Complainant complained again that the noise stopped her sleeping and her partner who visits her states he is also affected by noise. When she walks down the street neighbours talk to her and state, they are affected by noise but are too scared of the landlord to complain to the council.	

The Pheasant – Updated Chronology of Events

30.1.23	Telephone call with Bruce Wakeling to inform him that the situation hadn't improved, he stated that he visited the Pheasant with a colleague who he claimed was a surveyor on the 27 th of January 2023 he did not feel that there was a noise issue. He undertook his own noise monitoring. I asked for a copy of the noise measurements and did not receive them.	
19.02.23	Noise Monitoring undertaken in the presence of Bruce Wakeling and Carrie (Brewery Surveyor), Dean Gooch (Senior Officer WCC) and myself, we met at complainants property, noise was not an issue at this time. Bruce gave the complainant his personal number and assured her that she could contact him at any time if affected by noise from the Pheasant and he would come and witness the problem himself).	
27.2.23	Email from [REDACTED] states calling brewery not working as they ignore her.	APP 9 – email from complainant
28.2.23	Telephoned Bruce Wakeling asking if he had heard from [REDACTED] he stated he had and had contacted Wayne Parkes who walked around the premises, Wayne video called him and they did not deem it to be problem. I again discussed the option of installing a Sound Limiting Device, Bruce to discuss with Wayne.	
2.3.23	ELW messaged Bruce asking for an update on installation of a Sound Limiting Device – no response.	
6.3.23	Email from complainant she no longer gets a response from Bruce Wakeling or his manager she is totally ignored by the brewery.	APP 10 – email from complainant
17.3.23	I undertook noise monitoring at the complainant's property. The bass beat from amplified music at the Pheasant was clearly audible in the living room where I was sitting. Subjectively the bass beat feels like a pulsating drum in your head. The complainant informed me that the singing had started in the Pheasant at 19:30. I walked down Prestwood Avenue the bass beat was clearly audible within approximately 75 meters of the rear facade of the Pheasant pub. On returning to the complainants'property, she informed that this level of noise would typically go on until 01:00 on a Friday, Saturday and Sunday evening. We discussed what measures she felt would reduce noise to a level that would not cause a problem. She stated that she did not wish the pub to close but just wanted to be able to sleep and relax in her property, she loved her home and had spent a lot of money on it, she did not want to move because of noise from the Pheasant.	
26/27/28 th May 2023	Noise monitoring undertaken by Linda Fletcher, Andy Johnstone, Dean Gooch and myself all of who are Senior Officer's employed by Wolverhampton City Council. All officers agreed that there was a Statutory Noise Nuisance in accordance with the Environmental Protection Act 1990.	APP 11 Witness statements

The Pheasant – Updated Chronology of Events

29/5/23	Recordings taken by complainant	Submitted as evidence
9.6.23	Email to Wayne and Bruce ref potential service of notice review of licence etc.	APP 12 – email to WP and BW
12.6.23	Email to Wayne and Bruce ref 7-day intention to serve period EPA 90 S80	APP 13 – email to WP and BW
13.6.23	Telephone conversation between ELW Piers Warne Legal Director for TLT etc ref breweries intention to not let this get to a review stage, he is to submit noise mitigation proposals.	
15.6.23	Witness Statement provided by complainant.	APP 14 – witness statement
16.6.23 and 17.6.23	Email from Piers Warne outlining what the brewery intends to do to mitigate noise (not enough detail provided at this stage to give confidence that works will be done at all or enough to mitigate noise outbreak)	APP 15 – email from PW
29.6.23	Email to Piers Warne outlining what information is required.	APP 16 – email to PW
3.7.23	Email from complainant about how noise is making her feel ill and how noise is causing enormous strains on her relationship	APP 17 – email from BT
12.7.23	Email to Piers Warne – no response to previous email	APP 18 – email to PW
12.7.23	Email from Piers Warne to say that they want to sort the problem out amicably.	APP 18 – email from PW
17.7.23	Telephone conversation with complainant her house on market because the noise from the Pheasant is unbearable, she is very upset because she loves her house but feels she needs to sell to escape the noise.	
21.7.23	Email from another complainant who wishes to remain anonymous detailing how noise from the Pheasant has affected her over the last 3 years. Numerous noise recording submitted as evidence note these are not all incidences of noise, they are an example of the noise.	APP 19 Email from anonymous complainant Plus noise recordings submitted as evidence

The Pheasant – Updated Chronology of Events

22.7.23	<p>Noise monitoring undertaken by ELW at complainants' property, amplified music clearly audible in property in particular bass beat thudding throughout the property in all habitable rooms. Note witnessed between 10pm – 11pm later informed by complainant that the same level of noise will be an issue until 1am. Note despite brewery (Piers Warne) informing Environmental Health that the Pheasant Pub is keen to work with the council to mitigate noise and not impact on residents, it is apparent that due to continuing excessive noise they are not.</p> <p>Discussed issues with complainants' partner who was staying with complainant at time of monitoring, he has documented his views on the matter</p>	APP 20 - statement issued by complainants' partner.
25.07.23	<p>Abatement Notice pursuant to the Environmental Protection Act 1990 S80 served on the Pheasant relating to amplified music and vocal sounds. Note the notice was served nearly 1 month after originally informing the brewery and relevant parties that Environmental Health had witnessed a Statutory Notice, normally the period is 7 days to submit adequate information so negate service of notice.</p>	APP 21 -S80 AN plus covering letter
27.07.23	<p>Emma Caddick (EC) Service Manager Environmental Health conversation with Wayne Parkes, discussed the following:</p> <p>E.C. Spoke to Wayne - Wants us to advise the brewery so that they can get the work done as he feels they are dragging their feet Wanted to know when noise was witnessed - E.C. advised Kept referring to one complainant E.C. advised that there was not just one complainant there were many complainants and that some were scared to come forward.</p> <p>E.C. advised that officers who are impartial have witnessed the noise and believe it is a nuisance.</p> <p>Wayne asked if he could no longer have live music - E.C. advised that if he could control the noise and not cause a nuisance then live music could be played but judging by the structure of the building and what has been observed by officers this is unlikely and that he should think about not having it at all. Issue with breakout if doors are open etc. E.C. explained the notice and that if further instances prosecution would occur.</p> <p>Wayne talked about giving up his lease if licence was reviewed. I explained that we would be looking at reviewing his licence and recommending that he no longer holds a licence. Explained the decision would be made by licensing committee.</p> <p>His wife advised that the council had caused the problem and have just picked on their premises - E.C advised that we had not caused the problem we had merely responded to noise complaints from members of the public and tried to work with the business to resolve these issues.</p>	

The Pheasant – Updated Chronology of Events

	<p>This approach has failed so we have no option but to take enforcement action.</p> <p>They advised that the individual was a persistent complainer and that if he did stop his music, he would remove the fence near her property and place a play area there. He discussed that children were noisy. EC advised that it was not appropriate that they were discussing action to get back at a complainant and that this would be reported to the officer who was bringing the review. He then back tracked and said it was because he had to make money.</p> <p>Wayne insisted that the complainant complains about everything - even a light. I advised that there was more than one complainant and officers have witnessed the nuisance.</p> <p>EC advised if he did give in his lease then the authority should be informed.</p> <p>Wayne's wife advised that they only have two music events per week, and this was a minimal amount of time when the pub was open.</p> <p>E.C advised that the pub was in a residential area and that what they were doing there was causing problems and therefore was not appropriate.</p>	
6.09.23	Email and response from Piers Warne asking for officer attendance to conduct noise monitoring of the Pheasant, unfortunately ELW on holiday during monitoring and no other officer available. Consequently, not known if the noise that was monitored is typical of noise emanating from the Pheasant.	App 22 – email and response to Piers Warne

APPENDIX 1

**Application to Vary a Premises Licence to specify an individual as Designated
Premises Supervisor 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/We Spirit Pub Company (Leased) Limited

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

19/19543/PREDPS

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Pheasant Inn
Wood End
Wednesfield

Post town

Wolverhampton

Post code (if known)

WV11 1YQ

Telephone number (if any)

Description of premises (please read guidance note 1)

Public House

Part 2 - Proposed supervisor details

Full name of proposed designated premises supervisor

Wayne Lesley Parkes

Nationality

[REDACTED]

Place of birth

[REDACTED]

Date of birth

[REDACTED]

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

20/07926PREDPS
Wolverhampton City Council

Full name of existing designated premises supervisor (if any)

[REDACTED]

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003 (please read guidance note 2)



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

The Premises Licence has not been received following grant of DPS in March 2020

Please tick yes

- I have made or enclosed payment of the fee ☒
- I will give a copy of this application to the chief officer of police - online application (please read guidance note 3) ☐
- I have enclosed the consent form completed by the proposed premises supervisor ☒
- I have enclosed the premises licence, or relevant part of it or explanation ☒
- I will notify the existing premises supervisor (if any) of this application (please read guidance note 4) ☒
- 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 KNOWINGLY OR RECKLESSLY 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.

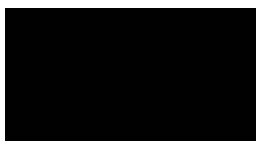
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS.

THOSE WHO EMPLOY AN ADULT WITHOUT A VALID LEAVE TO ENTER OR REMAIN IN THE UK OR AN ADULT WHO IS SUBJECT TO CONDITIONS WHICH WOULD PREVENT THAT PERSON FROM TAKING UP EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED BY VIRTUE OF THEIR IMMIGRATION STATUS.

Part 3 – Signatures (please read guidance note 5)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 6). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

17 July 2020

Capacity

Solicitor for the Applicant

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 7). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

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

.....

TLT Solicitors

.....

.....

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. An application to vary a premises licence so as to name a different premises supervisor may be given immediate effect (that is, from the time that the application is received by the licensing authority) if the premises licence holder requests it at the time he makes an application under section 37. Section 38 enables the holder of a premises licence to continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work. If the application is rejected, the licence reverts to the form it took before the application was made.
3. A full copy of the application form must be sent to the chief officer(s) of police for the police area(s) in which the premises are situated. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
4. Section 37(4)(b) of the Licensing Act 2003 requires the premises licence holder to notify the existing designated premises supervisor (if any) about this application. It is sufficient for the licence to inform the existing premises supervisor in writing, without the need to share the specific details of the application. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
5. The application form must be signed.
6. An applicant's agent (for example solicitor) may sign the form on their

Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: Pheasant Inn

Address of Premises: Wood End Road
Wednesfield
Wolverhampton
WV11 1YQ

Premises Licence Number: 20/15928/PREDPS – Variation of DPS

Date Licence Granted: 20/07/2020

1. Opening hours of the premises

Normal Hours: Sunday to Wednesday 0900 - 0100 hours
Thursday to Saturday 0900 - 0200 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Live Music

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Recorded Music

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Activity like music or dance

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Late Night Refreshment

Normal Hours: Sunday to Wednesday 2300 to 0100 hours
Thursday to Saturday 2300 to 0200 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Sale/Supply of alcohol off the premises

Normal Hours: As per 'On' sales

Seasonal Variations: As per 'On' sales

Non Standard Hours: As per 'On' sales

3. Name of the designated premises supervisor if the sale of alcohol is involved

Wayne Lesley Parkes

Personal Licence Number: PER720

Issued by City of Wolverhampton Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003.

The following applies:

1. Children will be required to be supervised by an accompanying adult at all times.
2. Children will not be allowed in the area immediately adjacent to the bar servery.
3. Under 18 year olds will not be allowed to play on Section 34 permitted Amusement with Prizes machines.

5. Name, (registered) address of the holder of the premises licence

Spirit pub Company (Leased) Limited

Westgate Brewery

Bury St Edmunds

Suffolk

IP33 1QT

Mandatory Licensing Conditions (Licensing Act 2003)

Mandatory conditions as required by the Act will apply to the licence.

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

Conditions consistent with the Operating Schedule

Conditions consistent with Justices Licence

Historic Permissions consistent with the Justices Licence as converted under the Licensing Act 2003

Provision of substantial refreshment

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

Recorded Music

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964.

Private Entertainment

- The provision of private entertainment for private gain is permitted 24 hours a day pursuant to Section 2 (2)(b) of the Private Places of Entertainment (Licensing Act) 1967.

New Years Eve

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

General

- We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers. The style and operation of the pub will not differ significantly during the extended hours. Where this is appropriate, non-alcoholic refreshment will be available in the extended period.

The prevention of crime and disorder

- We are introducing Security Industry Authority (SIA) approved door supervisors across our estate, in line with the Government approved implementation plan.
- A zero tolerance towards illegal drugs will be enforced at all times.
- If a disc jockey is used on any night then he/she will ask customers to leave quietly.
- If a CCTV system is installed at this site, it will continue to operate during the additional hours of trading and notices will be displayed.
- All instances of crime and disorder will be reported to the police and will be kept in an incident log book.

Public safety

- Public safety is integral to the way that the Spirit Group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all management and staff and we will continue to train our staff to the standards required by relevant legislation. Free drinking water will be available at all times.
- A maximum of 110 persons will be enforced during regulated entertainment.

The prevention of public nuisance

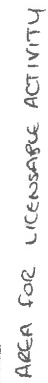
- Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.
- If appropriate, notices will be displayed asking our customers to respect our neighbours when leaving the premises.
- Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.
- Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises.
- At all times when regulated entertainment takes place all electrical equipment used for the said entertainment must be protected by circuit breakers (RCD - Residual Current Device). Circuit breakers shall be fitted with a nominal tripping current of 30mA (milliamps) and may be fitted either at the socket outlet supplying the equipment or preferably at the main circuit board so as to protect the entire ring circuit.
- All windows will be kept closed after 2300 hours and during regulated entertainment.
- The front entrance doors must be kept closed during regulated entertainment apart from to allow access to/egress from the premises.
- The rear doors must be kept closed during regulated entertainment and after 2330 hours apart from to allow access to/egress from the premises.
- The rear beer garden should not be used after 2330 hours.

The protection of children from harm

- When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.
- Children will be required to be supervised by the accompanying adult at all times.
- A no smoking area will be provided.
- Soft drinks and non- alcoholic drinks will be available.
- A recognised Proof of Age Policy will be enforced.

Plans

As submitted with minor variation application dated 06/07/2017 and retained by City of Wolverhampton Council.

[illegible]

APPENDIX 2

12th September 2020

CITY OF
WOLVERHAMPTON
COUNCIL

Mr W L Parkes
The Pheasant Inn
Wood End Road
Wolverhampton
WV11 1YQ

IMPORTANT

Dear Mr Parkes

Environmental Protection Act 1990 Part III Statutory Nuisances
RE: Entertainment noise emanating from The Pheasant Inn, Wood End Road
Wolverhampton, WV11 1YQ

I write with reference to the above matter.

As you are aware the City of Wolverhampton Council has received complaints relating to entertainment noise emanating from the garden area of the The Pheasant Inn.

This matter has been the subject of investigation and whilst attempts were made on your part (and in conjunction with council officers) to reduce noise on the evening of the 30th August 2020 in regard to a live musical performance, Charlotte Rose (Senior Environmental Health Officer) and myself witnessed unacceptable noise impacts upon residential premises. The council is consequently required to formally action this matter pursuant to the above provisions.

Consequently, please find enclosed an Abatement Notice in respect of Statutory Nuisance.

Should you wish to discuss any aspect of this correspondence you are invited to contact me direct.

Yours faithfully


Emma L Wailes
Senior Environmental Health Officer
Environmental Health (Commercial)



ENVIRONMENTAL PROTECTION ACT 1990
Section 80

Abatement Notice in Respect of Statutory Noise Nuisance

To **Wayne Lesley Parkes**
The Pheasant Inn
Wood End Road
Wolverhampton
WV11 1YQ

TAKE NOTICE that the City of Wolverhampton Council (hereafter called "the Council") being satisfied that a statutory noise nuisance occurred and is likely to recur at residential premises located in Lintwood Lane and Prestwood Avenue, Wolverhampton in the area of the Council, the said nuisance arising from:

Use of electrically and/or electronically amplified, produced, or reproduced, music, speech and other sounds arising external to buildings on premises known as The Pheasant Inn, Wood End Road, Wolverhampton. WV11 1YQ

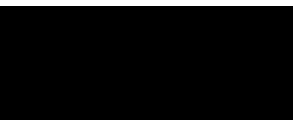
HEREBY REQUIRES YOU as the person responsible to prevent the occurrence of the said nuisance from the 14th September 2020

This is a notice to which paragraph (2) of Regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the court as in the opinion of the council the expenditure incurred by any person in compliance of this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance..

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine.

The Council may institute proceedings or carry out works or take such other steps as may be necessary to secure compliance with all or any of the requirements of this notice. Any expenses incurred by the Council in abating the said nuisance may be recovered from you.

Dated: 12th September 2020



Emma L Waites
Senior Environmental Health Officer

Public Protection
Civic Centre
St Peter's Square
Wolverhampton WV1 1DA *(address to which all communications should be sent)*

YOU MAY APPEAL AGAINST THIS NOTICE TO A MAGISTRATES' COURT WITHIN THE PERIOD OF TWENTY-ONE DAYS BEGINNING WITH THE DATE ON WHICH THE NOTICE WAS SERVED.

APPENDIX 3

Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: Pheasant Inn

Address of Premises: Wood End Road
Wednesfield
Wolverhampton
WV11 1YQ

Premises Licence Number: 21/07763/PREMIN– Minor Variation

Date Licence Granted: 20th May 2021

1. Opening hours of the premises

Normal Hours: Sunday to Wednesday 0900 - 0100 hours
Thursday to Saturday 0900 - 0200 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Live Music

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Recorded Music

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Activity like music or dance

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Late Night Refreshment

Normal Hours: Sunday to Wednesday 2300 to 0100 hours
Thursday to Saturday 2300 to 0200 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Sunday to Wednesday 1000 to 0000 hours
Thursday to Saturday 1000 to 0100 hours

Seasonal Variations: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day the finish time will be extended by one hour, with seven days notice and agreement with the police.

Non Standard Hours: For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday), the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour with 14 days notice and agreement with the police. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

Activity: Sale/Supply of alcohol off the premises

Normal Hours: As per 'On' sales

Seasonal Variations: As per 'On' sales

Non Standard Hours: As per 'On' sales

3. Name of the designated premises supervisor if the sale of alcohol is involved

Wayne Lesley Parkes

Personal Licence Number: PER720

Issued by City of Wolverhampton Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003.

The following applies:

1. Children will be required to be supervised by an accompanying adult at all times.
2. Children will not be allowed in the area immediately adjacent to the bar server.
3. Under 18 year olds will not be allowed to play on Section 34 permitted Amusement with Prizes machines.

5. Name, (registered) address of the holder of the premises licence

Spirit pub Company (Leased) Limited

Westgate Brewery

Bury St Edmunds

Suffolk

IP33 1QT

Mandatory Licensing Conditions (Licensing Act 2003)

Mandatory conditions as required by the Act will apply to the licence.

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation to the Licensing Act 2003.

Conditions consistent with the Operating Schedule

Conditions consistent with Justices Licence

Historic Permissions consistent with the Justices Licence as converted under the Licensing Act 2003

Provision of substantial refreshment

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

Recorded Music

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964.

Private Entertainment

- The provision of private entertainment for private gain is permitted 24 hours a day pursuant to Section 2 (2)(b) of the Private Places of Entertainment (Licensing Act) 1967.

New Years Eve

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

General

- We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers. The style and operation of the pub will not differ significantly during the extended hours. Where this is appropriate, non-alcoholic refreshment will be available in the extended period.

The prevention of crime and disorder

- We are introducing Security Industry Authority (SIA) approved door supervisors across our estate, in line with the Government approved implementation plan.
- A zero tolerance towards illegal drugs will be enforced at all times.
- If a disc jockey is used on any night then he/she will ask customers to leave quietly.
- If a CCTV system is installed at this site, it will continue to operate during the additional hours of trading and notices will be displayed.
- All instances of crime and disorder will be reported to the police and will be kept in an incident log book.

Public safety

- Public safety is integral to the way that the Spirit Group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all management and staff and we will continue to train our staff to the standards required by relevant legislation. Free drinking water will be available at all times.
- A maximum of 110 persons will be enforced during regulated entertainment.

The prevention of public nuisance

- Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.
- If appropriate, notices will be displayed asking our customers to respect our neighbours when leaving the premises.
- Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.
- Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises.
- At all times when regulated entertainment takes place all electrical equipment used for the said entertainment must be protected by circuit breakers (RCD - Residual Current Device). Circuit breakers shall be fitted with a nominal tripping current of 30mA (milliamps) and may be fitted either at the socket outlet supplying the equipment or preferably at the main circuit board so as to protect the entire ring circuit.
- All windows will be kept closed after 2300 hours and during regulated entertainment.
- The front entrance doors must be kept closed during regulated entertainment apart from to allow access to/egress from the premises.
- The rear doors must be kept closed during regulated entertainment and after 2330 hours apart from to allow access to/egress from the premises.
- The rear beer garden should not be used after 2330 hours.

The protection of children from harm

- When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.
- Children will be required to be supervised by the accompanying adult at all times.
- A no smoking area will be provided.
- Soft drinks and non- alcoholic drinks will be available.
- A recognised Proof of Age Policy will be enforced.

Minor Variation dated 20/05/2021

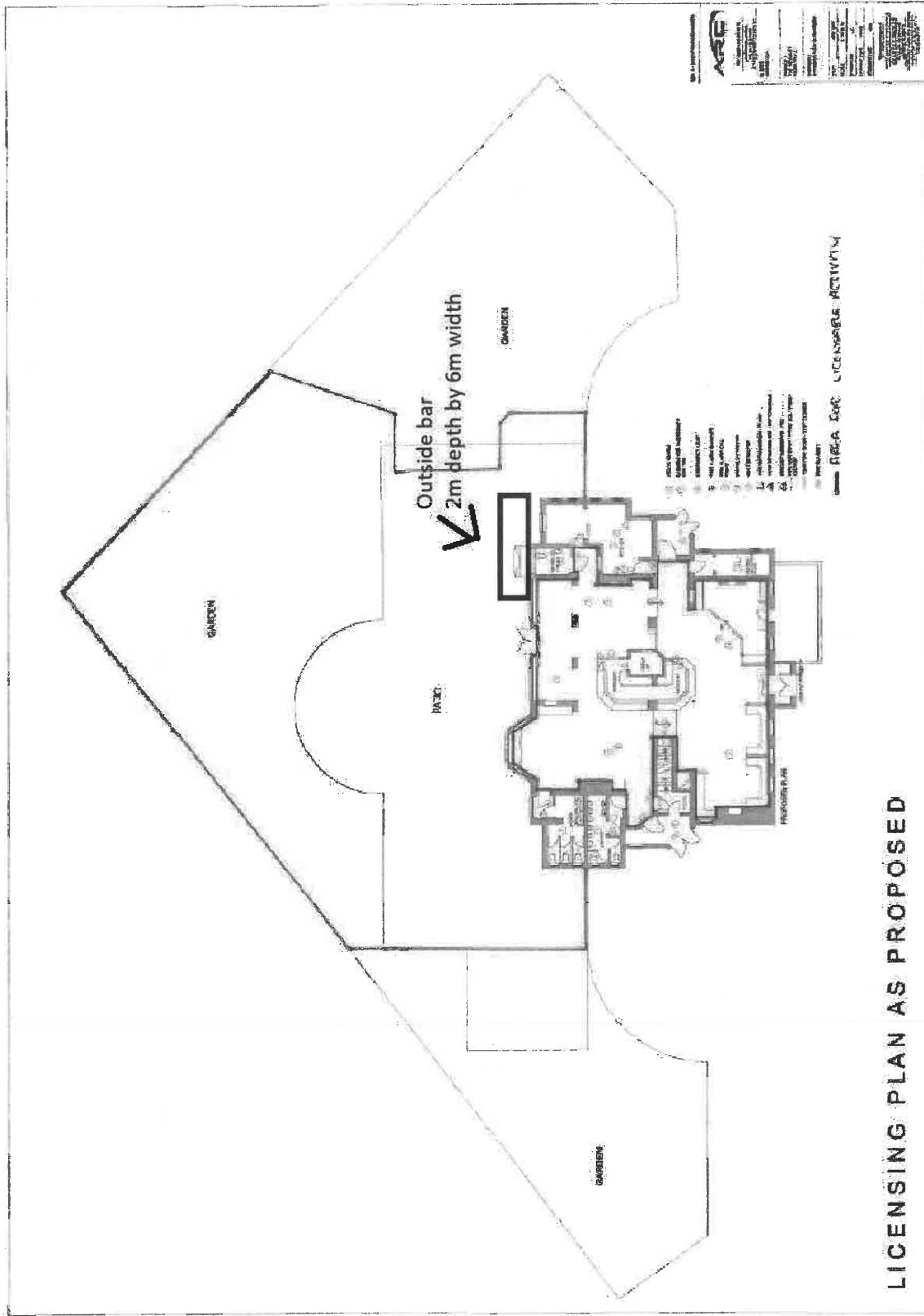
The garden bar will only be used between the hours of 10:00 hours and 23:00 hours daily

The garden Bar will be supervised at all times when in use.

The garden bar will be inaccessible to customers when not in use to ensure they do not have any access to any alcohol.

Plans

As submitted with minor variation application dated 04/05/2021 and retained by City of Wolverhampton Council.



Application for a minor variation to 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

Spirit Pub Company (Leased) Limited

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description)

Pheasant Inn
Wood End
Wednesfield

Post town
Wolverhampton

Postcode
WV11 1YQ

Telephone number at premises (if any)

Premises licence number/club premises certificate number

20/15928/PREDPS

Brief description of premises (Please see Guidance Note 2)

Public House

Part 2 – Applicant Details

I am/we are the premises licence holder/club premises certificate holder. (Please delete as appropriate)

Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS Westgate Brewery	
Post town Bury St Edmunds	Postcode IP33 1QT
Please provide email address if you would prefer us to contact you by email (optional) licensingpp@greeneking.co.uk	

Part 3 – Proposed variation(s)

Please tick

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

DDMMYYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3) ☐ Yes ☒ No

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variation(s) (Please see Guidance Note 4)

This is an application to change the layout and design of the premises in accordance with the submitted plan. The variation seeks to add an external servery for the sale of alcohol, within the current licensed area.

To add the following conditions to the premises licence:

The garden bar will only be used between the hours of 10.00 hours and 23.00 hours daily.

The garden bar will be supervised at all times when in use.

The garden bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

The opening hours and licensable activities authorised by the premises licence are to remain unaltered.

Any part of the variation application that changes the plan/layout at the premises licence are to remain unaltered.

Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

Details of proposed variation(s) (Continued)

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment (please read guidance note 5)

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

☐
☐
☐
☐
☐
☐
☐
☐

Provision of late night refreshment

☐

Supply of alcohol

☐

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate ☒

I have enclosed the relevant part of the premises licence/
club premises certificate ☐

I have included a copy of the plan
(this is necessary if the proposed variation will affect the layout) ☒

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.

Any further information to support your application. (See Guidance Note 6)

CHECKLIST:

Please tick to indicate agreement

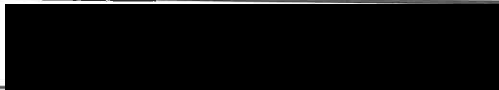
- I have made or enclose payment of the fee. ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority. ☒
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

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 5 – Signatures and Contact Details
(See Guidance Note 7)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 8). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	
Date	4 May 2021
Capacity	Solicitor for Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (See Guidance Note 9). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises are a club

I (insert full name) make this application on behalf of the club and have authority to bind the club.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 10)

TLT LLP

Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

APPENDIX 4

Location of the Pheasant Pub in relation to local residential properties



APPENDIX 5

11th November 2022

Mr Wayne Lesley Parkes
Pheasant Inn
Wood End Road
Wolverhampton
West Midlands
WV11 1YQ

Dear Mr Wayne Lesley Parkes,

**The Anti-Social Behavior Crime and Policing Act 2014, sections 43 to 58
Warning Notice
Pheasant Inn, Wood End Road, Wolverhampton, West Midlands, WV11 1YQ,**

Being satisfied that your conduct is having a detrimental effect on the quality of life of others residing in the locality of public house premises known as Pheasant Inn, Wood End Road, Wolverhampton, West Midlands, WV11 1YQ ("the premises"), insofar as you have allowed activities taking place on the premises within your control to become antisocial on account of repeated entertainment performances using electrically produced, reproduced and amplified music, speech and other sounds giving rise to noise beyond the curtilage of the premises, I Miss Emma Waites, an authorised officer of City of Wolverhampton Council, hereby require you to undertake the following actions:

YOU SHALL NOT conduct or allow entertainment performances using electrically produced, reproduced, and amplified music, speech and other sounds that are likely to cause a detrimental effect on the quality of life of persons living in the vicinity of the premises by way of noise **from the date of service of this notice.**

This Warning Notice has been issued because:

- Your conduct is having a detrimental effect on the quality of life of those in the locality;
- Is of a persistent or continuing nature;
- And the conduct is considered unreasonable.

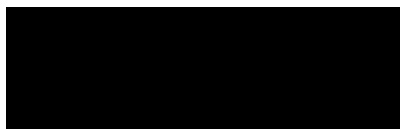
This notice offers you the opportunity to avoid the issue of a Community Protection Notice.

If you fail to comply with this Warning Notice a Community Protection Notice may be issued without further warning. Non-compliance with a Community Protection Notice carries criminal sanctions and can lead to a criminal record.

Failure without reasonable excuse to comply with a Community Protection Notice can lead to seizure and forfeiture of items, default works and recovery of costs and/or a fine. Furthermore, to stop or prevent individuals engaging in anti-social behaviour, the council also has powers to seek a civil injunction where noise may give rise to annoyance or a nuisance.

Non-compliance may also result in the issue of a fixed penalty notice in the sum of £80.

Signed:



Miss Emma L Waites
Senior Environmental Health Officer
Public Protection



Notice Ref: 22/784/ASBPWN

Service Request Ref: 22/10839/NOCOM

APPENDIX 6

Emma Waites

From: Emma Waites
Sent: 17 November 2022 09:53
To: [REDACTED] Greenking.co.uk
Cc: [REDACTED]
Subject: Noise complaints from the Pheasant Pub

Sensitivity: PROTECT

Good Morning Bruce

Thank you for meeting with Emily and myself on Tuesday (15/11/22).

To reiterate the following issues were discussed;

- Wolverhampton City Council are in receipt of noise complaints emanating from the Pheasant Pub and have been since it opened in 2020 with Wayne Parkes as the DPS. Some of these complaints have been forwarded by Local Councillors and a Local MP.
- The complaints originally related to entertainment noise (amplified music) from the garden area which necessitated the service of a Noise Abatement Notice pursuant to the Environmental Protection Act 1990 served in the 12th September 2020 (see attached).
- The Covid Pandemic obviously impacted on the Entertainment Industry and as we moved out of the pandemic the council deemed it necessary to have a softer touch towards such business and despite complaints and subsequent monitoring by Council Officials did not take any formal action.
- Noise monitoring by myself on the evening of the 6th November 2022 revealed that the pub were struggling to control noise from within the premises, Amplified music was audible along the full length of Prestwood Avenue and low frequency noise was clearly perceptible within adjacent properties.
- A Community Protection Warning Letter was handed to Wayne on the 11th November 2022 (copy attached).
- Monitoring will now be undertaken as failure to comply with the Warning Notice will necessitate service of a Community Protection Notice and possible further action in accordance with the Environmental Protection Act 1990 (Statutory Nuisance proceedings) and a potential review of the Premises Licence
- We discussed means to mitigate noise outbreak and I asked if you could provide a schedule of acoustic attenuation works that will address the problem as soon as possible.

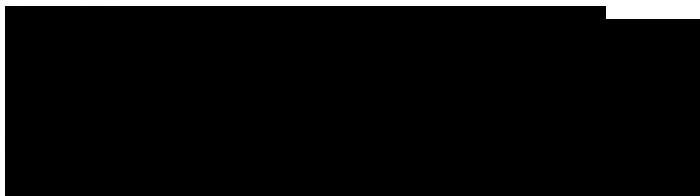


Document The Pheasant Inn
Scanned By-env... EPAs80 Notice...

I look forward to your response.

Kind Regards

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety



Please note that my working days are Tuesday to Friday inclusive.

APPENDIX 7

Emma Waites

From: [REDACTED]
Sent: 04 January 2023 11:39
To: Emma Waites
Subject: Re: The Pheasant

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]

No soon as 9pm comes then it's terrible

Sent from my iPhone

On 4 Jan 2023, at 11:37, Emma Waites [REDACTED]

Sensitivity: NOT PROTECTIVELY MARKED

Has it not got any better at all?

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety

[REDACTED]

[REDACTED]

Please note that my working days are Tuesday to Friday inclusive.

From: [REDACTED]
Sent: 04 January 2023 11:33
To: Emma Waites [REDACTED]
Subject: Re: The Pheasant

[REDACTED]

Hi

Happy new year it's no better at all I dread weekends ,he law to himself . I'm seriously thinking of moving this year my ears are drumming with the noise. I will be glad to get away for a week on Saturday .

Sent from my iPhone

On 4 Jan 2023, at 11:28, Emma Waites [REDACTED]
wrote:

[REDACTED]

Dare I ask how the Pheasant has been since I served the Community
Protection Warning Notice?

Kind Regards

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety

[REDACTED]

[REDACTED]

Please note that my working days are Tuesday to Friday inclusive.

[REDACTED]

APPENDIX 8

Emma Waites

From: [REDACTED] greeneking. [REDACTED]
Sent: 20 January 2023 13:17
To: Emma Waites
Cc: [REDACTED]
Subject: RE: The Pheasant - Noise

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

[REDACTED]

Hi Emma,

Apologies again for not calling you, as I am sure you have seen in the press businesses are finding it tough in January and I am supporting a number of tenants to keep them afloat.

Do you have any detail or evidence of the complaints that have been received recently.

I know Wayne is keeping the base down, has additional door staff to keep the doors closed and is stopping the music on time.

In terms of GK and any additional works to soundproofing our capex process is slow and requires several stages of approval. As you know I have just started so still getting to know how things work.

I will call you on Monday, I have scheduled this in and sent an invite.

Kind regards

Bruce

From: Emma Waites [REDACTED]
Sent: Friday, 20 January 2023 12:15
To: [REDACTED] greeneking. [REDACTED]
Subject: [EXTERNAL] RE: The Pheasant - Noise

Sensitivity: NOT PROTECTIVELY MARKED

Hello Bruce

Please can you call me on Monday to give me an update please?

Thank you

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety
Tel. Office:
[REDACTED]

[REDACTED]

Please note that my working days are Tuesday to Friday inclusive.

From: [REDACTED] [greeneking](#) [REDACTED]

Sent: 10 January 2023 15:44

To: Emma Waites [REDACTED]

Subject: RE: The Pheasant - Noise

[REDACTED]

Hi Emma,

The New Year has started with a few challenges that are requiring my full attention this week.

I have seen your email and I will give you a call on Tuesday next week unless you are in on Monday?

Apologies for not responding earlier.

Kind regards

Bruce

From: Emma Waites [REDACTED]

Sent: Tuesday, 10 January 2023 15:38

To: [REDACTED] [greeneking](#) [REDACTED]

Subject: [EXTERNAL] The Pheasant - Noise

Sensitivity: NOT PROTECTIVELY MARKED

Hi Bruce – please could you contact me for an update

Thank you in advance

Emma Waites

Senior Environmental Health Officer - Food and Consumer Safety

Tel. Office:
[REDACTED]
[REDACTED]

Please note that my working days are Tuesday to Friday inclusive.

[REDACTED]

APPENDIX 9

Emma Waites

From: [REDACTED]
Sent: 27 February 2023 11:58
To: Emma Waites
Subject: Pheasant
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]

Hi Emma

I had to call Bruce on Friday night the noise was terrible, I did wake him don't think he was very happy,(23.30pm) said it was too late for him to attend.
but would call Wayne.

Didn't hear anything from Bruce.

Saturday, I had to call him again and he ignored my call I did leave a message on voice mail, tried again still no reply so I text .

I still have not heard from Bruce at all.

I don't think this is going to work we need to get his licence reduced we cannot keep putting up with this, I was poorly Saturday and this was
The last thing I needed to hear BOOM BOOM BOOM !!!!!

Can you advise me the process to follow to get this sorted once and for all enough is enough.

Kind regards

[REDACTED]

[REDACTED]

APPENDIX 10

Emma Waites

From:

Sent:

To:

Subject:

06 March 2023 10:46

Emma Waites

pheasant

Follow Up Flag:

Follow up

Flag Status:

Completed

Hi Emma

Well, he won't answer his phone, don't know why he gave me the number.

The noise has been terrible all weekend.

We need to take this further now no one is listening. He doesn't want ringing at 11.30pm/12.00 at night.
As I'm waking him now no reply, I have text him no reply.

Please advise me where to go from here !!!!

Kind regards

APPENDIX 11

STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)

STATEMENT OF LINDA JANE FLETCHER
AGE Over 18 years
OCCUPATION SENIOR ENVIRONMENTAL HEALTH OFFICER

This statement, consists of 2 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date 15th June 2023

Signed ..

1. I am a Senior Environmental Health Officer (SEHO) employed by Wolverhampton City Council and a duly authorised officer under the Environmental Protection Act 1990. I have been employed by Wolverhampton City Council since October 2016; having qualified as an Environmental Health Officer and been employed by various Authorities since 1997.

2. On Friday the 26th May 2023, I was out with my colleague Mr Andy Johnston (SEHO). It was a warm, dry, sunny evening. At approximately 9:00pm we went to 271 Linthouse Lane, Wolverhampton, WV11 3TT and introduced ourselves to the occupiers.

3. When we arrived, the patio doors to the rear garden were open and at approximately 9:06pm we went outside to the patio area and sat down. I could clearly hear music and people chatting coming from the New Pheasant, 250

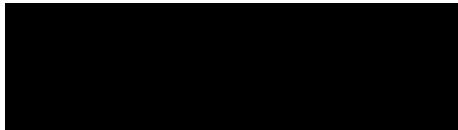
Signed

Date 15th June 2023

Continuation Sheet: 1

Statement of LINDA JANE FLETCHER

Wood End Road, Wolverhampton, WV11 1YQ. I could also hear what appeared to be a DJ at times.

4. The music coming from the New Pheasant could be heard over our conversation and it was not enjoyable to sit outside on the patio area in the back garden of 271 Linthouse Lane, Wolverhampton. It was difficult to hold a conversation and I could hear various lyrics and could identify the lyrics "run free". We sat and witnessed this until approximately 9:15pm when we went back inside. 

Signed Date 15th June 2023

STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9)

STATEMENT OF: Andrew Johnston

AGE: Over 18 years

OCCUPATION: Senior Environmental Health Officer

This statement, consists of 2 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date 16th June 2023

Signed [REDACTED]

1. I am employed by the City of Wolverhampton Council as a Senior Environmental Health Officer within Environmental Heath, based at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH. I have worked for this local authority since 2016.
2. I hold the MSc Environmental Health degree and I am an authorised officer for a variety of Food and Health & Safety legislation.
3. On 20th June 2023 I accompanied my colleague Mrs Linda Fletcher (LF), Senior Environmental Health Officer, to 271 Linthouse Lane, Wolverhampton WV11 3TT.
4. The purpose of the visit was to monitor the noise from The Pheasant Inn, Wood End Road, WV11 1YQ Arriving at 271 Linthouse Lane at 21:00 we met with the complainant [REDACTED]. We introduced ourselves and entered the property. I noted that the weather was clear and dry.
5. Between approximately 21.00 and 21:30 we sat in the property and rear garden of the property. The bass from the music was clearly audible in both the kitchen and garden. When sitting in the garden the music was loud and we were having to use raised voices to talk to each other. The Music very audible in garden with the lyrics "I feel like dancing" and "Young hearts run free" could be clearly heard. The [REDACTED]

.....
Signed [REDACTED]

NOTE: If statements are typed double spacing should be used.
One side only of the paper should be used.

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

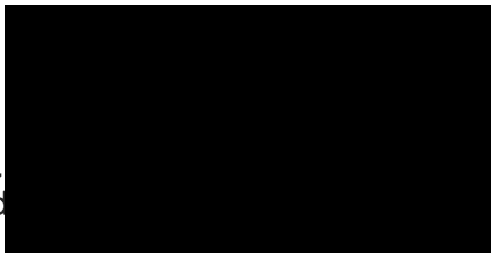
Continuation Sheet No.

screaming and shouting of patrons were also very loud and disturbing when sitting in the garden.

6. Within the lounge the bass from the music was audible when the TV was turned off or muted but with TV on less so I could occasionally hear the bass over TV. Within the hallway and bedroom there was as low bass audible with TV in lounge off. The lyrics to "Wannabe" could clearly heard in the hallway
7. We left the property at approximately 12:35.



.....
Signed



NOTE : If statements are typed double spacing should be used.
One side only of the paper should be used.

STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)

STATEMENT OF Dean Gooch
AGE Over 18 years
OCCUPATION Senior Officer, Environmental Crime, City of Wolverhampton
 Council

This statement, consists of 2 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date 13th July 2023

Signed [REDACTED]

1. On the 19th February 2023 I accompanied Emma Waites, Senior Environmental Health Officer, to meet Bruce Wakeling (Area Manager for Greene King a subsidiary of Spirit Pub Company (Leased) Ltd) at [REDACTED] [REDACTED] to assess the noise emanating from the Pheasant, Wood End Road, WV11 1YQ. At the time of monitoring the noise level was acceptable and Bruce Wakeling agreed to be the contact point for [REDACTED] and any issues relating to noise from the pub moving forwards. He gave her his number and stated that she could contact him at any time.

2. At 20:53hrs on Sunday 28th May 2023 I arrived at [REDACTED] [REDACTED] The weather conditions were cloudy, dry, with a moderate breeze. I meet Emma Waites and we entered the property at the request of the occupier, [REDACTED] We sat down in the living room [REDACTED]

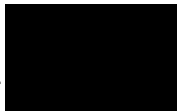
Signed [REDACTED]

Date13th July 2023

Continuation Sheet: ____1____

Statement of Mr Dean Gooch

the windows and doors were closed. Amplified music coming from the Pheasant Public House was audible in the living room. I asked to open the rear patio doors which she did. The music was clearly audible inside the living room along with the voices of customers in the beer garden of the pub. At 21:30 hrs the volume of the music increased to a level at which the words of the song playing were clearly discernible, enabling the song to be identified as "Dancing in the Street". The level of noise was intrusive, interfering with normal conversation and in my opinion was causing a statutory nuisance inside

Signed
Date13th July 2023

APPENDIX 12

Emma Waites

From: Emma Waites
Sent: 09 June 2023 17:37
To: Bruce Wakeling; wayne parkes
Cc: [REDACTED]
Subject: Ongoing complaints of noise emanating from the Pheasant Inn, Wood End Road.

Sensitivity: NOT PROTECTIVELY MARKED

Without Prejudice

Dear Wayne and Bruce

Regrettably, the council is still in receipt of noise complaints on behalf of residents, despite best efforts to deal with the problem informally.

Following noise assessments carried over the last 2 weeks by a team of officers, the opinion is that activities carried out are likely to have given rise to a Statutory Noise Nuisance, which consequently necessitates action on the part of the council. Problematic noise comprises:

- o Amplified music emanating from within the premises
- o Excessive noise from patrons using the garden area
- o Amplified music in the garden area.

Given the nature of the public house and the proximity of neighbouring noise-sensitive development, whilst accepting that there are inevitable compromises to be accepted in terms of amenity as part of the 'give and take' balance, it has nonetheless been determined that the conduct of activities is unreasonable and hence a Statutory Nuisance Abatement Notice is required, pursuant to the requirements of the Environmental Protection Act 1990.

You will recall that I previously served an Abatement Notice as a result of amplified music specifically associated with the garden in 2020. There is a probability that this notice has been breached, which could result in a potential prosecution for non-compliance.

As a consequence, and given the significance of impacts that arise that now prompts formal intervention, it is considered necessary to submit a recommendation to review your Premises License and allow representatives of the parties affected to make their representations to a Licensing Committee. This Committee can then decide the most appropriate cause of action.

Please email me should you wish to discuss this matter further

Kind Regards

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety
Tel. Office:
[REDACTED]
[REDACTED]

City of Wolverhampton Council

Please note that my working days are Tuesday to Friday inclusive.

APPENDIX 13

Emma Waites

From: Emma Waites
Sent: 12 June 2023 15:05
To: wayne parkes; Bruce Wakeling
Cc: [REDACTED]
Subject: EPA90 S0 notice - Noise emanating from the Pheasant Pub.

Sensitivity: PROTECT

Without Prejudice

Dear Sirs

Further to my email of 9/6/23 which referred in part to the above.

As you may be aware, the Environmental Protection 1990 Part III (Statutory Nuisances) makes provision whereby a local authority can delay service of an Abatement Notice. These circumstances are relevant where the authority considers other steps, as it thinks appropriate, can be taken for the purpose of persuading the appropriate person responsible for the nuisance can be taken to abate the nuisance, or prohibit or restrict its occurrence or recurrence.

The relevant period for this is seven days starting with the day on which the authority was first satisfied that the nuisance existed or was likely to occur or recur. To afford you the maximum time to respond to this please do so **within 7 days of receipt of this email.**

With this in mind, and in an effort to resolve matters without recourse for any formal proceedings, I invite you to submit to the council a course of action of any measures, for example in the form of a noise management plan, to ensure that a statutory noise nuisance associated with amplified music emanating from within the premises does not exist, recur or occur.

I would welcome the opportunity for you to present your proposals to representatives of this authority at a meeting in the Council Offices.

I look forward to your response

Yours faithfully

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety
Tel. Office:
[REDACTED]
[REDACTED]

City of Wolverhampton Council

Please note that my working days are Tuesday to Friday inclusive.

APPENDIX 14

STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)

STATEMENT OF
AGE
OCCUPATION

Name [REDACTED]
Over 18 years [REDACTED]
[REDACTED]

This statement, consists of pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date 13/06/23

2023

Signed [REDACTED]

15/6/23

I first moved into my property 8 years ago.

[REDACTED] situated [REDACTED] within close proximity of the local shops and the Pheasant .

At the time of me moving in the pub was not occupied. When the pub reopened, I had no problems whatsoever, no loud music, no glasses or rubbish being left at the bottom of my drive.

Then the pub closed again for a refurbishment and the atmosphere changed dramatically loud music until all hours on a weekend, but this extends during the summer months as the cliental move into the gardens and therefore the landlord put the speakers outside to accommodate them.

I thought at first its because they are getting established in the area. How wrong was I.

After a few weeks people in the surrounding area started to complain about the volume of noise directly to the landlord to no avail hence the tenants got together, and a meeting was held with the landlord and the council to see if this could be sorted.

The upshot of this was that the landlord reminded all of us that he holds a licence given to him by the council allowing him to stay open until 01.00 am on a weekend, drinks, and entertainment.

I have had to endure this Hell since the pub opened just before Covid struck.

Once the Covid restriction lifted it's been party mania [REDACTED] it is relentless.

[REDACTED] I cannot sit out in my garden as the noise levels are so high, children screaming, music blaring and people shouting above the music to be heard.

Signed [REDACTED]

Date 15/6/23

Continuation Sheet: _____

Statement of M

As I was at the end of my tether, I contacted the environmental health department for assistance.

I have had the environmental health officers in my property on several occasions and they indicated verbally to me that this was not acceptable.

The environmental officers even walked round the nearby streets to get a view from all areas in the pub's proximity.

Due to the ongoing and unresolved issues the licensee Wayne along with his brewery manager Mr Bruce Wakelin attended my home for me to plead with them to finish the music at a reasonable time in the evening. I explained everything to both and Mr Wakelin offered me his mobile telephone number and said I could call him anytime with any issues and he would personally attend the pub, however I needed to take into consideration that he lives one hour away.

I thanked him and took the mobile number ending in [REDACTED]. Unfortunately, a week later I had to call him as the noise was horrendous, it was obvious that I had woken him, he said he would call Wayne and get back to me, this did not happen. (a copy of my calls with dates and times are attached)

That night I had to endure the loud music until 00.45. I cried, I screamed, I had palpitations, I had no one to assist me. I called my partner who lives in [REDACTED] and you can imagine how angry he was and offered to come down to me as I cried uncontrollably.

The next day I called the Greene King brewery and the receptionist put me through to a gentleman named Phil Arnold (mobile ending in [REDACTED]) who advised me he was Mr Wakelin's boss he said he would investigate my claims.

Mr Arnold investigated called me back with his findings and abruptly advised me that the publican had the correct licences to allow him to have late openings and entertainment and that he could not assist me any further.

The New Pheasant as it is no called now have speakers in the garden bellowing out. Last Bank Holiday weekend was dreadful, I rang everyone to sort this, and no one is doing anything to help. I even called the police to no avail !!!!! it's not acceptable to treat residence this way.

Each time I call Wayne he always repeats I have a 1am licence and that he would close the pub doors, if he does, I can still hear the music in my property the bedroom, lounge and everywhere I cannot relax at all. This is getting worse now the weather is picking up I cannot go out in my garden with my family or friends, as all we can hear is extremely loud music, also people in the gardens till turned midnight it's not acceptable.

We as a community have put up with this for a few years and for me personally, my health is suffering, my anxiety levels are high that my blood pressure tablet dosage has been increased, I hate the weekend, I hate being at home when my home should be my safe haven.

Signed [REDACTED]

Date 15/6/23

Continuation Sheet:

Statement of M

It makes me so poorly I dread Fridays, Saturdays, and Sundays every weekend my stress rises.

On 3 consecutive nights the council were here monitoring again they heard everything, again they advise it is not acceptable, but nothing is done.

My partner who lives 128 miles away if he comes for the weekend, cannot stand the noise either, it ruins our weekend no sleep, no sitting out in my lovely garden, unable to hear the TV properly my life is just sheer stress.

It is easier for me to travel to see him, but then on my return I dread coming home on the Sunday night as I hear it again and try to sleep, I must be up 05.45am for work [REDACTED] I work long hours and did look forward to restful weekend.

NOT ANYMORE!!!!!!

[REDACTED] sold their property because her husband had a heart attack, and the stress was making him worse.

There have been several reports.

We don't want a nightclub in our residential area. This is not a community it's a rave weekend every weekend.

I know when the music has stopped then I can sleep.

I have attached the telephone calls, text message and videos.

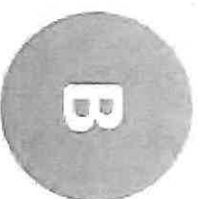
Signed ... [REDACTED]

Date 15-6-2023

vodafone UK

18:48

81%



BRUCE >

sort this

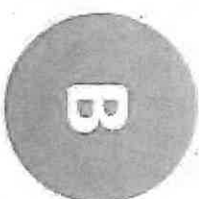
Sat 11 Mar at 21:57

This is ridiculous
louder than ever
please sort this

vodafone UK

18:48

81%



Bruce

tomorrow this has to
be sorted once and
for all.

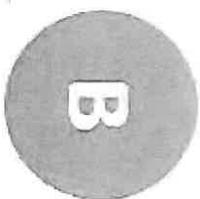
Fri 10 Mar at 22:44

1045 trying to sleep
this is awful you

all Vodafone UK 

18:48

   81% 



Bruce >

iMessage

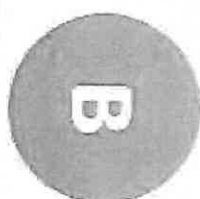
Sat 25 Feb at 23:26

11'/25 pm still cannot
sleep this is getting
noisier now

vodafone UK

18:48

81%



Bruce



Sat 11 Mar at 21:57

This is ridiculous
louder than ever
please sort this

vodafone UK

18:48

81%



BRUCE

tomorrow this has to
be sorted once and
for all.

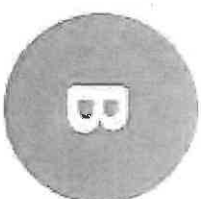
Fri 10 Mar at 22:44

1045 trying to sleep
this is awful you

vodafone UK

18:48

81%



Bruce

iMessage

Sat 25 Feb at 23:26

11'/25 pm still cannot
sleep this is getting
noisier now

vodafone UK

18:53

79%



Greene King

Text Message

Fri 7 Apr at 23:49

This is not accept-
able you can see the
time horrendous

APPENDIX 15

Emma Waites

From: Piers Warne [REDACTED]
Sent: 27 June 2023 15:53
To: Emma Waites
Cc: [REDACTED]
Subject: RE: Pheasant: Noise issues

[REDACTED]

Dear Emma,

Sorry to press, but could you please come back to me on the points below.

I look forward to hearing from you.

Kind regards

Piers

Piers Warne
Legal Director
for TLT LLP
[REDACTED]

[REDACTED]

From: Piers Warne
Sent: 16 June 2023 14:32
To: Emma Waites [REDACTED]
Cc: Bruce Wakeling [REDACTED] greeneking; [REDACTED]
Subject: Pheasant: Noise issues
Importance: High

Dear Emma, many thanks for your time the other day, which I very much appreciated.

Further to our discussion, can you please confirm the following:

- In relation to the complaints can you please confirm when you had complaints from parties other than [REDACTED] and to what they related.
- Can you please provide the recordings of the noise levels your colleagues made when visiting recently (I cannot see that there is any legal reason why they cannot be provided immediately).

Wayne is able to evidence noise levels from the times complaints were received directly (or to Bruce who then passed them on) that are within the levels agreed. I think there is a general understanding and acceptance that at times [REDACTED] has complained- where, on investigation, her complaints have been found to be unfounded. Wayne is, it is fair to say, concerned that he is being pressured into taking action without being given the opportunity to review the evidence first whilst now under a threat of review/ prosecution.

That being said, we are prepared to offer- subject to being provided with evidence that shows the levels are currently a public nuisance- the following:

1. A noise limiter to be fitted and set within an agreed timeframe.
2. We will look at installing an acoustic lobby to the rear of the premises, subject to planning and again an agreed timeframe.
3. We are looking into additional glazing/ potentially installing air conditioning, but this would be dependent upon understanding whether there are grants or other funds that might be available to commercial businesses in relation to upgrading their buildings- and would very much be something that would follow on from the above. We would not commit to these works or a timeframe, but are happy to look at the viability of these measures.
4. No speakers will be placed outside unless otherwise agreed in advance. We do want to discuss the possibility of having limited planned events outside, withing agreed guidelines, and for the benefit of the community (as many premises have- including in built up areas), but of course this will need some further thought in terms of how it might work and what would represent a reasonable compromise for all.

We are not at this stage minded to propose any restriction on the use of the garden until we understand further what evidence there is of public nuisance from customers and whether there are more appropriate mitigation measures. Wayne has installed additional fencing to try to mitigate issues and we are prepared to look at other mitigation measures to assist once we fully understand what is being alleged and therefore what would be appropriate and proportionate as a response.

Further we would propose a meeting to run through timelines and proposals to firm up an agreement. Any agreed measures can then also be worked into conditions, if relevant, on the licence which we would amend by minor variation.

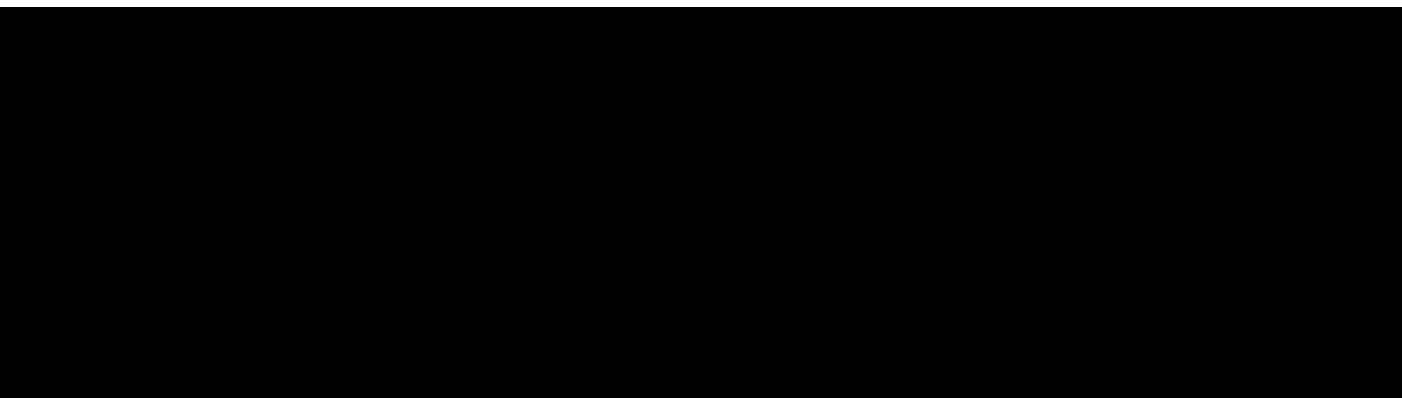
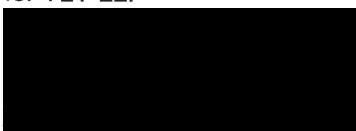
We need to remind you that Wayne has put in a lot of work to improve a pub that was significantly more troublesome before he took over. We understand he has a very good working relationship with the police who we also understand from Wayne are very happy with the running of the premises. As matters stand we need to be careful that we are not throwing the baby out with the bath water. Should Wayne leave, and there is a possibility that he may decide to do so, we could end up with a worse position accordingly.

I look forward to hearing from you . Please feel free to contact me in the interim.

Kind regards

Piers

Piers Warne
Legal Director
for TLT LLP



APPENDIX 16

Emma Waites

From: Emma Waites
Sent: 29 June 2023 14:24
To: Piers Warne
Cc: [REDACTED]
Subject: Noise emanating from the Pheasant Inn, Wood End Road.

Sensitivity: PROTECT

Good afternoon, Mr Warne, and thank you for your recent emails.

Firstly, I am pleased to receive what I take as positive intentions to manage noise associated with The Pheasant Inn.

I am sure your will appreciate, however, that in regard to the disclosure of evidence and information, this is of course subject to constraints given that the matter is subject to a formal investigation not least in context of statutory nuisance proceedings, and such material could potentially form part of evidential disclosure in line with normal trial proceedings. The council is subject to specific legal requirements that we cannot of course prejudice.

This said I am optimistic that a resolution can be achieved to enable The Pheasant to operate as a commercially viable entity, whilst balancing the competing needs of all concerned. As you are aware, a number of regulatory officers have been part of the council's investigations, and in essence, the findings trigger considerations to be weighed in terms of statutory nuisance, anti-social behaviour and licensing provisions, and bearing mind that there is an extant statutory nuisance already in place.

Noting what you have said, I am seeking to take every opportunity to achieve a mutually agreeable (and long-lasting) solution as soon as practicable. The matters you have indicated that can - or may be - brought into play cannot of course be made subject to disclosure of evidence on the council's part, and in-turn be held as determinants as to whether a specific remedial action will be taken forward.

The council must be in a position to accept that any intended mitigation will satisfactorily rectify problems occasioned due to noise, and I therefore counsel that independent professional advice should be sought (from a competent acoustician) who can underwrite a noise management plan/strategy, and a submission made to the council. This could then, for example, form a binding schedule to an agreed abatement notice and so provide surety to residents and the council. Given the pressing nature of this case, this is required within the next 14 days. To assist, a structured approach you may wish to progress could, but not necessarily be limited to, the elements as set out below:

1. A worst-case scenario for entertainment noise forms the basis for addressing noise control measures and procedures.
2. Use of the Licenced Premises is assessed in terms of the location used for entertainment (i.e. within the building) in order to minimise undue 'noise break-out' where possible.
3. Building elements are identified that can be improved in terms of sound insulation, notably glazing and doors, and practicable treatments to be effected are quantified.
4. The use/installation of acoustically treated lobbies is evaluated in order to ensure control of noise is not unduly compromised by the ingress and egress of patrons.

5. Ensuring doors and windows otherwise remain closed during entertainment (which may also prompt attendant needs for air conditioning)
6. Positioning of PA systems and ensuring they are suitable in terms of design and output for the entertainment area and nature of any entertainment provided.
7. Use of appropriate sound-level limiting devices (accepting that it is imperative to ensure any such devices are not by-passed and are suitably set-up for the intended purpose).
8. Attention to the nature of entertainment that will be provided.
9. Administrative controls applied in respect to permitted hours of entertainment.
10. Identification of responsible persons to ensure events controls are maintained at all times.
11. Timescales concerning the above are clearly established

As far as noise associated with patrons using the garden area is concerned, this can be a challenging issue to redress, and no doubt is in part a seasonal consideration. An obvious approach is to apply an evening curfew, though design layout and the introduction of certain mitigating acoustic features may assist.

I trust this clarifies our current position and look forward to your response

Kind Regards

Emma Waites

Senior Environmental Health Officer - Food and Consumer Safety

Tel. Office:

[REDACTED]

[REDACTED]

City of Wolverhampton Council

Please note that my working days are Tuesday to Friday inclusive.

APPENDIX 17

Emma Waites

From: [REDACTED]
Sent: 03 July 2023 12:20
To: Emma Waites
Subject: Pheasant
Importance: High

[REDACTED]

Hi Emma

I have had a terrible weekend the noise was awful.

Friday night was on till after midnight, the same for Saturday 12.30 also Sunday.

This is causing my stress levels and blood pressure to rise; my mental health is suffering really bad.

I have in fact booked an appointment with my GP today as my heart is racing and my BP has risen to 198/98 which is really high.

[REDACTED] and I had a terrible argument over this it cannot carry on and I am seriously thinking of selling up I don't want to, but I cannot go on like this much longer.

Wayne is taking no notice of anyone and is a law to himself.

Kind regards

[REDACTED]

APPENDIX 18

Emma Waites

From: Piers Warne [REDACTED]
Sent: 12 July 2023 16:13
To: Emma Waites
Cc: [REDACTED]
Subject: RE: EPA 90 - Statutory Nuisance - mediation period

[REDACTED]

Dear Emma,

I am actually away on holiday this week and next. My client is currently looking at various options including obtaining a noise survey, fitting a limiter for calibration and other potential remedial works. I am awaiting an update from them.

It goes without saying that we want to resolve this amicably, but I would ask that you please bear with us.

Kind regards

Piers

Piers Warne
Legal Director
for TLT LLP

[REDACTED]

[REDACTED]

From: Emma Waites [REDACTED]
Sent: 12 July 2023 15:16
To: Piers Warne [REDACTED]
Cc: [REDACTED]
Subject: EPA 90 - Statutory Nuisance - mediation period

Sensitivity: PROTECT

Good Afternoon, Piers

Please can you provide a response to this email. I will assume that if I do not have a response by Friday 14.7.23 that you do not wish to deal with the issue amicably and another Abatement notice pursuant to the Environmental Protection Act 1990 will be served.

Please note that both notices will then prohibit music causing a Statutory Nuisance to local residents in either the garden or the building.

Having spoken to residents in the area this week it is my understanding that the noise emanating from the premises is worse than ever, it would seem that the DPS is not keen to control noise outbreak from your premises and does not bode well for compliance with legal notices moving forward.

Regards

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety
Tel. Office: [REDACTED]
Tel. Mobile: [REDACTED]

[REDACTED]
City of Wolverhampton Council

Please note that my working days are Tuesday to Friday inclusive.

From: Emma Waites
Sent: 29 June 2023 14:24
To: Piers Warne [REDACTED]
Cc: [REDACTED]

Subject: Noise emanating from the Pheasant Inn, Wood End Road.

Sensitivity: PROTECT

Good afternoon, Mr Warne, and thank you for your recent emails.

Firstly, I am pleased to receive what I take as positive intentions to manage noise associated with The Pheasant Inn.

I am sure your will appreciate, however, that in regard to the disclosure of evidence and information, this is of course subject to constraints given that the matter is subject to a formal investigation not least in context of statutory nuisance proceedings, and such material could potentially form part of evidential disclosure in line with normal trial proceedings. The council is subject to specific legal requirements that we cannot of course prejudice.

This said I am optimistic that a resolution can be achieved to enable The Pheasant to operate as a commercially viable entity, whilst balancing the competing needs of all concerned. As you are aware, a number of regulatory officers have been part of the council's investigations, and in essence, the findings trigger considerations to be weighed in terms of statutory nuisance, anti-social behaviour and licensing provisions, and bearing mind that there is an extant statutory nuisance already in place.

Noting what you have said, I am seeking to take every opportunity to achieve a mutually agreeable (and long-lasting) solution as soon as practicable. The matters you have indicated that can - or may be - brought into play cannot of course be made subject to disclosure of evidence on the council's part, and in-turn be held as determinants as to whether a specific remedial action will be taken forward.

Emma Waites
Senior Environmental Health Officer - Food and Consumer Safety
Tel. Office:
Tel. [REDACTED]

[REDACTED]
City of Wolverhampton Council

Please note that my working days are Tuesday to Friday inclusive.

APPENDIX 19

Emma Waites

From: >
Sent: 21 July 2023 00:39
To: Emma Waites
Subject: Re: The Pheasant

Hi Emma,

Here is a brief summary as to how much the pub noise and disruption to the local community has affected our lives personally. I would like to make you fully aware they are a number of house on both Wood End and Prestwood Avenue that share the same views but are either too scared to come forward or they are too elderly to be able to communicate through technology I.e phones and emails.

Both streets have residents that range from the elderly who have lived here for 40 years plus to young families who have recently move here trying to start and build a family live.

The pub brings trouble and an unwanted crowd of yobs who think it's okay to smash glasses outside your house, to argue and fight down the streets after leaving the pub, to be swearing and throwing abuse in the beer garden. The crowd it has attracted is unwanted in a family community. The pub he is trying to run belongs in a city centre where there are no close residents who are trying to live a normal quiet life. Who need sleep to be able to get up for work on a Monday.

It's not a lot to ask for, it just seems to be that this pub has been able to be managed beyond any sort of rules for over 2 & 1/2 years now and it has to stop.

They have recently gone down the route of serving food which is great! However the noise level and base is still ridiculously loud.

During the 2 & 1/2 years the level of noise and disturbance has caused a great deal of stress for me and my family. My mental health and physically health have suffered because of it. I'm in and out of hospital and require a home where I can recover in the comfort of my own home. Instead I can't sleep before 12.30 - 1.30am most night because that what time they shut off.

My kids don't have a routine due to them waking up in the night because of the music and nap times non exist because they won't sleep through the noise and have nightmares. When they have had live music it's been that loud my child screams because the drums have scared her whilst playing out. (I have attached a recording of this in another email). I am aware I'm not the only one on the street suffering with this problem. My friends house who lives closer to the pub said her kids have to sleep with her because the kids won't sleep in their own bed because of the noise which disturbs their school and affected their son last year doing his gcse as he couldn't study.

I can't allow my child to play outside when there is events going on and big crowds as the level of swearing is disgusting for children to be exposed to.

We can't invite family and friends around or celebrate anything as we are embarrassed and can't even enjoy our garden or talk and hear each other.

I have lost a baby during this time and I was unable to even come home and grieve in piece instead I can home to not being able to even sleep or sit and think straight due to the continuous base that shakes the house.

The pub has caused me and my partner to argue out of frustration and stress and just genuinely being upset that we are trapped here as a family which can't move away. We can't sell due to being in a fixed mortgage.

So many people have ended up selling their properties because we all feel like we we have no way out and no one seems to be taking action against them. No other pubs are run this way. I know people who have lived her for 32 years who have up and sold up because they knew that the pub was going to carry on for a years like this because of their lease.

We thought this house was going to be our forever family home where we extended and put money into the property instead we have lost the love for it and can't wait to move.

As for the graffiti and tacky Decor they do to the near by round about which is council property, I think it makes the area look like a council estate. He has tried to bring Benidorm to wednesfield and I'm sorry to say but the cheap tacky vibe doesn't vote well with me. It affects your view when entering the round about as you can't see the other exits. I have seen a couple of near miss crashes because of this.

We have been unable to open our windows due to the noise even in the heat waves last year of 38 degrees.

I've had to pay for 2 new tyres due to the broken glass bottles with straws that on more than one occasion has found itself near my drive where I pull off which have clearly come from the pub.

The regular fights and police we hear from the pub is unbelievable. Yet the police never seem to do anything even when you see riot vans after riots vans.

My partner has nearly lost his job due to missing alarms in the morning because he's not gone to sleep till 1.30am due to the noise. They even play this loud music on a Sunday night even knowing full well people have to be up for work on a Monday. They have no thought or consideration for the local community.

The pub is a shambles and needs to be run like a normal pub. I understand it's all about money to then put for us who live near by it's our home and our lives. When they lock up they get to go home and sleep in piece and quite. They get to go to having had sleep. When they are poorly they get to relax at home and chill out to recover. They get to sunbath in their garden in peace. They get have a bath in peace. They get to have their windows open when it's hot. All these every day activities WE CAN NOT DO! They are affecting our ever day life.

We have to sleep every night with ear plugs just to be able to function. We just want to live a normal life. The fact is if they had come to wednesfield and ran the pub like every other pub landlord he would have had my support and custom. I hope he goes down the food route and sacks the live music and shit karaoke singers and start's actually listening to the local community he is upsetting instead of playing the game that he's all for the community by decorating the roundabout. For example if he's so supportive of the nhs he would be keeping people who need to go and work at the hospital awake. [REDACTED] there are 3 nurses with is being so close to the hospital. Yet he doesn't seem to care when he's keep them awake all night and not even giving them days off to relax in peace. He is all about the money and that's it and a few banners and posters are just there as a front to make him look good to the people who spend their money in there.

(I have attached videos in a separate email)

Many Thanks

APPENDIX 20

[REDACTED]

To whom it may concern.

I visit my partner @ [REDACTED]
which is the [REDACTED]
The New pleasant public house.

On each visit I arrive on a Friday
and leave on Sundays.

The noise from loud music is horrendous.

We can hear word for word the music
that is played. We cannot sit in
the garden as its too noisy.

My partner is extremely stressed and
We cannot relax.

She has now decided to sell her property
has its having a impact on her health &
Well being.

We have been told they hold a licence until 1am which is not acceptable.

When we go to bed all we hear is Boom, Boom. She has called several times to the owner who takes no notice says he will close the doors, we can still hear and disturb our sleep.

Every Friday, Saturday, & Sunday she has to put up with this, she works a full time job and wants her rest at the Weekend. This is supposed to be a Community Pub. not a night club. We are not the only tenants to complain and needs sorted.


I don't see why she should have to move to get peace, and should be able to enjoy her garden.

Surely this is not allowed in a residential area night clubs are in the town not here. The problem is not getting any better, Videos have

been taken, and sent to the Council
all hours every week as late as
00.45am on a Sunday Morning.

If this problem would only go away,
my partner would not move and she
is happy in her home. This is the only
reason she is selling.

I'm glad I don't live here as I
couldn't cope with it either.



APPENDIX 21

25.7.23

**CITY OF
WOLVERHAMPTON
COUNCIL**

Mr W L Parkes
The Pheasant Inn
Wood End Road
Wolverhampton
WV11 1YQ

IMPORTANT

Dear Mr Parkes

**Environmental Protection Act 1990 Part III Statutory Nuisances
RE: Entertainment noise emanating from within The Pheasant Inn, Wood End Road
Wolverhampton, WV11 1YQ**

I write with reference to the above matter.

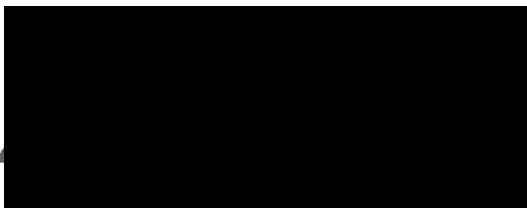
As you are aware the City of Wolverhampton Council continues to receive complaints relating to entertainment noise emanating from within the The Pheasant Inn.

This matter has been the subject of investigation pursuant to the above provisions.

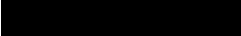
Consequently, please find enclosed an Abatement Notice in respect of Statutory Nuisance.

Should you wish to discuss any aspect of this correspondence you are invited to contact me direct.

Yours faithfully





Emma L Waite
Senior Environmental Health Officer
Environmental Health (Commercial)

T. 

Email: 

City of Wolverhampton Council
Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP

 wolverhampton.gov.uk
 @WolvesCouncil
 WolverhamptonToday

ENVIRONMENTAL PROTECTION ACT 1990
Section 80

Abatement Notice in Respect of Statutory Noise Nuisance

To **Wayne Lesley Parkes**
The Pheasant Inn
Wood End Road
Wolverhampton
WV11 1YQ

TAKE NOTICE that the City of Wolverhampton Council (hereafter called "the Council") being satisfied that a statutory noise nuisance occurred and is likely to recur at residential premises located in Linthouse Lane and Prestwood Avenue, Wolverhampton in the area of the Council, the said nuisance arising from:

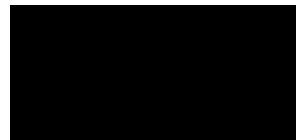
Amplified music and vocal sounds arising from within a public house premises known as The Pheasant Inn, Wood End Road, Wolverhampton. WV11 1YQ

HEREBY REQUIRES YOU as the person responsible to prevent the recurrence of the said nuisance from the 28th of July 2023 onwards.

If without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine.

The Council may institute proceedings or carry out works or take such other steps as may be necessary to secure compliance with all or any of the requirements of this notice. Any expenses incurred by the Council in securing compliance with this notice may be recovered from you.

Dated: 25th July 2023



Emma L Waites
Senior Environmental Health Officer

Environmental Health
Civic Centre
St Peter's Square
Wolverhampton WV1 1DA *(address to which all communications should be sent)*

YOU MAY APPEAL AGAINST THIS NOTICE TO A MAGISTRATES' COURT WITHIN THE PERIOD OF TWENTY-ONE DAYS BEGINNING WITH THE DATE ON WHICH THE NOTICE WAS SERVED.

APPENDIX 22

Emma Waites

From: Emma Caddick
Sent: 11 September 2023 12:32
To: Emma Waites
Subject: FW: Pheasant, Wood End, Wolverhampton WITHOUT PREJUDICE

Sensitivity: PROTECT

From: Emma Caddick
Sent: 31 July 2023 13:41
To: Piers Warne [REDACTED]
Subject: RE: Pheasant, Wood End, Wolverhampton WITHOUT PREJUDICE

Hi Piers

I am unable to speak this afternoon, If you could put your questions in writing and I will do my best to respond. Unfortunately, we were unable to send an officer out this weekend due to the late notification.

Regards

Emma Caddick
Service Manager
Environmental Health
Tel. Office: [REDACTED]
E-mail: [REDACTED]
City of Wolverhampton Council

From: Piers Warne <[REDACTED]>
Sent: 31 July 2023 13:16
To: Emma Caddick <[REDACTED]>
Subject: RE: Pheasant, Wood End, Wolverhampton WITHOUT PREJUDICE

[REDACTED]

Sensitivity: PROTECT

[REDACTED]

Hi Emma,

Many thanks for coming back to me. I think there are a number of matters we may all want to discuss in the fullness of time, but in the first instance, I was hoping to run through your notes about the discussion with Wayne and his wife as there are certain points in there that we need to investigate.

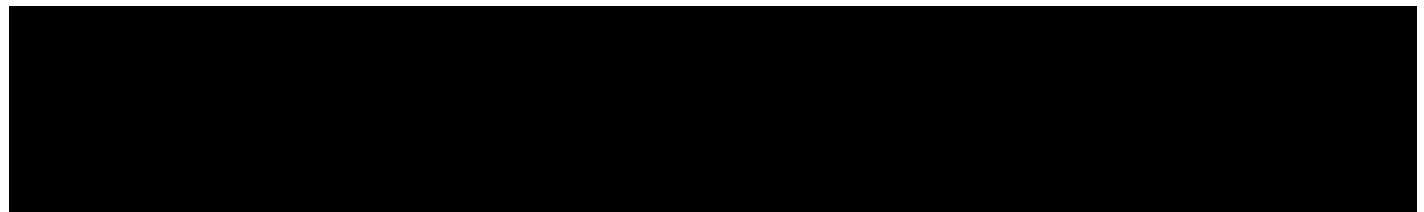
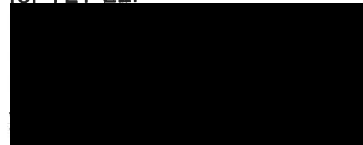
I would also like to discuss whether there was any officer presence at the Pheasant this Sunday.

If you are available this afternoon, that would be great.

Kind regards

Piers

Piers Warne
Legal Director
for TLT LLP



From: Emma Caddick [redacted]
Sent: 31 July 2023 10:42
To: Piers Warne [redacted]
Subject: RE: Pheasant, Wood End, Wolverhampton WITHOUT PREJUDICE

Sensitivity: PROTECT

Hi Piers

Apologies for not getting back to you last week.

Unfortunately, I can't really add to the information, which has been provided by Ms Waites.

I am tied up this morning, if you can provide me with an outline of what you wish to discuss that would be helpful.

Regards

Emma Caddick
Service Manager
Environmental Health
Tel. [redacted]



City of Wolverhampton Council

From: Piers Warne [REDACTED]

Sent: 28 July 2023 12:54

To: Emma Caddick [REDACTED]

Subject: Pheasant, Wood End, Wolverhampton WITHOUT PREJUDICE

Dear Emma,

Please excuse me for emailing you directly in relation to the review served by your colleague Emma Waites, on copy. I have tried to ring her in relation to the review and also more generally in relation to update on the actions we have been taking.

I note from the chronology that you had a conversation with Mr and Mrs Parkes yesterday. I would be interested in speaking to you about that conversation – either formally or off the record- as some of the allegations in there about the conduct of Mr and Mrs Parkes do give us cause for concern. Of course, we will be allowing them to tell their side of the story, but my client would be very interested in understand from you how that conversation developed and what we can do further to assist.

My client is spending a lot of time and resource trying to resolve this permanently. We will, of course, continue to do so.

I look forward to hearing from you.

Kind regards

Piers

Piers Warne
Legal Director
for TLT LLP