



LICENSING SUB-COMMITTEE
LICENSING ACT 2003
HEARING DECISION NOTICE

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Director of Technical Services, Mr Peter Sims
Premises: The Jolly Farmer, The Hythe, Staines, Middlesex, TW18 3JA
Hearing Date: 16 December 2009
Licensing Sub-Committee: Councillors D W Parr (Chairman), R N Jones and C Knight

Application:

An application for review of the existing Premises Licence of the Jolly Farmer public house in The Hythe, Staines was submitted by the Director of Technical Services, Mr Peter Sims, on 22 October 2009 on behalf of the Environmental Protection Division a responsible authority for the purposes of Section 13(1) of the Licensing Act 2003 ("the Act"). The review of the Premises Licence is made under the provisions of Section 51 of the Act. The current licence holder is Mr James Elliot Haughey.

The review is requested on the grounds of Prevention of Public Nuisance. The Surrey Police, in supporting the application were also concerned about crime and disorder.

Present:

Councillors D.W. Parr, R.N.Jones and C. Knight
Derek Seekings, Senior Licensing Officer, RBC
Rachel Pugh, Assistant Solicitor, RBC
Daniel Bradding, Environmental Health Officer, Runnymede Borough Council ("RBC")
Peter Burke, Principal Environmental Health Officer (Commercial), RBC
Alan Sproston, Police Sergeant, Surrey Police
Richard Medhurst, Runnymede Area Licensing Officer, Surrey Police
James Elliot Haughey, Premises Licence holder of The Jolly Farmer and Designated Premises Supervisor
Dr Mark Brown, 4 Farmers Road, Staines
Jane Brown, 4 Farmers Road, Staines
Lorna Toffolo, 31 The Hythe, Staines
Andrew Haynes, 31 The Hythe, Staines
Phillip Scott, 4 The Hythe, Staines
Observers:
Councillor R J Edis
Michael Bott, Temporary Administration Assistant, RBC
Trevor Harting, Punch Taverns (Freeholder)

Representations:

- (i) Environmental Protection

Mr Daniel Bradding, Environmental Health Officer presented the information in support of the application from RBC's Environmental Protection, set out on page 4 of the review application (pages 7-8 of the Agenda papers). Mr Bradding highlighted the Appendices showing records of complaints and actions dating from 27 September 2008 until 9 October 2009 (Exhibit EP/1) and numerous correspondences from RBC's Environmental Protection and Licensing Section arising from public nuisance complaints primarily relating to noise nuisance from loud music and patrons both within and outside the premises (including the patio area).

Mr Bradding commented that loud music could be heard outside the Anne Boleyn Hotel (location shown on the Plan attached to page 50 of the Agenda papers) when the doors to the premises are open. He stated that on account of the single glazing and location of the public house, any live or recorded music events were likely to continue to cause a public nuisance.

Mr Peter Burke, Principal Environmental Health Officer updated the Sub-Committee on the most recent breach of a Noise Abatement Notice, which he had served by RBC on Mr Haughey on 16 September 2009. Mr Burke stated that in a monitoring exercise on 27 November 2009 he had witnessed a breach of the notice between at least 23.50 and 00.10. At that time, Mr Burke warned Mr Haughey that any further breaches would result in prosecution.

(ii) Surrey Police

Sergeant Alan Sproston for the Surrey Police presented the Police's representation relating to the review (set out on page 33-34 of the Agenda papers).

(iii) Interested Parties

Dr Mark Brown was nominated to present a summary of representations on behalf of the local residents. Dr Brown amplified the views set out in his and other representations from local residents set out in Appendix 5 of the Agenda Papers. Dr Brown commented that he recognised that living close to a public house could generate some problems and in general terms, is quite tolerant of some level of inconvenience. However, he commented that in the last 18 months the Jolly Farmer has had a significant detrimental impact on the quality of life of local residents (details in the resident's written representations) which seemed to arise from a change in the 'business model' for the use of the public house. He stated that it had moved away from being a friendly local pub serving Sunday lunches etc to a 'late night drinking club' and requested that the Sub-Committee review the terms of the Premises Licence to address the issues.

A DVD recording submitted by Mr John Clarke of 6 The Hythe as a representation was then shown, taken on Saturday 12 September 2009 at around 17.22. The DVD showed loud noise from the Jolly Farmer (emanating from a punk band) and the Sub-Committee was able to clearly see that the windows of the premises were open in breach of Condition (ii) of the Premises Licence. Mr Andrew Haynes corroborated the accuracy of the DVD as he had been standing next to Mr Clarke at the time the incident was recorded.

Sergeant Sproston asked residents to confirm whether they had any issues with the two other licensed premises in the vicinity and they confirmed that they had not.

(iii) The Premises Licence Holder

The Premises Licence Holder, Mr Haughey, was afforded the opportunity to respond to the representations. He commented that he had not been fully aware of the extent of the problems as he had been working on Friday and Saturday evenings and it was therefore difficult for him to monitor noise levels etc. He stated that he has introduced a series of measures designed to combat the problems to residents, including, signage requesting that patrons to not drink on the patio or outside the premises trying to keep windows, curtains and doors shut during musical performances (in the area designated for bands to play); trying to encourage smokers not to congregate too long outside.

He further stated that he has now stopped working behind the bar on Friday and Saturday nights to carry out 'rounds' every 20 minutes and has removed the bench from the frontage (which had further encouraged patrons to congregate in the area).

Members of the Sub-Committee asked Mr Haughey to explain why he has ignored the numerous warnings and evidence from the Surrey Police on breaches of the licence relating to opening hours. Mr Haughey attributed much of the out of hours noise to 8 'Bristol lads' staying at the property during the summer months (who no longer reside there).

Mr Haughey confirmed that he had not applied for any Temporary Event Notices relating to any activity outside of the normal licensable hours.

Mr Bradding asked Mr Haughey to explain the extent of the sound proofing measures. Mr Haughey stated that he had a special 'sponge' screen prepared by a sound expert but that it had not been tested yet.

The Sub-Committee having considered the evidence put forward by the RBC's Environmental Protection, the Surrey Police and local residents were seriously concerned about the public nuisance being generated from the Jolly Farmer which they attributed to a poor level of management by the current Premises Licence holder (Mr Haughey). Sub-Committee Members felt that Mr Haughey had been extremely inconsiderate to the local community in ignoring numerous complaints from responsible authorities and local residents over a long period of time, acting in breach of the conditions of the existing Premises Licence.

Having considered the application and all the evidence presented at the review hearing, taking into consideration the provisions of the Act (in particular under Section 52) and having regard to the guidance under Section 182 of the Act the Committee decided:-

1. That the authority to play Live Music, Recorded Music and Entertainment of a similar description to that of making music or dancing be removed from the Premises Licence.
2. That hours for the Sale by Retail of Alcohol be amended to:-

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|-------------------|-------------|--------------|
| Monday – Saturday | Start 11.00 | Finish 23.00 |
| Sunday | Start 11.00 | Finish 22.30 |
3. That the opening hours of the premises be amended to:

| | | |
|-------------------|-------------|--------------|
| Monday – Saturday | Start 11.00 | Finish 23.30 |
| Sunday | Start 11.00 | Finish 23.00 |
4. That the Condition (i) of Annex 3 of the Licence be amended to:-
"The patio area be closed to patrons of the premises at 22.30 hours."
5. That the following Conditions in Annex 3 of the Licence be deleted as they are no longer relevant:-
 - iii) The supply of alcohol, the provision of live music, recorded music and entertainments of a similar description on Sundays be limited to 10.30 p.m. with the premises permitted to be open to the public until 11.00 p.m.
 - iv) Live music to be provided in the area outlined in red on the plan attached to this Decision Letter."
6. That the Licence holder attends at least 50% of the local Pubwatch meetings at Egham, Chertsey and Addlestone or Staines.
7. That doors and windows to the premises be kept closed at all times save for the requirement of access and egress and that Condition (ii) of the existing Premises Licence be deleted.

The Chairman of the Sub-Committee informed the Licence holder that he had seriously jeopardised the Premises Licence through his inconsiderate actions which were clearly causing a public nuisance to the local community. The steps taken amending the existing Licence agreement were considered to err on the side of leniency towards the Licence holder whilst balancing the needs of local residents. The Chairman made it clear that any further breaches would be likely to result in revocation or suspension of the Premises License and possible prosecution action.

Appeals:

If the Applicant or any person having made a relevant representation is dissatisfied with this decision then he can challenge the decision by making an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this notice.

Dated:

Signed: