



RUNNYMEDE BOROUGH COUNCIL

LICENSING COMMITTEE

17 AUGUST 2004

APPENDICES

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Runnymede Borough CouncilLICENSING COMMITTEEAPPENDIX 'A'27 May 2004 at 7.30 p.m.

Members of the Committee present: Councillors A.J. Davis (Chairman), M.J. Brown (Vice-Chairman), Mrs P.I. Broadhead, P.A. Greenwood, Mrs C.Y. Jones, Mrs J. Norman and B.J. Relph.

Members of the Committee absent: Councillors Mrs F.M. Angell, A.M. Moore and D.W. Parr.

955. MINUTES

The Minutes of the meeting of the Committee held on 6 April 2004 were confirmed and signed as a correct record.

956. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs F.M. Angell and A.M. Moore.

957. THE NEW LIQUOR LICENSING REGIME – UPDATE

Members received for information an update on progress with the new Licensing Act 2003.

The Committee recalled that the main aim of the Licensing Act (the 'Act') was to modernise the legislation governing the sale and supply of alcohol and control of public entertainment.

Responsibility for licensing persons and premises which supply alcohol would transfer from the Magistrates Court and become the sole responsibility of District and Unitary Authorities in England and Wales.

These Authorities were currently responsible for Public Entertainment Licences, Cinemas, Theatres and Late Night Refreshment Houses, all of which would also come under the new regime.

Members endorsed the requirement under the Act that the Council undertakes its various licensing functions in such a way as to promote the following licensing objectives in relation to licensed premises:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

It was confirmed that various new statutory responsibilities, types of licences, and local arrangements had been proposed as set out below:-

- Premises licences - premises selling liquor, providing regulated entertainment or selling hot food between 11 p.m. and 5 a.m. will require a licence. The application must be accompanied by an operating schedule, detailing the steps the applicant will make to promote the licensing objectives.
- Personal licences - a 10 year licence issued by the authority where the applicant is normally resident, allowing holders to sell or supervise the sale of alcohol for consumption on or off any premises possessing a premises licence.
- Club premises certificates - these are similar to the Premises Licence but with variations to take account of the fact that the Clubs are not run for commercial gain.
- Temporary event notices - these would be available for 12 occasions per year, per venue for up to 72 hours.

The Committee agreed that although no separate local arrangements had been proposed so far in

- 1694 -

the Council's own draft Statement of Licensing Policy, it was an area which merited careful consideration in order to fulfil the objectives of the Act locally.

It was confirmed that the new licensing arrangements would cover street traders and it was agreed that this was one such area where special local arrangements might be needed.

An e-mail from the Institute of Licensing was circulated to Members which reported that the statutory guidance issued under section 182 of the Licensing Act 2003 received approval on 26 May 2004 from the House of Commons Committee which had been set up to examine it.

Members were advised that the guidance was due to be considered by the House of Lords on 8 June 2004. If approved, it was likely that the first appointed day could be 8 December 2004 or 1 January 2005.

Members noted the workload implications of as many as 300 to 350 premises licences and between 500 to 700 persons seeking personal licences in the future.

There would be a variety of applications and cases for the Committee to deal with, and Members would be consulted on the arrangements for formal briefing and training sessions which Members of the Licensing Committee would be required to attend in order to prepare for the work ahead. In doing so Members noted that it was likely that as the structure of local authorities was different from those of the Magistrates Court the process might be quite arduous.

958. PRIVATE HIRE OPERATORS LICENCE FEE 2004/05 – OBJECTION

The Committee received and considered a formal objection to the increase in the fee for a Private Hire Operators Licence for 2004/05. In 2003/04 the fee for a Private Hire Operators Licence was £85. In 2004/05 it was set at £170.

Under the Local Government (Miscellaneous Provisions) Act 1976, Section 70, the Council was entitled to set a fee for a Private Hire Vehicle Operators Licence. The aggregate of the fees could be such as to cover the cost of controlling Hackney Carriage and Private Hire vehicles and drivers and operators.

The Committee recalled that in January 2004, the Leisure and Environment Committee had approved revised fees and charges for 2004/05. As required by statute, the fees for Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences had been advertised in a local paper. Consequently, an objection had been received to the increased fee for a Private Hire Operators Licence from one of the Borough's 25 Private Hire Operators.

The Council was obliged to consider the objection before a variation in the fees could come into force.

Members learned that increased costs and workload, in particular greater supervisory and checking work by staff in the Licensing team had led Officers to consider that an increase in fees was necessary in order for costs to be recouped.

The Committee agreed that the increased fee, although high, was justifiable in order for the Council to set charges proportionate to the costs of providing the service and to achieve consistency across the fees and charges regime.

Members were informed that the Chairman of the Licensing Committee had agreed to Chair a new quarterly users forum for taxi drivers and other interested parties. It was anticipated that improved two way communication would be beneficial and would assist with consultation on matters of interest such as fees, fares and current best practice.

In making his representation on the increased fee, the objector had requested the Council to give consideration to the introduction of a variable fee that would increase with the number of vehicles managed by the operator. The fee would be set according to the number of vehicles an Operator had, which it was considered would be more equitable than the current flat fee. It was noted that this practice was currently in place elsewhere in the Country.

In addition, Officers agreed to widen the consultation on a variable fee by writing to all operators, drivers and other interested parties in the Borough and to bring a report back to the Committee for consideration.

Members discussed the Department for Transport's directive that from 2010, all hackney carriages would be required to provide wheelchair access. The Committee noted that a report on the implications of this would also be submitted later in the year.

RESOLVED that -

- i) the fee for a Private Hire Operators Licence for 2004/05 be set at £170; and**
- ii) a further report be submitted to this Committee to consider the introduction of a sliding scale of charges for Private Hire Operators Licences, based on the number of vehicles managed by the operator.**

959. OTHER APPLICATIONS SUB-COMMITTEE - MINUTES

The Minutes of the meeting of the Other Applications Sub-Committee held on 6 April 2004 as attached at Appendix 'A' were received and noted.

(The meeting ended at 8.01 p.m.)

Chairman

RUNNYMEDE BOROUGH COUNCIL

LICENSING COMMITTEE

23 June 2004

Members of the Committee Present: Councillors Mrs F.M. Angell, Mrs F.J. Barden, Mrs P.I. Broadhead, A.J. Davis, P.A. Greenwood, A.M. Moore, Mrs.J. Norman, D.W. Parr, B.J. Relph and Mrs M. Roberts

Members of the Committee Absent: None

Other Members of the Council who had attended the Annual Meeting were also present.

ELECTION OF CHAIRMAN

RESOLVED that -

Councillor A.J. Davis be Chairman of the Committee for the Municipal Year 2004/05.

ELECTION OF VICE-CHAIRMAN

RESOLVED that -

Councillor Mrs P.I. Broadhead be Vice-Chairman of the Committee for the Municipal Year 2004/05.

Chairman



RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

17 AUGUST 2004

ANNEXES

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RUNNYMEDE BOROUGH COUNCIL

CIVIC OFFICES
STATION ROAD
ADDLESTONE
SURREY
KT15 2AH

ANNEX '1'

15 JUL 2004

TELEPHONE: (01932) 425722
FAX: (01932) 838384

TEC
VIC
chg for £150 recd 15.7.
Rec. No. 40054.

APPLICATION FOR A NEW PUBLIC ENTERTAINMENT LICENCE (PEL)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SUNDAY ENTERTAINMENT ACT 1932,
THEATRES ACT 1968, CINEMAS ACT 1985, FIRE SAFETY AND PLACES OF SPORT ACT 1987

I/We (title(s) & name(s) in full): MR STEWART JOHN GORDON
of (full residential address): 51 MIDDLE HILL, EGHAM, SURREY
..... (Post Code) TW20 0JJ Telephone No: 07966382287

Apply for: (Please tick as required)

A. DETAILS OF THE LICENCE AND ENTERTAINMENT

- | | | | | | |
|----------------------------------|--------------------------|--------------------|-------------------------------------|--------------------------------------|--------------------------|
| 1. New Annual Licence | <input type="checkbox"/> | Occasional Licence | <input checked="" type="checkbox"/> | Intermediate Licence | <input type="checkbox"/> |
| 2. Music and Dancing | <input type="checkbox"/> | Music Only | <input type="checkbox"/> | Sunday Entertainment | <input type="checkbox"/> |
| Stage Plays | <input type="checkbox"/> | Cinematograph | <input type="checkbox"/> | Consent for Children's Cinematograph | <input type="checkbox"/> |
| Indoor Sports | <input type="checkbox"/> | | | | |
| 3. Are the areas to be licensed: | | Indoors | <input type="checkbox"/> | Outdoors | <input type="checkbox"/> |

4. Give a brief description of the entertainment(s): SEE ATTACHED SCHEDULE
- (a) Nature (e.g. live groups, karaoke, recorded music and dancing) LIVE GROUPS / KARAOKE
- (b) Duration (the hours of day you wish the performance to occur) 230 → 730 / 730 → 1100
- (c) Frequency (how many times a day) ONCE
- (d) Days of the week licence required (e.g. Mon to Sat inclusive) SUN → SAT INCLUSIVE

Unless stated in special conditions, licences are issued from noon to midnight.

If insufficient space, please attach a separate sheet detailing the scheme of entertainments to be provided.

5. In the event of a Licence being granted, how many times do you estimate an application for extension of hours beyond midnight will be sought (or such finishing time as specified by the Licence) ONE occasions.
(NEW YEAR)
6. Have you taken any measures to minimise disturbance to local residents from noise:
- (a) from event YES/NO NO
- (b) from patrons leaving YES/NO NO

If yes to 6(a) or 6(b) give details:

B. DETAILS OF PREMISES/LAND SUBJECT OF APPLICATION

1. Name of premises/land: THE ARMSTRONG GUN
2. Full address of premises/land: 49 VICTORIA STREET
EGHAM SURREY Post Code TW20 0QX
3. Type of premises (e.g. Public House, Village Hall, Theatre etc): PUBLIC HOUSE
4. Existing use of the of premises/land: PUBLIC HOUSE
5. Are any temporary structures to be used for the entertainment (e.g. marquee) YES/NO NO

Please Note: (1) If the application is for a new Licence, plans of the premises/land must be submitted, drawn to a scale of not less than 1:100 and indicating in blue, the area to be licensed. (2) Safety Certificate relating to the premises/land (e.g. electrical, fire and boiler certificate etc) must accompany the application. (3) No fee is

payable if the application is for a Licence at a Church Hall, Village Hall, Community Centre or other similar building.

* delete as required

continued over/

C. DETAILS OF FACILITIES/ARRANGEMENTS

- Location(s) within the premises/land where the entertainment is to be held (e.g. area designated A,B,C,D on the attached map/plan, main hall, lounge, bar area etc): GARDEN / BAR AREA
- Sanitary accommodation available to the public:

(i)	MALE WC's	<u>1</u>	URINALS	<u>3</u>	WHB's	<u>1</u>
(ii)	FEMALE WC's	<u>2</u>	WHB's	<u>1</u>	(WC = water closet)	
(iii)	DISABLED WC's	<u>0</u>	WHB's	<u>0</u>	(WHB = Wash hand basin)	
- State numbers of car parking spaces available under your control: 25
- Other Licences in force or being sought in respect of the premises/land or to be applied for (e.g. liquor licences, special hours certificates including the days and hours for the later opening): XMAS & NEW YEAR EXTENSIONS
- Maximum number of patrons you estimate for each proposed licensed area on the premises/land: 80

D. DETAILS OF THE APPLICANT(S)

- Contact telephone number(s) Work: 01784 433000 Home: 07966 382287
- Date of Birth of applicant(s): 04/06/67
- Do you currently hold or have you ever been granted a PEL - YES/NO
- Have you ever been refused a PEL - YES/NO
- Give the names(s) of the Local Authority(s) and dates if "Yes" answered to Question 3 or Question 4. RUNNYMEDE BOROUGH COUNCIL
- Please list any other venues operated by you. 030627-OMS002-doc
NONE
- In what capacity are you making the application (e.g. Manager, Owner, Committee Member, Director, etc): MANAGER
- Have you ever been convicted of any offence relating to:

(i)	A Public Entertainment Licence	<u>YES/NO</u>
(ii)	A Liquor Licence	<u>YES/NO</u>
- Give details if "Yes" answered to Question 8(i) and 8(ii).
Offence(s) Date(s)

I/We declare to the best of my/our knowledge all of the above information is correct.

APPLICATIONS WILL ONLY BE CONSIDERED DULY MADE WHEN SENT TOGETHER WITH ALL THE RELEVANT DOCUMENTS (EG SAFETY CERTIFICATES PLANS ETC) AND THE RELEVANT FEE

Signed: [Signature]

Dated: 14/07/04

- PLEASE NOTE:**
- Application for Licences must be made at least 28 days before the first date for which a licence is required.
 - At least 28 days notification that the application is being made must be given to the Council, Police and the Fire Brigade.
 - The enclosed AL4 form (orange), must be posted on the door or some other conspicuous part of the premises at least 28 days before the first date for which a licence is required.
 - Public Entertainment licences are valid until 31st October.

PLEASE RETURN TO ENVIRONMENTAL PROTECTION DIVISION, TECHNICAL SERVICES DEPARTMENT, RUNNYMEDE BOROUGH COUNCIL, CIVIC OFFICES, STATION ROAD, ADDLESTONE, SURREY, KT15 2AH. TEL: 01932 425131.

* Delete as required.

Armstrong Gun Public House
49 Victoria Street
Egham
Surrey
TW20 0QX

Occasional Public Entertainment Licence Application — 14/07/04

Proposed Schedule

1. Sunday 29th August
Live Groups
Garden Area
2.30pm until 7.30pm
2. Saturday 30th October
Karaoke
Bar Area
7.30pm until 11.30pm
3. Saturday 13th November
Live Groups
Bar Area
7.30pm until 11.30pm
4. Saturday 27th November
Live Groups
Bar Area
7.30pm until 11.30pm
5. Saturday 11th December
Live Groups
Bar Area
7.30pm until 11.30pm
6. Friday 31st December
Live Groups
Bar Area
9pm until 1am (Sat 1st January)



Stewart John Gordon
Manager/Licensee

REPORT OF THE PROPER OFFICER**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****Application for an Occasional Public Entertainment Licence – Armstrong Gun Public House,
49 Victoria Street, Englefield Green**1. Background Information

- 1.1 An application has been received for an Occasional Public Entertainment Licence in respect of the Armstrong Gun Public House, 49 Victoria Street, Englefield Green.
- 1.2 The premises has held an Occasional Public Entertainment Licence for the last three years (2001,2002 and 2003).
- 1.3 An event consisting of a live band playing in the rear garden to the property, was held in May 2002 which resulted in one complaint of loud music being received from a resident.
- 1.4 As a result of the complaint made in May 2002, a Consultant Environmental Health Officer monitored the next event, again a live band playing in the rear garden to the property, on 6 July 2002. The Environmental Health Officer concluded that whilst it was clearly audible and caused some disturbance to residents in the vicinity to the premises, as it was a 'one-off' event that finished at 8pm, it was not a statutory nuisance.
- 1.5 However, the event could have been in contravention of one of the conditions on the licence, namely that 'The Licensee shall ensure that any music provided at the premises, the subject of this licence, shall not cause a disturbance to local residents and that any form of amplification shall be so controlled by the Licensee as to prevent such a disturbance'.
- 1.6 In 2003 a complaint of loud music was received from a resident following an event on Sunday 25 May, and again on 22 June. On 24 August a Runnymede Environmental Health Officer (EHO) monitored another outdoor event consisting of a live band playing in the rear garden to the property. The event resulted in 5 complaints of loud music being received from residents. The EHO considered that the music was extremely loud and constituted a statutory noise nuisance. Complaints were also received following a further event, the playing of amplified music in the rear garden, held on 3 September. The landlord was advised in writing not to hold any more outdoor events.
- 1.7 An indoor event was held on 11 October 2003. One complaint of loud music was received from a resident who lives in close proximity to the property. Two further indoor events were held in 2003, however these did not result in any complaints being made.
- 1.8 An application for an Occasional Public Entertainment Licence was received on 15 July 2004, proposing the following events:-

- Sunday 29 August Live groups in Garden area 2.30pm to 7.30pm
- Saturday 30 October Karaoke in Bar area 7.30pm to 11.30pm
- Saturday 13 November Live groups in Bar area 7.30pm to 11.30pm
- Saturday 27 November Live groups in Bar area 7.30pm to 11.30pm
- Saturday 11 December Live groups in Bar area 7.30pm to 11.30pm
- Friday 31 December Live groups in Bar area 7.30pm to 1am

1.9 An outdoor event was held on 18 July 2004, consisting of two performers and a 'backing track'. As a result 5 complaints from residents were received. Having witnessed a Statutory Noise Nuisance last year, with further complaints of a similar nature being received, a Noise Abatement Notice was served on the licensee on 29 July 2004 requiring that no statutory noise nuisance be caused in future. Any further events amounting to a statutory noise nuisance, that are witnessed by Environmental Health Officers, either from this Council or from Runnymede's consultant for out of hours and weekends will be considered for prosecution.

2. Objections from Members of the Public

2.1 An objection has been received and is attached at Annex '6'.

2.1.1 Any further objections to the application will be reported at the meeting.

3. Consultation

3.1 The Fire Authority has not indicated that it has any objection to the grant of the licence.

3.2 The Police Authority has not indicated that it has any objection to the grant of the licence.

4. Options

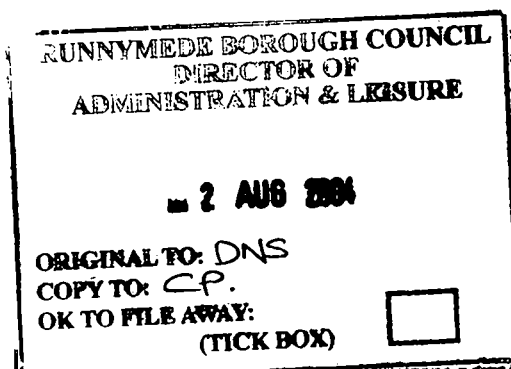
- 4.1
- i) To grant the licence in the same terms and conditions as previously.
 - ii) To vary or restrict the hours of operation of the licence.
 - iii) To require the applicant to provide additional noise attenuation measures.
 - iv) To refuse the licence, and specify the grounds for refusal.

4.2 The applicant has the right of appeal to a Magistrates Court within 21 days if an application is refused or where the holder of the licence is aggrieved by any term, condition or restriction on or subject to which the licence is granted.

Dennis Speight
Head of Environmental Protection
 July 2004

Mr D Speight
 Head of Environmental Protection
 Civic Offices
 Station Road
 Addlestone
 Surrey.
 KT15 2AH

14 Willow Walk,
 Englefield Green,
 Surrey.
 TW20 ODQ



2nd August 2004

Dear Mr. Speight,

Re: Armstrong Gun – Entertainment Licence Application

We would like to express our wish that an entertainment licence be refused to the Manager/Licensee of the Armstrong Gun relating to all live entertainment in the outdoor garden area.

We have been plagued by noise disturbance at regular monthly intervals during 2003 and again during July 2004 making our lives a misery during the summer months, when we should be at liberty to enjoy the peace of our own gardens. The type of events held by the pub are wholly inappropriate to the residential environment- they are held in effect in a small pub rear garden area, backing on to residents gardens. The music has been unacceptably loud, as witnessed by yourself last year- involving rock bands, vocals and pa announcements. The publican appears to have little regard for how this behaviour impacts the local residents. His previous gestures of apology to residents have been somewhat hollow and he continues to do pretty much as he pleases.

We feel most strongly that this behaviour should now be curbed and would ask that the council take positive steps by refusing the licence application on a permanent basis.

Our concern is mainly around the planned of any outdoor events. Any form of loud outdoor music event is totally inappropriate to the location. We note that he has also made a licence request for indoor events around the bar area. We would not object to these provided the licensee can demonstrate that he has taken appropriate measures to contain the noise within the inside of the pub. We would suggest that any such licence for indoor entertainment be managed on a trial basis to see if the publican can manage such events appropriately.

We thank you in anticipation of a successful resolution to this most disturbing matter.

If you need any further details please do not hesitate to let us know.

Yours sincerely,

Claire and Ian Wilson

Monastire

ANNEX '6'

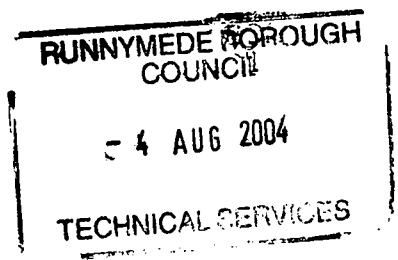
12 Willow

Englefield Green

Surrey

Tw20 0JQ

3rd Aug '04



Mr. D. Speight,
Civic Offices
Station Road,
Aldershot
Surrey.

Dear Mr Speight,

Thank you for your letter of 29th July, 2004 relating to a schedule of events requested by the licensee of the Armstrong Gun.

My husband and I would object in the strongest way to any 'outdoor' musical entertainment. Having experienced a ruined afternoon on the 18th Jul, 2004. This was due to excessively loud music which sounded like a backing track and a

ANNEX '6'

a female vocalist performing at
the Armstrong Gun Pub.

That said we have no objection
to musical entertainment inside
the pub as long as it is contained,
and managed eg. the doors are
kept closed.

We would be grateful to be
kept informed of any future
proposed entertainment.

Many thanks

yours sincerely,

Colin A Kinley,

C.A. Kinley - SMITH

P.S. We only moved into Wilson Walk
in May so the 18th July was our
first experience of this nature.



RUNNYMEDE

BOROUGH COUNCIL

CIVIC OFFICES
STATION ROAD
ADDLESTONE
SURREY
KT15 2AH

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PUBLIC ENTERTAINMENT LICENCE REGULATIONS

GUIDANCE NOTES

1. GENERAL:

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 empowers local authorities to licence various public entertainments and events. The activities to be regulated by virtue of this and other legislation include public music and dancing, other similar entertainments, film exhibitions and any public contest, exhibition or display of boxing, wrestling, judo, karate and any similar sport.
- 1.2 Accordingly, with effect from 1 January 1983 this Council became the Licensing Authority for public entertainments within the Borough of Runnymede. The Council adopted revised regulations on 15 July 1992 and applications shall be heard and determined in accordance with them.
- 1.3 At any meeting other than at the Annual Licensing Meeting, the appropriate Sub-Committee may grant intermediate licences for the use of premises for music and dancing, boxing or wrestling entertainments, etc., as the case may be, on weekdays except Good Friday, during the remainder of the current licensing year.
- 1.4 Regulation 2.21 gives the right to the Police and any members of the public being in the vicinity of the premises for which an application for a licence is made to raise an objection and to be heard by the Sub-Committee and to call witnesses who shall be subject to cross-examination and re-examination.
- 1.5 The meetings of the Sub-Committee shall be open to the public except in respect of exempt or confidential matters in accordance with the provisions of the Local Government (Access to Information) Act 1985.

2. PROCEDURE:

2.1 To accord with the Regulations and Conditions the order of hearing for applications for licences where objections have been received shall be as follows: -

1. The Applicant, or his accredited representative, shall state the grounds of the application and give evidence. Witnesses may be called in support thereof.
2. The Proper Officer's report shall be received and witnesses may be called.
3. The Objector(s), or their accredited representative, shall state the grounds for objection and give evidence. Witnesses may be called in support thereof.
4. The Proper Officer may comment on evidence given by the Applicant and Objector(s).
5. The Objector(s) and Applicant will be invited to make a closing statement.
6. The Sub-Committee will then consider its decision and may retire to deliberate in private in respect of exempt and confidential matters as provided for by the Local Government (Access to Information) Act 1985, after which the hearing will be resumed and the decision communicated to the parties concerned.

2.2 At each stage in the proceedings prior to the Proper Officer's final comments, the Applicant, Objector(s), Proper Officer and witnesses may be subject to cross examination from the Objector(s) or Applicant, as appropriate, and questions from the Sub-Committee.

3. APPEALS AGAINST THE REFUSAL OF AN APPLICATION:

3.1 An Applicant for an entertainment licence in respect of any place, whose application is refused, may at any time before the expiration of the period of 21 days beginning with the date of which he/she is notified of the refusal, appeal to the Magistrates' Court. An appeal against the decision of a Magistrates' Court may be brought to the Crown Court.