

Public



Please reply to:

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Date: 22 September 2017

Notice of meeting

Licensing Sub-Committee

Date: Monday, 2 October 2017

Time: 10.00 am

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Licensing Sub-Committee

Councillors:

R.W. Sider BEM (Chairman)

M.M. Attewell

S.A. Dunn

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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AGENDA

Page nos.

1. Disclosures of Interest

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

2. To consider an application for the review of the Premises Licence at Jolly Butcher public house, 174 Kingston Road, Staines-upon-Thames TW181PE

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The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

Licensing Act 2003

Hearing procedure for Licensing Sub-Committee – Premises Licence Review

	Introductions
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	All persons present to introduce themselves to the Sub-Committee. <i>*NOTE*</i> the Applicant for a <u>review</u> is either a Responsible Authority or an Other Person. The Premises Licence Holder is a “respondent”.
	Summary of Application and Representations
3.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
4.	The Applicant for the review or their representative may ask relevant questions of the Council's solicitor/Licensing Manager.
5.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager if necessary.
6.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Council's Licensing Manager if necessary.
7.	The Premises Licence Holder may ask the Licensing Manager QUESTIONS arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	The Applicant's Case
10.	The Responsible Authorities or Other Persons applying for the review presents their case (may include evidence of witnesses if appropriate).
11.	The Responsible Authorities who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.

12.	Any Other Persons who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.
13.	The Premises Licence Holder asks questions of the Applicant for the review if necessary.
14.	The members of the Sub-Committee may ask relevant questions of the Applicant for the review.
15.	The Applicant for Review may respond to any new issues raised.
	The Responsible Authorities case
16.	The Responsible Authorities who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
17.	The Applicant for the review or their representative may ask relevant questions of the Responsible Authorities.
18.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Responsible Authorities.
19.	The Premises Licence Holder may ask relevant questions of the Responsible Authorities who have submitted representations about the application.
20.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
21.	The Responsible Authorities may respond to any new issues raised.
	The Other Persons Case
22.	Any Other Persons who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
23.	The Applicant for Review or their representative may ask relevant questions of the Other Persons.
24.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Other Persons who have submitted representations about the application.
25.	The Premises Licence Holder may ask relevant questions of the Other Persons who have submitted representations about the application.
26.	The members of the Sub-Committee may ask relevant questions of the Other Persons who have submitted representations about the application.
27.	The Other Persons may respond to any new issues raised.

	The Premises Licence Holder Case
28.	The Premises Licence Holder will present their case (may include evidence of witnesses if appropriate).
29.	The Applicant for the review or their representative may ask any relevant questions of the Premises Licence Holder.
30.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
31.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
32.	The members of the Sub-Committee may ask relevant questions of the Premises Licence Holder.
33.	The Premises Licence Holder may respond to any new issues raised.
	Summing Up
34.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
35.	The Chairman will invite any Other Persons who have submitted representations about the application to briefly summarise their case if they so wish.
36.	The Chairman will invite any Responsible Authorities who have submitted representations about the application to briefly summarise their case if they so wish.
37.	The Chairman will invite the Applicant for the review to briefly summarise their case if they so wish.
38.	The Chairman will invite the Premises Licence Holder to briefly summarise their case if they so wish.
39.	The Chairman will then ask all parties if they are satisfied they have said all they wish to. (NOTE – The Premises Licence Holder to have the last word.)

	Decision
40.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
41.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with reasons (summary or full) for the decision.

42.	Meeting closed.
43.	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

GUIDANCE NOTES

*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Premises Licence Holder questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 28. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.

Licensing Sub-Committee

2 October 2017



Subject	Application for review of the Premises Licence for the Jolly Butcher, Kingston Road, Staines, TW18 1PE.		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines South
Contact	Rob Thomas, Licensing Enforcement Officer, (01784) 446439		

Description and Location	The Jolly Butcher is a public house, surrounded by residential properties. A location plan is attached at Appendix A .
The Application	<p>The application is to review the Premises Licence and cites all four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm) as grounds, though the bulk of the content within the forms appears to relate to the prevention of public nuisance. It has been served by Susan and John Shaw, Jackie and Jerry Stevens, and Fiona Colquhoun – residents living in the vicinity of the premises.</p> <p>The current licence is attached at Appendix B. The review application is attached at Appendix C.</p>
Representations	<p>Relevant representations have been received from Spelthorne Borough Council's Environmental Health department and Ei Group Plc. (formerly Enterprise Inns).</p> <p>Letters of representation are attached at Appendices D and E.</p>
Options	<ol style="list-style-type: none">1. The Sub-Committee is requested to consider the application for the review of a premises licence on its merits.2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives:<ul style="list-style-type: none">• Modify the conditions• Exclude a licensable activity• Remove the Designated Premises Supervisor• Suspend the licence for up to 3 months• Revoke the licence• No action required

1. Historical background

- 1.1 In November 2005, under the terms of the Licensing Act 2003, a Justices' licence for the Jolly Butcher in Kingston Road, Staines was converted to a Premises Licence.
- 1.2 In the ensuing years, residents raised concerns about the operation of the premises and its impact on them – particularly during the summer of 2006 and again in 2008. A review application was submitted to Spelthorne Borough Council and the licence for the premises was subsequently revoked in October of 2008.
- 1.3 In January of 2009 a new Premises Licence was issued to a different licence holder, this time with restrictions on regulated entertainment – in an attempt to minimise the impact of the operation on residents.
- 1.4 Residents again raised concerns about noise from the premises with the Council's licensing department in early 2010 (this was after liaison with pub management had apparently proved fruitless).
- 1.5 It is important to note that the Live Music Act 2012 came into effect on 1 October 2012, effectively rendering conditions surrounding regulated entertainment on many Premises Licences (including those on the licence for the Jolly Butcher) obsolete. A brief summary of what the LMA permits is **attached as Appendix F**.
- 1.6 Nonetheless, the situation at the Jolly Butcher appeared to quieten down until the summer of 2013, when the licence holder employed a change of management at the premises. The Council's then Licensing Enforcement Officer, Reba Danson, arranged a meeting with the licence holders and nearby residents to agree a set of actions that could be taken to appease all involved. This appeared to have some impact, though it did not resolve issues entirely.
- 1.7 Over the summer of 2014, residents again raised issues with the Council's Licensing Enforcement Officer.

2. History since the licence was transferred to Soulcurry Ltd.

- 2.1 In the summer of 2015, the licence was transferred to the current licence holder, Soul Curry Ltd. An application to vary the licence to specify Julian Terriaca as Designated Premises Supervisor (DPS) was received simultaneously. Soon after the licensing department was copied in to a chain of e-mails between residents and the new management, in light of noise emanating from the premises due to its operation.
- 2.2 Julian Terriaca stepped down in December of 2015, when Shweta Singh replaced him as DPS.
- 2.3 No further complaints were received until the Christmas period in 2016, when late opening hours resulted in some heated correspondence back-and-forth between nearby residents and the Premises Licence Holder.
- 2.4 Problems have escalated throughout the summer of 2017, with the licensing department having been copied into dozens of e-mails going back-and-forth between the residents and the Premises Licence Holder. It is clear that relations between the parties have now completely broken down.

- 2.5 Mr and Mrs Singh have shown a commitment to taking their duties from a legal standpoint seriously. Licensing inspections carried out by the Council's Licensing Enforcement Officer during Soulcurry Ltd.'s tenure at the premises have shown the Premises Licence Holder to be generally compliant, though it was noted during a recent visit that a good practice refusals log (which, unusually, is not a condition of the licence) could have been better – and advice given accordingly. Mr and Mrs Singh have seemed eager to please at all times, and have even enquired about joining a Pubwatch scheme and subsequently – in the absence of one – about the process for starting a new Pubwatch, in order to promote the prevention of crime and disorder.
- 2.6 During the course of visits, the Licensing Enforcement Officer observed that since taking over the Premises Licence, Soulcurry Ltd. have invested time and money into steering the focus of the business towards live music. In response to complaints, a stage was installed at the property to help minimise the impact live music has on neighbouring residents. A number of fans can be seen in operation at the pub during summer months to keep temperatures more comfortable for patrons when having doors and windows propped open would be inappropriate. Signs have been put up around the premises asking customers to refrain from using offensive language, as well as by the side door which leads to the garden – asking that it be kept shut. Unfortunately, it is not possible for this door to be locked during hours when the premises is open to the public, as it is a fire exit.
- 2.7 Some suggestions were made to the Premises Licence Holder for ways to reduce the impact of operations at the premises, including: -
- Reducing the frequency of live music events
 - Bringing forward the terminal hour of such events
 - Installing a noise limiter to manage the output volume of any music at the premises
 - Hosting a regular weekly drop-in session, during which time residents can visit to voice concerns, throughout the summer months – and circulating a leaflet advising them this was an option available
- 2.8 Unfortunately, none of these suggestions were taken up until somewhat recently – which has given residents the impression that an undertaking to do so was nothing but the result of the review application.
- 2.9 The above summary of complaints does not represent the number of instances where people have been disturbed by noise and antisocial behaviour in connection with the pub and contacted the council. At times there have been several e-mail communications in a matter of days.
- 2.10 As will be apparent, complaints have not been continuous and residents appear to have had periods of relative peace, usually during the winter months – before and since Soulcurry Ltd.'s involvement in the premises.

3. Review Application

- 3.1 An application for the review of the premises licence was received on 1 August 2017. A copy is at **Appendix C**.
- 3.2 The grounds for the review are complex and numerous. However, common themes that emerge throughout the included (and subsequent) log sheets are that there are problems with noise from both inside and outside of the

premises, antisocial behaviour and perceived nuisance such as customers swearing and playing football in the garden.

- 3.3 The applicant copied the review application to the licence holder and the responsible authorities as required by the Act. The notice of review was displayed at the premises between 8 August 2017 and 5 September 2017 and in the reception area of the Council Offices as well as the Council's website.

4. Promotion of the Licensing Objectives

- 4.1 The relevant Licensing Objectives, as specified in the review application, are set out below for information:

Prevention of crime and disorder

- Anti-social behaviour on, or directly attributable to, the premises

Public safety

- Vehicles leaving the premises car park at speed

Prevention of public nuisance

- Noise nuisance, stemming from both music inside the premises and patrons drinking/smoking in the garden
- Patrons playing ball games in the garden
- Patrons swearing

Protection of children from harm

- The applicants believe that vehicles leaving the premises car park pose a risk to children

5. Representations

i) Representations from Responsible Authorities

- 5.1 A relevant representation has been received from Environmental Health and is attached as **Appendix D**.

ii) Representations from 'other persons'

A relevant representation has also been received from the owners of the premises, Ei Group Plc. (formerly Enterprise Inns) and is attached as **Appendix E**.

- 5.2 Both representations are almost entirely neutral, though the one provided by Environmental Health does suggest that a statutory noise nuisance may exist if the side door of the pub (which leads directly into the garden adjoining to neighbouring properties) is propped open during times when regulated entertainment is taking place.

6. Licensing Policy

- 6.1 The following sections of the Council's Licensing Policy are relevant.

- 24.1 Reviews in connection with crime
- 24.6 Reviews in relation to public safety

- 24.7.1 Noise
- 24.7.5 Reviews in connection with public nuisance
- 24.8.3 Reviews in connection with protection of children from harm

7. National Guidance

The relevant section (11) from the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determination of a Review is attached at **Appendix G**.

8. Making a decision

- 8.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.
- 8.2 The Sub-Committee must give reasons for its decision.
- 8.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.
- 8.4 Conditions on licences must:
- be precise and enforceable;
 - be unambiguous;
 - not duplicate other statutory provisions;
 - be clear in what they intend to achieve; and,
 - be appropriate, proportionate and justifiable.
- 8.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

Appendices:

Appendix A – Location plan

Appendix B – Premises Licence

Appendix C – Review application

Appendix D – Representation from Environmental Health

Appendix E – Representation from Ei Group Plc.

Appendix F – Summary of the Live Music Act 2012

Appendix G – Section 11 of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003

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Jolly Butcher Pub, Kingston Road, Staines. TW18 1PE



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Legend



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SPELTHORNE BOROUGH COUNCIL
Council Offices, Knowle Green, Staines, TW18 1XB.



PREMISES LICENCE
Spelthorne Borough Council

Premises licence number	08/00704/LAPRE
Issue Date	6 January 2009
Latest revision	03 May 2017

Premises details

<p>Postal address of premises, or if none, ordnance survey map reference or description</p> <p>Jolly Butcher 174 Kingston Road Staines-Upon-Thames TW18 1PE</p> <p>Telephone number 01784 464423</p>
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<p>Licensable Activities authorised by the licence</p> <p>Sale by retail of alcohol Provision of regulated entertainment: indoor sport and recorded music Late night refreshment</p>

<p>The times the licence authorises the carrying out of licensable activities</p> <p>Sale of alcohol: Monday to Saturday 10.00 to 23.00; Sunday 10.00 to 22.30 Late night refreshment: Friday and Saturday from 23.00 to 23.30 Indoor Sport: Monday to Saturday 10.00 to 23.00; Sun 10.00 to 22.00 Recorded Music: only permitted on Christmas Eve to midnight and New Year's Eve to 01.00 New Year's Day.</p> <p>Seasonal variations: sale of alcohol permitted on Christmas Eve from the end of regulated hours until 00.30 on Christmas Day and on New Year's Eve from the end of regulated hours on New Year's Eve until 02.00 New Year's Day.</p>
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<p>The opening hours of the premises</p> <p>Monday to Saturday 10.00 to 23.30; Sunday 11.00 to 23.00. Seasonal variations: opening hours to be adjusted so that premises are open for half an hour after the end of the regulated hours for sale of alcohol etc.</p>

<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</p> <p>For consumption on and off the premises</p>
--

<p>Name, (registered) address telephone number and email (where relevant) of holder of premises licence</p> <p>Soulcurry Limited 14 Kingsley Square Fleet Hampshire GU51 1AH</p>

<p>Registered number of holder, for example company number, charity number (where applicable)</p> <p>9356440</p>

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

Mrs Shweta Singh
14 Comet Road
Stanwell
Surrey
TW19 7HP

Personal licence number and issuing authority of personal licence where the premises licence authorises the supply of alcohol.

15/00359/LAPER

Signed _____
Deputy Chief Executive

Dated: 03 May 2017

Annex 1 - Mandatory Conditions

Mandatory Condition: where a premises licence authorises the supply of alcohol:

1. No supply of alcohol may be made under the Premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2010

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

Appendix B

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplies having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whiskey: 25ml or 35ml; and

(iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 (Below Cost Selling Order)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where—

P is the permitted price,

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions Consistent with the Operating Schedule

1. Staff to be trained on the requirements of the Licensing Act 2003 when recruited and given training in "drugs awareness" as part of their induction.
2. The DPS will be a member of Staines Urban pubwatch so long as it exists
3. When regulated entertainment is held during seasonal dates doors and windows will be kept closed except for access and egress
4. No amplified music will be played outside
5. The perimeter will be checked regularly to ensure noise levels are acceptable
6. Meetings with residents shall be arranged if they wish to attend (see condition 13 below)
7. Prominent legible signs will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly
8. No ball games signage shall be put into the existing garden and car park areas
9. Customers shall not be permitted to play football in the existing pub garden or car park
10. Photographic proof of age will be required to be shown by a person seeking to purchase alcohol who appears to be under 21 years of age.

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

- 11 A comprehensive and documented programme of training for all current and new staff regarding the law relating to the licensing Act 2003, with regular refresher training every six months.
- 12 Instigation of a proof of age policy advising that the only acceptable identification forms are a passport, driving licence with photocard and any identification card displaying the PASS logo.
- 13 A regular meeting is to be held with residents (if they require) the first Sunday morning of every month at 10am. The reason for this condition is to assure residents that problems with the premises can be raised and dealt with appropriately.

Annex 4 – Plans

ID: 023215/69

Dated: 04/03/2005



Spelthorne Borough Council, Council Offices, Knowle Green, Staines upon Thames, TW18 1XB

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Local residents-see attached.

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Jolly Butcher Public House, Kingston Road Staines upon Thames, Middx TW18 1PE	
Post town Staines	Post code (if known) TW18 1PE

Name of premises licence holder or club holding club premises certificate (if known) Rajesh Ranjan Singh –Soul Curry Ltd
--

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

Part 2 - Applicant details

I am

Please tick ✓ yes

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

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
 (please complete (A) below)

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

Please tick ✓ yes

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

Surname Shaw	First names Susan
------------------------	-----------------------------

I am 18 years old or over

Please tick ✓ yes
 ✓

Current postal address if different from premises address

1a Chestnut Grove
 Staines
 Middx

Post town

Staines

Post Code

TW18 1DB

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

Name and address John Shaw 1A Chestnut Grove ^① Jackie and Jerry Stevens 172 Kingston Road ^② Fiona Colquhoun-1 Chestnut Grove ^③
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

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

This has been an ongoing issue with the Jolly Butcher and its management for some years relating to loud music both live and pre recorded and antisocial behaviour outside the premises.

We are all aware that we live next to a Public House and are realistic enough to realise that from time to time we will experience some noise. However we are now experiencing serious disruption to our home lives on a regular basis and despite trying to work with the current licensees to agree some measures to reduce the impact, this has failed to address the issues. They are not open to any further conversations about improvements to contain the problems and we have no option but to ask for the terms of the licence to be reviewed.

The problem is the lack of management, the customers have no respect for the measures that are in place, i.e. no ball games, keeping the door closed etc. and even the licensees themselves have admitted they feel intimidated by the customers.

During live music events the door is often propped open; it's a self closing door so this is deliberate act not a mistake. The excuse is often that customers prop the door open but it can be easily seen by the bar staff so should be addressed.

People often congregate outside the back doors for hours, shouting swearing and being altogether rowdy. No one from the premises comes out to control this activity.

The smoking hut has become a regular meeting place and is a place where even after closing people congregate.

We have witnessed people urinating in the shelter and the licensees shared with us they had witnessed someone defecating in the carpark.

Children are regularly playing in the car park from late afternoon until on occasions, late evening and ball playing is a real issue. This includes kicking the ball against and over the fences and has on occasion resulted in people climbing the fences. There are signs all around the fences but they are not enforced.

On one occasion the police were called to deal with a man who climbed into one of the neighbours gardens. I also had experience of children trying to scale my fence to enter the garden after the ball has come over.

The carpark is chaotic with cars speeding in and out with loud music blaring constantly and our concerns are that children may be injured should the driver not see them. Often the radios are left playing whilst the driver goes into the pub .

The outside area is now being neglected and most evening glasses and bottles are left on tables until midday the following day when the bar staff arrive and the floor is littered with cigarettes. Apart from being an eyesore ,the glasses and bottles could be dangerous if any groups of youths are passing by late at night.

Recently a man and his dog were actually sleeping on one of the benches amidst the debris from the previous evenings drinking. He appeared to be a homeless person.

The licensee is no longer living on site and it would appear that the bar staff are left to control and close the premises leaving it unoccupied for the whole night. .Whether they are trained in tackling difficult situations or antisocial behaviour or have not been told to manage it maybe we don't know.

Customers are often not leaving the premises until sometimes after midnight which we believe is because they know no one will ask them to go.

We have seen a marked increase in the antisocial behaviour and noise nuisance since then and our concern is that we will suffer even more incidents of disturbance and these will not be managed. The incidences of live music have increased and as the pub is in a residential area this is really not acceptable. The noise levels are constant and intrusive and there is no acknowledgement by the licensee that from our side the music is too loud. We have to got to work early every day and lack of sleep is now impacting us.

The language element is a particularly important issue especially for the neighbours who have children and this has impacted their ability to play in their own garden.

We have been inside the pub on several occasions and just recently were appalled by the dirty unkempt environment and having looked at some online postings we are not the only people to have noticed this.

All of these things add up to bad management and lack of control.

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

The issues we have experienced have been going on for many months but we have only started recording them formally since about April.

Christmas Eve 2016 was the most horrific with live music and crowds of people both inside and outside of the pub.

We expected to here some noise it being a festive occasion but it turned into a nightmare. A mob of drunken chanting people began screaming, shouting and swearing in the carpark.

They had all exited the pub.

They stayed around the pub until around 2.00am to 2.30am when they started to move onto the main road and further along the Kingston Road.

The police were called by numerous neighbours. We raised this with the Licensee who basically said it had nothing to do with him; he had removed them and locked the doors.

Christmas Day I am sure for many families was a sombre day with people feeling very tired from lack of sleep, I know because it certainly spoilt my day.

This was really the start of the issues we are now experiencing.

I have attached the extensive logs and recorded incidents compiled by myself and the other neighbours involved in this application.

We have been working with environmental health to alert them of incidents as well as liaising with The Licensing Offer at Spelthorne.

One neighbour has on occasion called the Police and I have tried to contact the local Community Police for advice to no avail.

3 attempts have resulted in nothing.

The visit from the out of hour's noise officer was actually very worrying. During his visit to both my property and that of my neighbour he agree that the level of music was unacceptable, and very intrusive and he even suggested that we ask for the licence to be reviewed and that he himself would be willing to speak on our behalf supporting this although this would cost us! I am not actually sure what he meant by that other than he would help us if we paid him.

He visited the pub to ask for the windows and door to be closed.

The subsequent report that he submitted was very contradictory to his comments on the evening and I am sure that Ms Colquhoun will concur as he had the same conversation with her that same evening.

We feel that we have received little support from any of the authorities which has necessitated us taking the step to ask for the conditions of the licence to be reviewed.

Over the past few weeks it has become slightly quieter but we are not naïve enough to believe this will continue. We really need to try and resolve what has become a serious encroachment of our right to lead peaceful lives within our own homes.

Please tick yes

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

If yes please state the date of that application 2008

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

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

Similar to this application.

At that time the licence was revoked although following an appeal some measures were added to the terms of the licence to curtail some of the disturbance.

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature



Date

31-7-17

Capacity

Applicant

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

Reply |

Delete

Junk |

Appendix C

Noise log sheets

S

Sue

Thu 06/07, 11:37

Bavins, Jilly (J.Bavins@spelthorne.gov.uk); Thomas, Robert (r.thomas2@spelthc

Reply |

Sent Items

Record of Noise.docx

16 KB

 Show all 1 attachments (16 KB) Download Save to OneDrive - Personal

Hi,

I have attached my log sheet for the period 14th June to 5th July.
This was by no means the start of the issues but commenced when I received the log sheets.

I am continuing to log the incidents and will send you a further log in a few weeks.

I would like to add some comments to demonstrate that we are trying to work with the Pub to deal with the matter .

After the incidents of 16th June, my husband and I together with Jackie and Jerry Stevens visited the pub to speak to Raj.

The purpose of that meeting was to try and reach some agreement on what we felt was acceptable noise and what we really needed him to do something about.

We arrived at about 11.00 and frankly were appalled at the state of the place. Outside glasses were all over the tables , cigarette ends all over the floor, clearly a left over from the night before.

When we went inside the state of the pub was the same, it was frankly filthy and very run down and un cared for. Quite different from the time we visited previously.

I wont bore you with the details of the whole meeting but what we did establish is that Raj and his wife have little or no control over their customers, are in fact scared of them and have been subjected to racial abuse.

Their staff are young and inexperienced and Raj is often not on the premises and is leaving them in charge. Some of the incidents occur on those occasions.

At the end of the meeting Raj intimated that they may be moving on from the pub and admitted that he actually doesn't care.

This is alarming and makes it even more important that we maintain a vigil to ensure that situation doesn't escalate further and ruin our home lives completely.

Many thanks.

Sue and John Shaw.

Record of Noise

Name	Sue and John Shaw
Address	1a Chestnut Grove, Staines, Middx, TW18 1DB
Telephone no	████████████████████
Email address	████████████████████
Name and address and source of noise nuisance	Jolly Butcher Public House 174 Kingston Road Staines Middx TW18 1PE
Period	14 th June 2017 to 6 th July 2017

Date	Description	Time start	Time end	Effect
14.6.17	Loud music with doors open . People outside shouting and using foul language .Children playing ball kicking it against the fence. Ball came over the fence and a child tried to scale the 6ft plus fence to retrieve it. No control by staff despite texting until the people took their children home.	4.00pm	6.00pm	Noise unbearable and had to close our doors and windows on a hot afternoon. Unable to sit on our decking for dinner.
14.6.17	Loud music , live this time with doors open. More people outside shouting and swearing.	8.00pm	12.30am	Unable to sit outside so have to revert to the lounge. Unable to have doors open and when we went up to bed were unable to sleep due to the noise.
16.6.17	Unbearable loud music and people shouting and swearing outside. Children playing ball and kicking it against the fence. Called the pub, text Raj but no response.	2.15pm	I went out at 4.15pm to get away from the noise	Tried to sit in my garden to read a book (day off) but totally impossible. Indoors had to close doors but music still audible.
16.6.17	Returned home. Continuation of above. Now worse, full blown football match with adults and children. Language and chanting unbearable. Ball went over neighbor's fence and children scaled her fence where it adjoins mine trying to get over. This was followed by an woman standing on the fence shouting down the garden. My neighbor called the police who knocked on my door thinking I had called them. I showed them the children on the fence.They attended the pub and the ball playing stopped briefly and then	6.00pm	10.15pm	Impossible to enjoy an evening in the garden. Went inside, again unable to open doors without being subjected the music and shouting and swearing together with the constant the of the football. This was actually a rather scary evening as the crowd were really aggressive and were hurling abuse at my neighbor. The children had no respect for anyone's property and were being encouraged by the adults.

	recommenced about 10 minutes later.			
17.6.17	Loud music and crowd of people outside the pub once again shouting and swearing. The door was closed but windows open The noise was so bad that I called the out of hours noise nuisance no to lo a complaint. A gentlemen from a 3 rd party company who manage this attended. He listened to the noise both with the door closed and opened and agreed that the level was unacceptable . He visited the Pub and asked them to close the doors with they did. This did reduce the music level to a more tolerable level although it was still disruptive and audible in the lounge.	8.00pm.	11.00pm	Unable to hear the TV. Unable to sleep with the noise levels and the people shouting and swearing.
5 th July 2017	Loud group of people on the patio shouting and swearing. Bar person came out several times but made no attempt to speak to anyone to control this anti social behavior.	8.00pm	10.00pm	Had to turn TV up super loud as too warm to close the doors.

Record of Noise

Name	Sue and John Shaw
Address	1a Chestnut Grove, Staines, Middx, TW18 1DB
Telephone no	[REDACTED]
Email address	[REDACTED]
Name and address and source of noise nuisance	Jolly Butcher Public House 174 Kingston Road Staines Middx TW18 1PE
Period	7 th July to 25 th July



Date	Description	Time start	Time end	Effect
8 th July	Live music with people outside most of the evening. Language as usual disgusting.	8.15pm	11.15pm	Had to go inside after trying to spend the evening in the garden with family.
9 th July	Quite a few people outside with children. Ball playing despite the notices. Noone came out to stop them.	2.15pm		We decided to go out as staying in our garden was fruitless.
12 th July	Live music unbearably loud, People outside shouting and swearing.	8.00pm	12.15am	Had to close our windows, unable to hear the TV or sleep.
13 th July	More music, unable to tell if it was live or recorded but unbearable. A lot od shouting.	8.30pm	11.30pm	As above.
14 th July	As above.	8.30pm	11.45pm	Exhausted from 3 nights lack of sleep.
15 th July	Drum playing all afternoon. This soon turned into the live music session with the usual crowds shouting swearing.	3.00pm	11.45pm	Really miserable weekend, we couldn't sit out, couldn't hear the TV in!
17 th July	Once again drum playing, went on and on incessantly Same beat !	7.45pm	11.00pm	Had to close doors and windows. Unable to hear TV or sleep.
19 th July	Live music but level not too bad. However the people outside were once again talking/shouting loudly all evening.	8.00pm	11.00pm	
20 th July	No music but loud crowd outside	8.00pm	10.30pm	
21 st July	Large group , really rowdy outside Went quiet then started again.	4.00pm 10.45pm	8.30pm 11.30pm	Unable to sit in the garden for dinner. Woken up later when the noise started again.

Spelthorne BC Council Offices Knowle Green Staines-upon- Thames TW18 1XB.	ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record	Service Request No. Time & Date Received	SPL 220/16 2110hrs 17/06/17
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Complainants 1. 1a Chestnut Grove, Staines, TW18 1DB

Address 

Title	Mrs	First name	?	Surname	Shaw
					

Complainants Contact Details:	Any Additional Details:
Phone 1. 	Time of visit by lhs VO DH 2147hrs 17/06/17
2. 	Previous Request N
Mobile	Via Cllr Name
Email	On Hotlist? N

Source of Problem Jolly Butchers PH Kingston Road Staines

Request Nature Lam (Live Band)

Time/Date	Officer	Report & Actions
2110hrs 17/06/17	DH	Call received from Call-centre
2115hrs		I called the complainants in the order listed above Mrs Shaw complaining of lam from a live band in the pub, I agreed to attend and investigate. Mrs Colquhoun's telephone was engaged.
2147hrs		I arrived at the location no noise, I visited Mrs Shaw who related numerous incidents with noise from the pub, she told me she had had a meeting with the landlord this morning, and he had a couldn't care less attitude. She said she believes the band are currently on a break. At 2210hrs the Band started playing, with the Patio doors shut, not stat nuisance, with doors open borderline stat nuisance. I visited the Pub, Manager not on site, I spoke to Amy who told me she was in charge, I identified myself, and requested she close the four open windows behind where the band were playing, which she did immediately. I advised her that she must ensure the doors and windows are kept closed all the time the band are playing, and ensure they finish promptly at 2300hrs. I left the pub and returned to the complainant's property, music now at a reasonable level and Mrs Shaw was happy. I updated the second complainant and left site.

**A REQUEST FOR A REVIEW OF THE LICENCE FOR THE JOLLY BUTCHER PUB, KINGSTON ROAD,
STAINES-UPON-THAMES, MIDDLESEX**

28th July 2017

Dear Sir / Madam

Please find attached our request to call a review of the licence for The Jolly Butcher Public house, Kingston Road, Staines-upon-Thames.

It is with regret that as a group of residents living in close proximity to the pub we now feel that we have no other option than to take these measures. Disturbances from the Jolly Butcher Pub have become so extreme in the past few months that they are having a profoundly negative impact on our family lives and wellbeing.

Disturbances, which are frequent, and have been recorded on logs, which are attached and have also been sent to Environmental Health, include shouting, foul and offensive language, ball games, loud music and revving cars – to name but a few.

We are fully aware of the implications of living in close proximity to a pub but the behaviour of the clientele at The Jolly Butcher is totally beyond belief and since the managers no longer live on site these extreme anti-social behaviours, which take absolutely no consideration of the fact that the pub is located in a residential area, have now extended late into the night, which on a number of occasions have prevented us from getting to sleep at a reasonable time.

We would welcome the opportunity to be able to express and share our concerns and experiences as a group at the earliest opportunity. We have tried all we can to address this amicably with the landlords but with no success. We have been told that the landlords feel intimidated by some of their customers and are worried about repercussions thus inhibiting their ability to run their pub in a way that would take into consideration the local residents.

We look forward to hearing your response and hope that we can quickly come to a resolution which enables us to move forward and live normal family lives where we can use our gardens and watch television without the worry of being subjected to constant loud music, shouting, ball games and offensive language.

Yours sincerely

Jerry and Jackie Stevens – 172 Kingston Road
John and sue Shaw – 1a Chestnut Grove
Fiona Colquhoun – 1 Chestnut Grove
Paul and Karen Winkworth – Chestnut Grove

Reply | Delete Junk |

Jolly butcher Log

J Jackie <Jackiestevens@██████████>
Mon 24/07, 22:24
You

Reply |

Inbox

Jolly butcher Log

Wednesday 5 April

Text to Raj.

Hi Raj

I have just had a major operation that I am at home recovering from and will be for the next 4 to 6 weeks. Yet again children are kicking a ball about on your patio. Please please can you stop them from doing this. Thank you Jackie

Thursday 6th April

Despite there being signs all around the pub garden I have still had to send the following :

Hi Raj. Yet again we've had to throw a ball back over the fence. We have spent a lot of time and money doing our garden and don't want anything broken. Thank you.

Friday 14th April - evening 7pm onwards

And another text:

Raj. I'm trying to watch TV and all I can hear is your music. We do keep asking you to be considerate but that's really not happening. If I can't sit in my house and listen to the Tv I dread to think what the summer will be like. Please can we arrange a date to meet with you about this. Thank you

Response from Raj

Hi Jackie. Yes sure. Let's meet. We'd restricted the doors leading to car park so there was no movement out of there. The windows were all shut. I personally took several rounds at the fence but didn't feel that the music coming over was anything more than street noise. Can't see what more can be done.

Sunday 21st May

The following text was sent to Raj. *Please can you send someone out to stop the ball game. Thank you*

Thursday 25th May

Hi Raj there's a ball being kicked outside again please can someone remind them of your rules. Thank you

Saturday 27th May

And another text:

Raj. I hate to keep complaining but a football has been kicked most of the afternoon. Please do ask them to stop. Thank you

Wednesday 7th June

A group sitting outside the pub have spent a good 2 hours shouting screaming and swearing. It's offensive - we have grandchildren and elderly parents who we want to spend time in our garden but we're embarrassed to let them do this. It's disruptive and prohibits our day to day living.

Loud music again tonight.

We really are at our wits end. Today it's been constant disruption.

Friday 9th June

Rowdy bunch outside the pub early evening. Swearing loudly - every other word is fucking.

Saturday 10th June.

Music loud enough that every word could be heard. Impossible to sit in our own garden. Music finished at 11pm.

People deliberately holding the door open

I text Raj but had no response.

Sunday 11th June

Greeted in the garden by expletives being shouted from customers sitting in the pub garden which include language such as: "shut up you f.....ing wanker"

Wednesday 14th June

Early evening - tea time about 5.30 the shouting, swearing, music, ball games coming from the pub is unbearable.

TEXT SENT TO RAJ FFOM JERRY:

Hi Raj could either you or your staff take responsibility for stopping the music ball games and shouting emanating from your pub garden and do it because you have standards not because the neighbours have moaned Regards Jerry

What's ap sent from a Jackie :

Raj I have walked through the door and my heart has sunk. The shouting, music, fowl language, particularly by a woman who is a frequent visitor to your pub, at this time in the evening is beyond belief.

Raj I would really appreciate an acknowledgement of my texts to you also the ball games continue.

I really do not want to have to keep complaining but this is effecting our quality of life.

Loud drumming and singing started at 10pm. Raj does not respond to any of my texts. The music and noise of the customers in the garden is so loud that on a hot evening we have to sleep with all the windows closed. Even then the music and vibrations prevent us from sleeping.

I made 2 recordings from my garden to log the loudness of the music.

Friday 16th June

We arrived home at 9.30 to find out from our neighbours that the police had been called as the noise and disturbance from the pub was unbearable. The ball games and shouting were still going on until 10.30pm. This message was sent to Raj. I received no reply:

Raj. What is going on? It's been like a playground in your pub tonight. The noise is unbearable. It's our Friday night too. No one has made an attempt to stop them Its 10.20pm and it's only just stopped!

It's midnight and there are still 2 people in your pub outside shouting at each other. It's. Kept me awake. No one has made any attempt to send them home.

Saturday 17th June. 2018

After a very disturbed evening 4 of us decided to have a meeting with Raj and his wife so we went round to the pub at 11am. Raj said he wanted us to wait 15 to 20 mins until he'd opened the cash register. We asked to speak to him straight away as it was a matter of urgency. The meeting lasted about 30-40 mins and it was clear that Raj and his wife had put little into place to ensure that we as neighbours were respected. He even said that he could do nothing about the swearing and shouting. He was also advised by other customers not to stop the ball games as those families would be threatening towards him. He said he could do nothing about the noise and fowl language during the day. When it was suggested that this was all about money he agreed. It was also suggested that he was frightened of his customers, He was not at all sympathetic to our plea for calm and quiet.

When we asked about the football both Raj and his wife said that they had been advised not to do anything about it's they would then open themselves up to repercussions by the families involved. This said to us that they were frightened if done if their clients and so unable to do anything about the disruption they were causing.

We noted that the state the pub was in was awful. Outside the beer glasses and cigarette stubs and packets had not been cleared away. Inside glasses littered the tables and the whole place seemed very unkempt. After noting that there was only 2 young bar staff on duty that night we asked if they were trained appropriately. raj nodded.

We left feeling as though we hadn't got very far and deciding to take the matter further with the council.

Please see below independent comments that have been made on trip advisor:

Appendix C

Filthy, boggen, rotten, the worst adjective for a health hazard is not too strong a description in my opinion. The dated and dirty "stippled" ceiling, the greasy tables, the inches of dust on the table supports, skirting boards, and the filthy "stage", I found no redeeming factors here. Unpleasant and unhelpful bartender, the disgusting toilets with no locks on the door, expensive drinks....in my opinion I don't see how this place hasn't been closed by some health authority, and I dread to think how this place serves food. If you're thinking of visiting (perish the thought), don't.... I can overlook dated decor, I can see past temporary mishaps, even a pleasant staff member can help to redeem a place. But, for the Jolly Butcher, there's not one jolly bit about it. Run a mile!!!! I'm sorry, but someone has to say it!!!!

And

If there was a "No Star" rating, this would have it. Run a mile from this place "

Email from Raj that evening: Hi Jackie and Jerry.

Please accept my apologies for my words that could have landed as insensitive and rude to you. It was not my intention at all. Both of you have always been very supportive and have acknowledged our efforts in transforming this pub and I didn't mean to hurt or upset you.

.....
I assure you that maintaining decorum is a primary objective in my and Shweta's mind and we end up having at least 4- 5 conversations with customers about this every day.

I get very well that despite our actions, it occurs to you that not enough is being done and you would like us to take harder measures of moving smoking shelter around etc that require significant investment that we are not in a position to make at the moment.

I can understand your frustration and thank you for letting me know about your future course of action wrt following it up with the council for resolution.

I'll send around a minutes of the meeting today. (we never received these minutes)

Our response to Raj :

Hi Raj. Further to our communication exchange yesterday I said I would let you know if there were any measures I would take regarding the council. About 10 days ago I emailed the council requesting a meeting between us which I felt would benefit by having a council officer present. I would like to add that whilst I do not speak for my neighbours nor do they speak for me we do, on what is now an increased number of occasions, have the same issues to address. In applying to the council for a meeting I expressed what I assume to be your willingness to attend such a meeting based on the text conversation we had last Easter. That said, events over the past few weekends have superseded my original request to the council. We are keeping a log of all disturbances as advised which we now find are having a massive impact on our personal lives. The bottom line is whatever your intentions or demands on your financial situation any failings as such are causing us sufficient problems that ANYONE in our position would take the same steps. We are making it very clear that this is not a situation we are prepared to accept. I assume the council will be in contact with both of us. Regards Jerry and Jackie.

Sunday 18 June. 2017

Drumming session in the morning. Heard from the garden. We wouldn't mind this at all if it was our only disturbance.

Tuesday 20th June. 2017

19.03 pm

Whilst sitting in our garden heard a strange noise that sounded like a car coming too fast into the car park and we think may have hit one of our neighbours' fences although we can't be sure which one. One of the regulars drinking outside the pub and who is usually one of the most troublesome shouted at the driver "slow down when you come in here mate"

FOOTNOTE: they appear to be having a burping competition and the word ' fucking' and 'wanker' has been a regular feature in their conversations.

Just when we thought today's log reporting was finished we became aware of an argument at 19.30 between customers of the pub. They was a lot of shouting and swearing. Not sure of the details.

FRIDAY 23rd June

The usual customers have arrived at the pub, It's 7.20 and they've been there for a couple of hours. The swearing and shouting is the usual disturbance.

and we can hear the whole conversation. We find it very offensive. Started around 6 pm. Still going on at 7.30pm. They left at 7.40pm.

Tuesday 27th June

At about 11.00 pub all closed but several people were in the smoking cabin making a lot of noise talking loudly. This went on until 12.45 in the morning. They clearly hadn't been asked to leave the premises after closing time. In the morning there were 5 pint glasses in the cabin

Friday 30th June.

I walked through my back gate at 6.25 after spending a week away on school journey and was greeted by the raucous shouting of the usual crowd. With 'you fucking wanker' being shouted on a number of occasions. It quietened down at 8.20pm.

Saturday 1st July

Between 6 and 8pm the usual crowd are outside the pub and as usual we are subjected to the foul language. The word 'fucking' being a constant element of their vocabulary

The music during the evening was very short lived and there didn't seem to be many people in the pub tonight.

Sunday 2nd July

Yet again what should be a lovely Sunday afternoon spent in the garden is spoiled by the unsavoury language from the usual crowd who have been there for the last hour. It's now 3.30pm. Just to be clear 'fucking' is a regular word used.

5.20 pm. The crowd are still there and children have started playing with footballs. There are 3 ball games going on despite the notices all around. Children are only young but just witnessed a parent send them over closer to our property because the ball game was interfering with their Sunday afternoon relaxation. Pub doors all closed and windows shut so it's clear they don't know what's going on. We haven't seen a member of staff come out all afternoon. I text Raj at 17.20 to ask him to stop the ball games. By 5.30 the ball games appeared to have stopped.

Wednesday 5th July 2017

It's a lovely sunny evening where we should be able to sit in the garden. There is a different and much younger group of about 15 people outside the pub they've been there most of the evening at 9.26 they're still there shouting and swearing. The foul language is very offensive. I have text Raj twice to ask if he can move them on as they are being so loud but I've had no response. I'm trying to work in my kitchen and I can't concentrate. It quietened down at 10.14 pm. Raj did respond the next day by asking who they were, how would I know! And then with 'got it' but no action.

Saturday 8th July 2017

Very loud music all evening which finished at 11pm

Sunday 9th July 2017

Again ball games are being allowed to happen which is disturbing our Sunday afternoon. I have text Raj to ask him to stop them.

Jolly Butcher 2nd log –Jackie Stevens**Wednesday 12th July**

There was live music in the pub tonight which wasn't too bad though I could hear it clearly from our bedroom it finished at 11pm. At 22 minutes past midnight I was woken up by customers still in the pub garden shouting and swearing. I text Raj and asked him to send them home. This is unacceptable. No one had been out and asked them to leave the premises. Raj responded at 2.50 in the morning with 'I'll have a look' I had to send Raj the following text at 00.22 in the morning :
Raj there's a group of men in your garden who have just woken me up shouting and swearing. Right below my window. Please send them home

Thursday 13th July

At 10.30 in the evening we have to close all our windows as the noise from customers shouting and swearing is preventing us from sleeping. No one has come out from the pub to stop them.

Sunday 16th July

We've been away at our sons over night but returned to the usual crowd in the pub garden with the usual shouting and swearing. Went on until about 10pm.

Monday 17th July.

As we sat in the garden to eat our evening meal the same crowd again frequently swearing. I went out at 9pm so not sure how much longer it carried on

Wednesday 19th July.

We think that Raj is no longer living in the jolly butcher as we see the barmaids arrive and get a key from what looks like a key safe. That may explain why there are still customers sitting in the garden late at night. Music playing tonight but it seemed to finish a bit earlier than usual.

Thursday 20th July

I have now broken up from school for the school holidays and I'm looking forward to a relaxing summer break. Oh so I hope!

At 4pm the usual crowd arrived with their usual expletives being frequent additions to their loud conversations. By 6pm it went quieter though was an unpleasant 2 hours. We were then out for the rest of the evening and returned at 22.20. There is a very noisy crowd sat around the table by the pub door. It's 23.13.

Earlier today I contacted Raj who confirmed that he no longer lived at the Jolly Butcher and that he and his wife have moved back to Stanwell. I asked who we should contact should we need to let him know about disturbances. He said that his wife Shweta was the DPS and general manager and that we should still contact them. This would probably go a long way to explaining why things have got worse late into the evening. I emailed Robert Thomas and I've asked him to find out who is the responsible adult on the premises.

This is a text that I've had tonight at 10.45 from my neighbour after I told her that Raj and his wife were No longer living at the pub:

*Oh god that explains the noise! So I reckon they have moved because of the noise
 I have drunk men all talking at once and a faulty outside light flashing on and off illuminating my bedroom
 I am so fed up and want to move house*

She really is at the end of her tether and I'm concerned about her health and well being, this just isn't fair on us as a community.

Friday 21st July

The usual crowd are loud and offensive - this started around 4pm and carried on until 9pm

At 11.30 there are people outside the pub again talking / shouting loudly. This has gone on for some time as it's raining and this group are in the smoking shelter. These were youths. It's possible they were not pub customers but they decided to end their evening out in the pub smoking shelter as it was raining and they were able to do this because there is no one living at the pub to send them home. We can only assume that the only way to deal with this now is to phone the police.

Saturday 22nd July

A noisy evening with groups congregating outside. Plenty of loud shouting and swearing as usual. Live music finished at 11pm.

On the Sunday morning outside is a mess with glasses and rubbish all over. No one has cleared up after the previous evening.

To whom it may concern,

Please can you consider this letter in conjunction with my log of events and the contributions of my neighbours in relation to the matter of the noise and anti social behaviour which is part of an entrenched culture associated with the Jolly Butcher Public House.

Since my last submission of my logs in early July, I made the conscious decision to make considerable changes so that I may not even be witness to or hear the activity from the Jolly Butcher. This includes:

- a) Not going into the garden at certain times of day, in particular late afternoons between 3pm and 5.30pm. This is so that I do not have to hear the rowdy, fowl language of the customers
- b) I keep my children indoors, particularly when they finish school. We do not use abusive language in the home so I do not want them exposed to this in the garden.
- c) Spending most of my time at home, in the front of the property and avoiding the back of the property.
- d) At night, I have slept downstairs on the sofa on many occasions, but as I am sure you can appreciate, some nights you do need a proper means of sleeping
- e) When the weather is particularly bad, raining etc, this is usually a good indication that I will get a good nights sleep undisturbed, since the customers do not sit outside when it rains, hence there is no noise.
- f) I work from home less often now, opting to travel to and from central London, five days per week.

As a result of these measures, I would say, that I have personally have experienced less disturbance, but I believe this is a consequence of adjusting how I live in my property. I am sure my neighbours have experienced more disturbance than myself.

There are two particular events, that have warranted formal logging, these are in the attached sheets. I feel I have to report these because they had a significant impact on me, both physically and emotionally.

On the 18th July, loud music from the pub, starting at 8pm. A broken light at the back of the pub, flashing on/off resulting in the bedroom and bathroom at the back of my home, being illuminated/not illuminated for just over 3 hours. The noise and light flashing, I had to sleep downstairs on the sofa. I think the music finished around 10.45pm

On the 20th July, from 4.45pm rowdy, drunken behaviour from customers sitting outside. The language was disgusting. I was unable to finish doing my gardening chores because I didn't want to listen to that behaviour. So I had to come indoors and shut the doors and windows. Later that evening, the music starts and the light outside the property is still broken so it continues to flash on/off. I have to wait until around 11.30pm before there is any peace and quiet. Having fallen asleep well after midnight, I am woken by a car engine starting in the car park around 3-3.30am. The engine continues to run, the car lights on and remains stationary. I close the window but the low level noise of the car means I cannot get to sleep. I called the out of hours number at Runnymede council, they were very sympathetic and said the noise was a nuisance (given the time of day and the duration) they would contact the environmental health officer. When I finally spoke

to this person, I found him rude, dismissive and unprofessional. He said the car was not noise disturbance and perhaps I should close my windows. He was equally dismissive of the other disturbances I told him about. He refused to come out and investigate the noise. He said I should have called the police and it wasn't his responsibility. I was very hurt by his attitude, I had only had 3 hours sleep. I called the police, they were sympathetic, but said as the vehicle is parked on commercial premises, they had no authority to intervene. It was the responsibility of environmental health. They ran the vehicle registration number through their system and it was not linked to any crime. The car engine finally stopped running at around 6.30am when the battery depleted. After about an hour after I called the police, the car vanished. So I believe they must have traced the owner. I have seen this car, parked in the Jolly Butcher at various times of day, so I believe this was a customer of the pub, or a member of staff responsible. When I complained to Spelthorne council about the attitude of the environmental health officer, they were defensive of his attitude. The environmental health department said that they would speak to the pub owners and request a barrier was put across the car park to prevent out of hours activity in the car park. There is no barrier installed.

If I was describe how the culmination of this makes me feel:

- a) I am intimidated by the clientele of the Jolly Butcher, I do not have the power or authority to challenge the behaviour myself
- b) I am worried about negative repercussions of the clientele, and I am concerned about my safety, the children's safety and the safety of my property
- c) I find the language and rowdy behaviour really offensive and completely unnecessary
- d) The disturbed sleep or intermittent sleep, leaves me exhausted and sometimes I find it a real struggle to do my job.
- e) I am unable to relax and enjoy my home and garden.
- f) I am deeply upset that Spelthorne council show no sympathy towards myself or my neighbours.

Recently I have begun examining the legislation around noise disturbance it clearly states that there is not a decibel level that provides an indication of intolerance. Therefore, low level noise for prolonged periods is also classed as noise disturbance. Vehicles and vehicle noise entering and leaving commercial or industrial premises is also considered nuisance noise. We frequently endure car horns being sounded in the car park, as children play in the vehicles while their parents sit drinking and not intervening. Therefore, I am asking the council to not focus on how loud the noise is – but the simple fact, there is noise disturbance and it is having an affect on our lives. This is a residential area that is not conducive to accommodate the Jolly Butcher – which belongs in the town centre.

Myself and my neighbours have endured this for years, all we are asking from Spelthorne council is for you to support us and allow us to enjoy our homes and gardens freely.

Yours sincerely

Fiona Colquhoun

SPELTHORNE BOROUGH COUNCIL

RECORD OF NOISE

Your Name & Address		Ms Fiona Colquhoun 1 Chestnut Grove Staines-upon-Thames TW18 1DB		
Your Telephone Number		[REDACTED]		
Your Email Address		[REDACTED]		
Name and Address of the SOURCE of the nuisance		Jolly Butcher Public House 174 Kingston Road Staines-upon-Thames TW18 1PE		
Date	Description of noise and source	Time noise started	Time noise finished	Describe how this affected you
	<i>Please take into account my covering letter when you read this log of events.</i>			
18/07	<i>Music playing from 8pm. Unable to sleep. Also a broken light at the back of the pub, flashing on/off illuminates the whole of the back of my property</i>	8pm	10.45	<i>Unable to sleep because of noise and flashing light. I turn the radios in the bedroom to override the noise - doesn't work, so I go downstairs to sleep on the sofa.</i>

Please sign each page of the log sheets to confirm this is a true and accurate record of events.

Signature: [REDACTED]

Ref: 17/01511/NOMUSC

SPELTHORNE BOROUGH COUNCIL

RECORD OF NOISE

Your Name & Address		Ms Fiona Colquhoun 1 Chestnut Grove Staines-upon-Thames TW18 1DB		
Your Telephone Number				
Your Email Address				
Name and Address of the SOURCE of the nuisance		Jolly Butcher Public House 174 Kingston Road Staines-upon-Thames TW18 1PE		
Date	Description of noise and source	Time noise started	Time noise finished	Describe how this affected you
SAT 29 TH JUL	loud music from the pub. Even with all windows closed the noise is a nuisance	8pm	11.30pm	Unable to sleep
31 ST	JULY TO 3 RD AUGUST AT HOME	ON HOLIDAY AND NOT		
SAT 5 TH AUG	loud music playing in the pub. Noisy customers leaving the pub when it closes.	8pm	After 11.30pm	Unable to sleep even when windows are closed. Very frustrated and angry. Can clearly hear every song played between 9pm - 11.30pm.

Please sign each page of the log sheets to confirm this is a true and accurate record of events.

Signature: 

Ref: 17/01511/NOMUSC

Name and Address of the SOURCE of the nuisance		Jolly Butcher Public House 174 Kingston Road Staines-upon-Thames TW18 1PE		
Date	Description of noise and source	Time noise started	Time noise finished	Describe how this affected you e. g., unable to sleep or hear TV etc
SUN 6TH AUG	Rowdy drunk customers swearing and very graphic language.	3pm	approx 4:30pm	My daughter aged 11 and I were gardening. I had to tell her to go inside the house or wear headphones. She decided to put headphones on and listen to music.
7TH AUG - SAT 12TH AUGUST ON HOLIDAY AWAY FROM THE PROPERTY				
SAT 12TH AUG.	loud music - live music. Pub doors are propped open	8pm	11:30pm	Music is so loud it can be heard downstairs and audible over the T.V.

Please sign each page of the log sheets to confirm this is a true and accurate record of events.

Signature: 

SPELTHORNE BOROUGH COUNCIL

REFERENCE : 17/01511/NOMUSC

RECORD OF NOISE

Your Name & Address		Ms Fiona Colquhoun 1 Chestnut Grove Staines-upon-Thames TW18 1DB		
Your Telephone Number				
Name and Address of the SOURCE of the nuisance		Jolly Butcher Public House 174 Kingston Road Staines-upon-Thames TW18 1PE		
Noise Monitoring Equipment		Date Installed:	Officer:	
Kit No:		Date Collected:	Officer:	
Date	Description of noise and source	Time noise started	Time noise finished	Describe how this affected you
SAT 26 TH AVG	Bursts of loud music when door opens. Noisy conversations outside.	9pm	10.30pm	Unable to sleep so went downstairs

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Log Sheets submitted by Mr and Mrs Stevens

Monday 24th July

It's 7.00 in the evening and the pub is empty apart from 6 men sitting on the table outside the doors. Yet again we are subjected to their offensive language. Jerry phoned Raj but no answer and so he left a message to say that if they haven't been asked to leave in the next half an hour then he would call the police. They did leave before the half hour was up. Our point here being that that there was no-one else in the pub so if we heard their conversation then anyone in the pub most certainly would have but they were allowed to carry on with their offensive language. We never did hear from Raj.

Friday 28th July.

A gathering of some of the usual crowd outside the pub this evening. As we are sitting in the garden trying to enjoy a meal for my birthday we are subjected to the usual anti social language.

Sunday 30th July

From late afternoon until approximately 7.30pm the pub looked empty except for a small group of young men who were shouting, drinking heavily and dancing to Eastern European folk music which was being played on an equipment belonging to them. The only English spoken by them to each other was a very succinct 'fuck off' Saw the bar staff come out twice to the area where they were with no attempt to stop the music or shouting and dancing. They left the premises at about 7.30. The issue for us was that we had our son, daughter in law, grandchild and a niece over for dinner. The language they were using made it a very uncomfortable time and one where we had to move indoors.

Wednesday 2nd August

6.15 pm noticed 2 men in the smoking shelter sharing a cigarette ????? Although inclined to think by the way they were passing it from one to the other that it was a joint. Female bar staff was

present with them for some of the time. Find it hard to be trustful of the management of the pub!

Thursday 3rd August

7.30pm. Car screech into car park Young woman gets out and starts an argument with a man standing at the doors of the pub. Short lived episode with lots of swearing including him telling her to f... off which thankfully she did.

2 Very young females who we believe to be working in the pub came outside to have a cigarette and watched the entire episode without intervening. We are concerned that the caliber of staff, given their age and lack of experience, can't possibly deal with these sorts of issues.

Friday 4th August

We had a small gathering of women to celebrate the coming wedding of my daughter. It was a warm evening and we had the bifold doors open which face to the pub garden. From the house we had a strong smell of cannabis and swearing was part of their conversation. Both the f and the c word. Not good when trying to entertain in your own home.

Saturday 5th August

Loud live music

Friday 11th August

At tea time pub very quiet. Hardly anyone in there except for the usual crowd at the table by the side door. Language again appallingly graphic lasted about 2 hours. Around closing time again the pub appeared to be deserted except for 2 men shouting and swearing at one another in argument. This went on for at least

an hour. We had to make sure our bedroom windows were closed to enable us to sleep.

Sunday 13th August

Once again during the afternoon the pub had very few customers but once again the same crowd at the same table unable to have a conversation without swearing. These last few occasions have demonstrated to us that any bad or antisocial behaviour, even when isolated and when there are no other pressures on the bar staff they are unable to prevent these episodes.

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Representation from Environmental Health

The Jolly Butcher 174 Kingston Road Staines

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

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

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

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

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

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

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

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

- | | |
|-------------|---|
| July 2015 | The pub has a person on a microphone and very loud music. |
| | Action |
| | Log sheets sent to complainant. Completed log sheets were not returned. |
| August 2016 | Loud music, windows open, customers spilling out on to road. |
| | Action |
| | Letter sent to the pub |

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

Action

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

June 2017 Loud Music

Action

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

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

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

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

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

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

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

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

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

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

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

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

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

Leslie Spearpoint
Senior Environmental Health Officer
18th August 2017

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

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

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

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

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

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

Recommendations

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

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

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

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

Leslie Spearpoint
Senior Environmental Health Officer
5th September 2017



BY FIRST CLASS POST AND EMAIL
Licensing Team
Spelthorne Borough Council
Council Offices
Knowle Green
Staines upon Thames TW18 1XB

Please ask for: Richard Taylor
Direct Tel: [REDACTED]
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.23811
#GS1531031
Your ref:
Date: 16th August 2017

Dear Sirs,

Re: **Licensing Act 2003 – Review Proceedings**
Jolly Butcher, 174 Kingston Road, Staines Upon Thames
Premises Licence number 08/00704/LAPRE

We act on behalf of Ei Group plc (formerly Enterprise Inns Plc). Our client is the freeholder owner of these premises and we have received, from them, a copy of the application for review of the premises licence issued on behalf of three local residents.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Plc owns around 4000 public houses in England and Wales. The vast majority of those public houses (more than 95%) are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant.

The Jolly Butcher is the subject of a 21 year lease agreement in favour of the premises licence holder, Soul Curry Limited. That company took assignment of the lease in July 2015 and have been operating these premises, therefore, just over 2 years.

Please note, that our client takes a wholly neutral stance with regard to the allegations raised in the application for review. As our client has no operational responsibility for these premises, it cannot comment upon specific allegations.

The allegations are of poor management. It will be a matter of evidence before the Committee whether or not this allegation is substantiated. If, however, the Committee feel that the premises are poorly managed then we would respectfully submit that consideration be given to the removal of the designated premises supervisor and perhaps the imposition of additional conditions to address the issues raised in the review.

Paragraph 11.20 of the Home Office Guidance issued in April 2017 is clear that "*Licensing Authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*"

It will not have escaped the Committees notice that the poor management alleged did not result in any of the responsible authorities issuing an application for review. This must be a relevant consideration as if there were problems caused by the operation of these premises then the responsible authorities (the experts) would have undoubtedly lodged their own application for review.

It remains to be seen whether or not the review will be supported by any of the responsible authorities.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation when the review is considered by the Licensing Authority.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS



Information for the attention of Spelthorne Pubwatches

Live Music Act 2012

The Live Music Act received Royal Assent on 8 March 2012 and came into force on 1 October 2012. It:

- removes the licensing requirement for **unamplified** live music taking place between 8am and 11pm in **all venues**, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removes the licensing requirement for **amplified live music** taking place between 8am and 11pm before audiences of no more than 200 persons on **premises authorised to supply alcohol for consumption on the premises**, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removes the licensing requirement for **amplified live music** taking place between 8am and 11pm before audiences of no more than 200 persons in **workplaces** not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removes the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Please contact licensing@spelthorne.gov.uk if you have any queries, (tel 01784 446432).

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POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW - EXTRACT FROM NATIONAL GUIDANCE

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence