

REVIEW OF A PREMISES LICENCE – MAYFORD ARMS, GUILDFORD ROAD, WOKING

Executive Summary

This report considers an application to review the Premises Licence (PL) for the above premises from Local Residents.

Recommendations

The Committee is requested to:

RESOLVE THAT the report be considered and the review application be determined accordingly.

| |
|---|
| The Sub-Committee has the authority to determine the above recommendation. |
|---|

Background Papers:

None

Reporting Person:

Matthew Cobb, Senior Licensing Officer
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

Contact Person:

Matthew Cobb, Senior Licensing Officer
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

Date Published:

4 September 2018

Review of a Premises Licence – Mayford Arms, Guildford Road, Woking

1.0 Summary of Proposal

Application Type: Review of Premises Licence

Site Address: The Mayford Arms, Guildford Road, Mayford, Woking, GU22 9QT

Applicant Mr Sebastian Hughes, Mrs Nicola Hughes, Mr Stephen Marriott & Mrs Cheryl Marriott

Licence Ref: 16/00077/PREMIS

2.0 Description of Premises and Existing Licence

2.1 Public house

2.2 Current licensed hours of operation are:

| | |
|--------------------------------------|---------------|
| Sale of alcohol Monday to Thursday . | 11:00 - 23:30 |
| Friday and Saturday . . . | 11:00 - 00:00 |
| Sale of alcohol Sunday . . | 12:00 - 22:30 |
| Live music Monday to Thursday . | 19:00 - 23:00 |
| Live music Friday and Saturday . | 19:00 - 23:30 |
| Live music Sunday . . . | 19:00 - 22:30 |
| Recorded music Monday to Thursday | 19:00 - 23:00 |
| Recorded music Friday and Saturday | 19:00 - 23:30 |
| Recorded music Sunday . . . | 19:00 - 22:30 |

2.3 It is worth noting that following the Deregulation Act 2015 a licence is not required to stage a performance of live music, or the playing of recorded music if: it takes place between 8AM and 11PM; and it takes place at an alcohol on-licensed premises; and the audience is no more than 500 people.

2.4 The venue has various conditions attached to its Operating Schedule / Licence to help promote the licensing objectives. A full copy of the licence is attached as Appendix 1.

3.0 Details of Application

3.1 Mr Sebastian Hughes, Mrs Nicola Hughes, Mr Stephen Marriott & Mrs Cheryl Marriott have called for a review of the premises licence on the grounds that they believe the Licensing Objectives of prevention of public nuisance is being adversely affected. The full application is attached as Appendix 2.

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4.0 Promotion of Licensing Objectives

4.1 The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

5.0 Relevant Representations

5.1 The following representations have been received in relation to the application:

Responsible Authorities

| | |
|---------------------------------|---|
| Surrey Police: | No representations received. |
| Surrey Fire and Rescue Service: | No representations received. |
| Environmental Health (WBC): | Representations received. Attached as Appendix 3. |
| Planning Authority (WBC): | No representations received. |
| Social Services (SCC): | No representations received. |
| Trading Standards: | No representations received. |

Interested Parties

Members of Public: **Thirteen Representations received in support of the premises.** These are from Mr Bill Payne & Mrs Jill Payne, Mr Paul Flaherty, Mr Martin Cuthew, Mr John Wade, Mrs Bronwen Ives & Mr Martin Ives, Mrs Miriam Sullivan & Mr Charles Mills, Mr Nick Evans F.C.A., Mrs S Grover, Ms Catherine Black, Mrs Wendy Mullins, Mrs Daryl Mullins, Mr Mark Robertson and Mr Paul Atkins. These are attached as Appendix 4.

Six Representations received in support of the Review. These are from Mrs June Stonard & Mr Robert Stonard, Mr Reece Marriott, Mr Roy Rose & Mrs Margaret Rose, Ms Gabriele Kapfer-Gill and two separate residents who wished to remain anonymous due to a fear of repercussions. These are attached as Appendix 5.

The Solicitors acting on behalf of the Applicant have provided further representations in support of the Review Application. These are attached as Appendix 6.

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5.2 The Licensing Authority Email Correspondence relating to the premises is attached as Appendix 7.

6.0 Policy Considerations

6.1 In making its decision, the Sub-Committee is obliged to have regard to the relevant national Guidance (Appendix 4) and the Council's own Licensing Policy. The Sub-Committee must also have regard to all of the representations made and the evidence it hears, and its duty under S17 Crime and Disorder Act 1998.

6.2 The Licensing Officer considered the following policies taken from the '**Licensing Policy for Woking Borough**' should be considered for this application.

From Woking Borough Council Licensing Policy 2016-2021

6.5 The Council can only attach conditions to licences where necessary to ensure the licensing objectives are served and may include conditions drawn from the Pool of Conditions relating to the licensing objectives contained in the guidance issued under the Act. When considering conditions, the Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and those matters which are within the control of the applicant on the premises and in the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend upon the particular circumstances of the case.

6.6 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

7.0 The Licensing Objectives (Prevention of Public Nuisance)

9.1 The Council will carry out its licensing functions with a view to promoting the prevention of public nuisance and will seek to ensure that licensees take measures to minimise the impact of licensable activities at their premises on people living, working or sleeping in the vicinity. The prevention of public nuisance can include low-level nuisance affecting a few people living locally, as well as major disturbance affecting the whole community.

9.2 The Council's concerns mainly relate to noise nuisance, light pollution and noxious smells. Applicants are expected to include in their operating schedules the steps they propose to take to address these issues and prevent public nuisance. In particular, the Council will expect applicants to address the following matters in their operating schedules:

- installation of a sound limiting device
- soundproofing measures e.g. from keeping doors and windows closed to double door entry/exit systems. Where the premises are to include open areas e.g. pub gardens, the applicant will be expected to specify how they intend to minimise nuisance from such

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areas

- measures to be taken to prevent/minimise nuisance caused by the delivery and disposal of bottles
- measures/procedures for controlling the behaviour of patrons in queues
- measures for the winding down of alcohol sales
- measures to be taken to prevent/minimise nuisance caused by the dispersal of patrons from the premises e.g.:
 - the erection of prominent notices requesting customers to leave in a quiet manner
 - loudspeaker announcements
 - reduction in volume and tempo of the music towards the end of the evening giving away free lollipops to customers as they leave to discourage loud behaviour
 - procedures for the collection of litter in the vicinity of the premises
 - procedures to bar customers who regularly leave the premises in a noisy manner
 - means of accessing local licensed taxi services.

9.3 It is now illegal to smoke in an enclosed public place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises will increase greatly. Provisions for the collection of litter have already been mentioned, but premises should take particular steps to combat litter from smoking, as it will be easier to attribute this to a particular premise and is more likely to generate complaints. Persistent complaints can lead to a call for a licence review, on the grounds of public nuisance from a responsible authority.

9.4 The Council will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to premises licences and club premises certificates where necessary in order to prevent it. These may include conditions drawn from the Pool of Conditions relating to the prevention of public nuisance. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

6.3 Relevant sections from the "S182" National Guidance are attached as Appendix 8.

6.4 The "Pool of Conditions" is provided as Appendix 9.

6.5 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence; (either permanently or temporarily for up to three months);

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(b) to exclude a licensable activity from the scope of the licence; (either permanently or temporarily for up to three months);

(c) to remove the designated premises supervisor (not applicable where alcohol is not licensed)

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence;

Committee may also offer informal advice and guidance or take no further action.

- 6.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

7.0 Implications

Financial

- 7.1 There are no significant financial implications. The applicant, licence holder and any interested parties or responsible authorities who have made a representation have the right of appeal to a Magistrates' Court (within 21 days starting the day after the date a decision is reached) should they feel any decision is unjust. Although there is a possibility costs may be awarded against the Council where decisions are overturned, case law shows this as unlikely where the Council are shown to be acting in accordance with their duties as Licensing Authority based on information supplied at the time.

Human Resource/Training and Development

- 7.2 None.

Community Safety

- 7.3 Improving standards and ensuring compliance can potentially improve community safety in line with the Licensing Objectives as set out in the Licensing Act 2003

Risk Management

- 7.4 The risks to the Council associated with determining an application are:

- Failure to undertake our statutory responsibilities within required timescales;
- Making a decision that could be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
- Making a decision that compromises Community Safety.

- 7.5 These risks have been dealt with in the report under section 6.0 by highlighting that the Sub-Committee is required to determine this application for a premises licences under the Licensing Act 2003 having due regard to the four licensing objectives, national guidance, the local licensing policy, relevant representations and evidence presented at the hearings. Determining applications in this way will reduce the risk of the decisions of the Council being open to challenge via appeal to the Magistrates court and promote Community Safety in the Borough.

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Sustainability

- 7.6 The four licensing objectives addressed in the Council's licensing policy, which the Sub-Committee is obliged to have regard to in making its decision, are in line with the Council's sustainability aims.

8.0 Conclusions

- 8.1 The Sub-Committee is asked to consider the review application, contents of this report and its appendices, the evidence and representations presented, answers to questions posed and deliver its decision with reasons.

REPORT ENDS

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APPENDICES

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Appendix 1 – The Mayford Arms Premises Licence

Schedule 12 Part A

Regulation 33,34



Woking Borough Council
Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

16/00077/PREMIS

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,
(including Post Town and Post Code)

Mayford Arms

Mayford Arms Public House, Guildford Road, Mayford, Woking, Surrey, GU22 9QT

Telephone number 01483 228926

The date the licence takes effect

16 March 2016

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

| | | |
|-----------------|---------------------|---------------|
| Sale of alcohol | Monday to Thursday | 11:00 - 23:30 |
| Sale of alcohol | Friday and Saturday | 11:00 - 00:00 |
| Sale of alcohol | Sunday | 12:00 - 22:30 |
| Live music | Monday to Thursday | 19:00 - 23:00 |
| Live music | Friday and Saturday | 19:00 - 23:30 |
| Live music | Sunday | 19:00 - 22:30 |
| Recorded music | Monday to Thursday | 19:00 - 23:00 |
| Recorded music | Friday and Saturday | 19:00 - 23:30 |
| Recorded music | Sunday | 19:00 - 22:30 |

Seasonal variation / non-standard timings:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays: 11.00 to 00.00.

New Year's Eve: from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The opening hours of the premises

| | | |
|---------------|---------------------|---------------|
| Opening hours | Monday to Thursday | 11:00 - 00:00 |
| Opening hours | Friday and Saturday | 11:00 - 00:30 |
| Opening hours | Sunday | 12:00 - 23:00 |

PREMIS

Appendix 1 – The Mayford Arms Premises Licence

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and off premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Greene King Retailing Limited
Abbot House, Bury St Edmunds, Suffolk, IP33 1QT
Business telephone number 01483 228926

Registered number of holder, for example company number, charity number (where applicable)

Registered business number 5265451

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

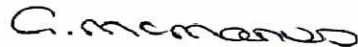
Nicola Gould
Balleter, 1 Orchard Close, Maybury, Woking, Surrey, GU22 8BS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence 10/00108/PERSON
Licensing Authority Wokingham Borough Council

16 March 2016

Date Licence Issued



Neighbourhood Services Manager

PREMIS

Appendix 1 – The Mayford Arms Premises Licence

Annex 1 – Mandatory conditions

- 1) No supply of alcohol may be made under the premises licence
 - (1) At a time when there is no Designated Premises Supervisor in respect of the premises licence, or
 - (2) At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3) (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.
 - (2) 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.
 - (1) 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);
 - (2) 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 significant risk of undermining a licensing objective.
 - (3) 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 significant risk of undermining a licensing objective.
 - (4) 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.
 - (5) 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).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.
- 5) (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 licences 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.
- 6) The responsible person shall ensure that–
 - (1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied 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–
 - a. beer or cider: 1/2 pint;
 - b. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - c. still wine in a glass: 125 ml; and

PREMIS

Appendix 1 – The Mayford Arms Premises Licence

- (2) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (3) 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.
- 7) (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 purpose 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:
 - (i) P is the permitted price,
 - (ii) 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
 - (iii) 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
 - (iii) 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) (a) 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.
- (b) 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.

Appendix 1 – The Mayford Arms Premises Licence

Annex 2 – Conditions consistent with the operating schedule

General – all four licensing objectives

- Prominent, clear and legible notices to be displayed at all exits (except the garden) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The garden seating and play area not to be used after 23.00.
- All doors and windows to be kept closed during the playing of amplified music.
- Strong management controls and effective training of all staff so that they are aware of the four key licensing objectives.

The prevention of crime and disorder

- Responsible management of the premises.
- Training and supervision of all staff.
- Adopting a house best practice guide - Portman Group, NAHRST, and other voluntary codes of practice.
- Use of proof of age scheme - photo ID only.
- Member of Pubwatch scheme.

Public safety

- Responsible management at all times.
- Risk management assessment checked weekly.
- Training and supervision of staff and adoption of a house safety policy.
- Regular testing and certification of all procedures, appliances and systems pertinent to safety of customers, staff and premises.

The prevention of public nuisance

- Responsible management of customers, staff, deliveries and premises at all times to prevent incidents of public nuisance.
- External lighting, litter bins and public notices.
- Effective ventilation system to prevent nuisance from odours.

The protection of children from harm

- Children allowed on premises until 21.30 in dining area, garden and saloon bar with an adult.
- Proof of age scheme with photo ID only.

PREMIS

Appendix 1 – The Mayford Arms Premises Licence

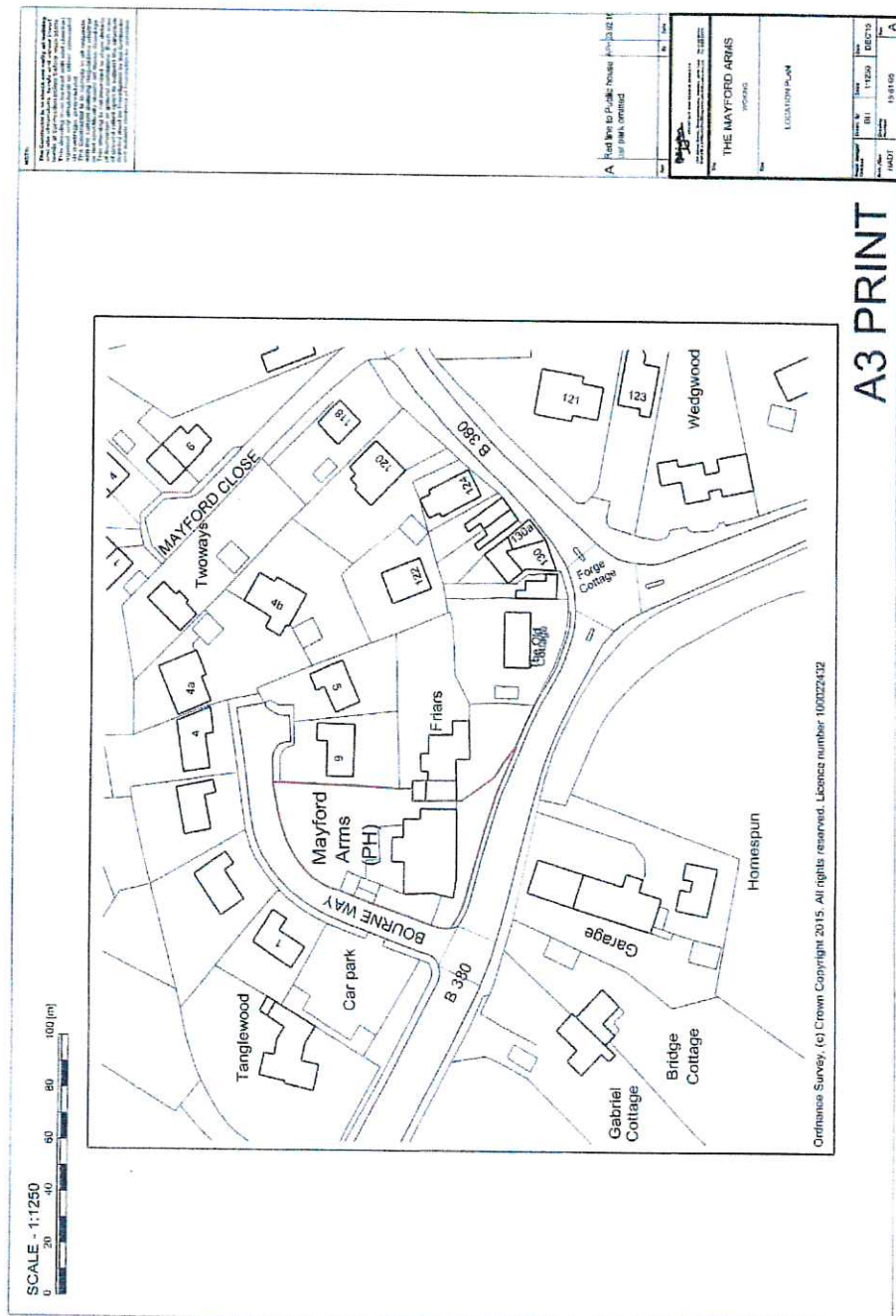
Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

PREMIS

PREMIS

PREMIS

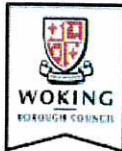


Appendix 1 – The Mayford Arms Premises Licence

Schedule 12

Part B

Regulation 33,34



Woking Borough Council

Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

16/00077/PREMIS

Premises details

Postal address of premises, or if none, ordnance survey map reference or description, (including Post Town and Post Code)

Mayford Arms

Mayford Arms Public House, Guildford Road, Mayford, Woking, Surrey, GU22 9QT

Telephone number

01483 228926

The date the licence takes effect

16 March 2016

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

| | | |
|-----------------|---------------------|---------------|
| Sale of alcohol | Monday to Thursday | 11:00 - 23:30 |
| Sale of alcohol | Friday and Saturday | 11:00 - 00:00 |
| Sale of alcohol | Sunday | 12:00 - 22:30 |
| Live music | Monday to Thursday | 19:00 - 23:00 |
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| Live music | Sunday | 19:00 - 22:30 |
| Recorded music | Monday to Thursday | 19:00 - 23:00 |
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Seasonal variation / non-standard timings:

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays: 11.00 to 00.00.

New Year's Eve: from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

PREMIS

Appendix 1 – The Mayford Arms Premises Licence

The opening hours of the premises

| | | |
|---------------|---------------------|---------------|
| Opening hours | Monday to Thursday | 11:00 - 00:00 |
| Opening hours | Friday and Saturday | 11:00 - 00:30 |
| Opening hours | Sunday | 12:00 - 23:00 |

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off premises

Name, (registered) address of holder of premises licence

Greene King Retailing Limited
Abbot House, Bury St Edmunds, Suffolk, IP33 1QT

Registered number of holder, for example company number, charity number (where applicable)

Registered business number 5265451

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

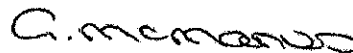
Nicola Gould

State whether access to the premises by children is restricted or prohibited

Children allowed on premises until 21.30 in dining area, garden and saloon bar with an adult.

16 March 2016

Date Licence Issued



Neighbourhood Services Manager

PREMIS

Appendix 2 – The Review Application

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 MR & MRS M.S. HUGHES apply for the review of a
(Insert name of applicant)
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 club premises, or if none, ordnance survey map reference or description <u>THE MAYFORD ARMS</u> <u>GUILDFORD ROAD</u> <u>MAYFORD</u> | |
| Post town <u>MAYFORD</u> | Post code (if known) <u>GU22 9QT</u> |
| Name of premises licence holder or club holding club premises certificate (if known) <u>MR & MRS J GOULD</u> | |
| Number of premises licence or club premises certificate (if known) <u>1</u> | |

Part 2 – Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

☐☒☐☐☐

Appendix 2 – The Review Application

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)

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

Surname HUGHES First names SEBASTIAN

Please tick ✓ yes

I am 18 years old or over ☒

Current address FRIARS
GUILD FORD ROAD

Post Town MAYFORD Postcode GU22 9QT

Daytime contact telephone number 07984 386820

E-mail address
(optional) SEBASTIANHUGHES@LIVE.COM

(B) DETAILS OF OTHER APPLICANT

| | |
|--|--------------------------------|
| Name and address | |
| <u>MR & MRS S MARRIOTT</u> <u>6 BOURNE WAY</u> <u>MAYFORD GU22 9QU</u> | |
| Telephone number (if any) | <u>07760 372553</u> |
| E-mail (optional) | <u>SMARRIOTT22@OUTLOOK.COM</u> |

Appendix 2 – The Review Application

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

| |
|-------------------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

TO REVIEW THE LICENCE CONDITIONS FOR THE MAYFORD ARMS PUB TO EXCLUDE THE PLAYING OF LIVE, RECORDED, AMPLIFIED OR ACOUSTIC OR OTHERWISE MUSIC BOTH INSIDE AND OUTSIDE THE PREMISES AT ANYTIME.

ALL EVENTS INVOLVING MUSIC ARE INVASIVE AND DETRIMENTAL TO THE SURROUNDING COMMUNITY DUE TO THE RESULTING NOISE AND ANTI SOCIAL BEHAVIOUR. DESPITE REPEATED REQUESTS, IT ISN'T PRACTICAL TO KEEP DOORS CLOSED AVE TO ACCESS REQUIREMENTS & TRAFFIC. SMOKERS ETC. THE LICENCE HOLDER DOES NOT ROUTINELY MONITOR DOORS OR NOISE LEVELS. THERE IS NO SIGNAGE RELATING TO RESPECTING THE LOCAL RESIDENTS WHEN LEAVING PREMISES.

WORKING BOROUGH COUNCIL ENVIRONMENTAL HEALTH AND LICENSING DEPTS ARE VERY AWARE OF ON-GOING ISSUES AND HAVE REPEATELY CONTACTED PREMISES IN REGARD TO IMPROVEMENTS, HOWEVER PROBLEMS HAVE ESCALATED.

Please provide as much information as possible to support the application (please read guidance note 2)

PLEASE SEE ATTACHED DIARY SHEETS.

OUR FAMILY LIVES ARE BEING CONSTANTLY
DISRUPTED. CHILDREN AND ADULTS ARE
WOKEN UP LATE AT NIGHT, SLEEPING
ARRANGEMENTS ARE CHANGED TO LIMIT
DISTURBANCE. WE ARE FORCED OUT OF
THE HOUSE ON AFTERNOONS WHEN WE
KNOW THERE WILL BE LIVE MUSIC.
IT IS CAUSING UPSET AND DISTRESS
UNNECESSARILY.

Appendix 2 – The Review Application

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

Please tick ☒ yes ☐ no

☐ *NO*

If yes please state the date of that application

Day

Month

Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

NA

Appendix 2 – The Review Application

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

[Handwritten signature]

Date

Capacity

[Handwritten signature]
STEPHEN MARRIOTT
19-6-2018

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

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix 2 - The Review Application

| | | | |
|--------------|-----------------------|-----------------------------------|---------------|
| Your Name | NICOLA Hughes | Name(s) of Occupier(s) (if known) | Manfred ARMS. |
| Your Address | FRIARS GUILDFORD ROAD | Address Being Complained About | |


| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? |
|------------------------------|--------------|--------------|-----------------------|--------------------------|---|
| Example: Saturday 11 June | 10pm | 11.30pm | Loud music | Bedroom | Stopped me getting to sleep |
| 20/3/17 | 11.15 | 11.30 | Loud PEOPLE IN GARDEN | Son's Bedroom | Woke him up |
| 25/3/17 | 9. | 10.30 | SHOUTING IN GARDEN | Garden | Son couldn't sleep |
| 29/3/17 | 9.45 | 10pm | MOTOR BIKES RUNNING | Lounge | Couldn't hear TV |
| 8/4/17 | 22.01 | 11.55 | Loud MUSIC | Bedroom | Couldn't sleep |
| 20/5/17 | 10.30 | 11. | Loud MUSIC | " | " |
| 27/5/17 | 9pm | 11pm | " | Lounge | Couldn't hear TV |
| 3/6/17 | 8pm | 11.30 | Loud MUSIC | " | Couldn't hear TV |
| ENVIRONMENTAL HEALTH SERVICE | | | | SHOUTS Bedroom | Son couldn't sleep |
| Noise Nuisance Diary | | | | Sheet number: | |
| Continuation Sheet | | | | Our REF: 17/01029/NMUSIC | |

| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? |
|--------------|--------------|--------------|---------------|----------------------|---|
| 17/6/17 | 9.30 | 10.30 | Loud Music | Lounge | Can't hear TV |
| 24/6/17 | 9.45 | | Loud MUSIC | Lounge | Can't hear TV |
| " | 10.30 | | " | Bedroom | Can't sleep called Mother |
| " | 11.35 | | " | Bedroom | music stops. |
| " | 12.00 | | SHOUTING | Bedroom | woken up |
| " | 4am | | " | " | woken up (Band playing) |
| 28 June | 11.05 | 11.30 | " | " | woken up |
| 29 June | 11. | 11.30 | Shouting | Son's room in garden | Son woken up |
| 30 June | 11.10 | | shouting | Bedroom | woken up |

| | | | | |
|----------|-------------------|---|--------------------------------|--|
| 5/7/17 | 9.30 | 10.00pm motorbikes revving | Large | Cannot hear TV |
| 7/7/17 | 10pm | BARFIE - Thick smoke | Bedrooms | Had to close windows |
| 12/7/17 | 9.45pm | 10pm motorbike revving | Large | Cannot hear TV or |
| 15/7/17 | 9.30pm | 11.40pm Loud music | Bedroom (Master) | Fucking CAN'T SLEEP |
| 15/7/17 | 11.50pm | SHOUTING | Bedroom (Master) | woken up |
| 19/8/17 | 3.30pm | 7pm amplified music in garden | Garden Kitchen Bedrooms Lounge | Can't hear anyone talking, conversation impossible |
| 12/9/17 | 6.30pm | Live amplified music in garden | all over the house | Can't hear TV, Can't have a conversation |
| 16/9/17 | | Met with WBC at Mayford Hall in regards to issues | | |
| 21/9/17 | | Councillors meet with MART OFFICE, neighbourhood police commissioner to discuss | | |
| 4/11/17 | 10.30pm - 11.30pm | Loud music | Bedrooms | CAUSED ECHO 'BOYS OFFICER CAME MUSIC TURNED DOWN |
| 11/11/17 | 11pm | Loud band starting outside | Lounge Bedrooms | |
| 31/3/18 | 23.35pm | Live music | Bedroom | woken up |

14.4.18 9.30, 10.00, 11.00 Loud music woke us up repeatedly
 18.4.18 8.00, 9pm, 10pm running motorcycles leaving house. Can't hear TV, woke me,
 19.5.18 2-5pm Loud, amplified music in the pub garden. all noise line
 3.6.18 No 'special license' granted
 6-6-18 3pm Loud, amplified music in the pub garden
 9-6-18 9pm - 9.45 Running motorcycles leaving house.
 9pm loud recorded music in pub (door open to back garden)
 9.04 called pub & asked to please back door (no car mail)
 22.23 Called EHO noise line
 23.10 music still going called EHO
 10-6-18 4.30pm music (amplified) in back garden - called EHO line no answer
 16.40 still no answer from EHO line
 16.45 spoke to EHO line - action being taken.

NEVER

| | |
|---|-------------------------|
|  ENVIRONMENTAL HEALTH SERVICE Noise Nuisance Diary Sheet | SHEET NUMBER: |
| | OUR REF: 1700356NMAUSIC |

Your Name: STEPHEN MARriot


Name(s) of Occupier(s)
(if known)

Your Address: 6 Bourne Way Mayford GU22 9BU

Address Being
Complained About

| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? |
|------------------------------------|--------------|--------------|------------------------|------------------------|---|
| Example: Saturday 11 June | 10pm | 11.30pm | Loud music | Bedroom | Stopped me getting to sleep |
| Sunday 25 th March 2017 | 8.50 | | Starting to lounge | Bedroom | Bed lounge lounge |
| " 10.10 | | 10.30 | " " | " " | Started 10pm old house to sleep |
| Sunday 8 th April 2017 | 9.40 | 10.00 | Boat from Disco in Pub | Lounge | Continued to use for up 1 |
| " 11.40 | | 11.55 | Very loud Disco | Bedroom (near bedroom) | Unable to watch TV |
| Saturday 20 th March 17 | 10.30 | 11.00 | Very loud music | Lounge | Unable to sleep |
| | | | | | Couldn't hear TV |

| ENVIRONMENTAL HEALTH SERVICE Noise Nuisance Diary Sheet | | | | OUR REF: 1701029(N)MUSIC | |
|--|-----------------|--|--|--|--|
| Your Name | | CHERYL MARELLOTT | | Name(s) of Occupier(s) (If Anyone) | |
| Your Address | | 6 BOURNE WAY, MAYFIELD, WOKING GU24 0JY | | Address Being Complained About | |
| | | | | DAVE & NIKKI GORDON | |
| | | | | MAYFIELD ACADEMIC HALL GARDENS RD, WOKING GU24 0AT | |
| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? |
| Example: Saturday 11 June | 10pm | 11.30pm | Low music | Bedroom | Stopped me getting to sleep |
| Saturday 17 June 2017 | 10pm | 11.50 | Low music + people talking + shouting in pub garden | All over the house! | Prevented all of us from going to sleep. All doors + windows were open in the pub. |
| Saturday 24 June 2017 | 8.55pm | 9.55pm | Low music | Upstairs in our house | Prevented my son from going to sleep. Back door was open with care + it is a fire door. |
| — " — | 10.00 pm | 11.15pm | Low music | Upstairs in our house | Very frustrated. Loud noise line as the music volume kept going up for a few minutes, then down again as the fire door was left open + then shut again. |

| | | | | |
|---|--|---|--|-------------------------|
|  | | ENVIRONMENTAL HEALTH SERVICE Noise Nuisance Diary Continuation Sheet | | SHEET NUMBER: |
| | | | | OUR REF: 1701029/NMUSIC |

| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? |
|-------------------------|--------------|------------------|--|---------------------|--|
| Thursday 29 June 17. | 11pm | 11.30pm | People shouting + laughing loud in the pub garden. | In our bedroom | Frustrated as there should not be customers in the garden after 11pm. It delayed us in getting to sleep. |
| Friday 30 June 2017 | 11pm | 12pm (1 hour) | People talking in the pub garden. | In our bedroom. | — " — |
| Wednesday 5 July. | 9pm | 9.30pm | Shouting in garden. | In bedroom | Bad language being used at my children's bedroom. |

The noise diary sheet details dates and times I have been disturbed by noise. This information is true to the best of my knowledge and belief and I understand that if it is used as evidence, I may be prosecuted if I know it to be false or do not believe it to be true.


Signature C. Martin Date 5/7/17.

Please return completed form, to: Environmental Health Service, Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU24 8YL

W0000007

Appendix 2 - The Review Application

| | | | |
|-------------|------------------------------|---|--|
| Wed 19/7 | 11pm - 11.30 | laughing in garden. | from going to sleep. |
| Fri 21/7/17 | 8.00 - 10.30pm | Loud music | Bedrooms Our 10 yr old son couldn't sleep |
| " | 4.00pm 10.30pm | Fight in garden (Police incident). | Bedrooms 16 yr old son witnessed - anxious to be children when we go out. |
| Sat 22/7/17 | 9.00 - 11.00pm | Music (amplified) + back door left open | Bedrooms. 10 yr old son couldn't sleep in his room |

| | | | | |
|---|--|---|--|------------------------|
|  | | ENVIRONMENTAL HEALTH SERVICE Noise Nuisance Diary Continuation Sheet | | SHEET NUMBER: |
| | | | | OUR REF: 1700356NMUSIC |

| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? |
|--------------|--------------|--------------|---|-----------------------|---|
| 7/7/17 | 10.00 PM | 11.00 PM | SHOUTING & SCREAMING & NOISE FROM GOLF & LAUNDRY ROOM | BEDROOM | SHOUTING IN THE GARDEN DUE TO A GOLFING IN PUB GARGLED - |
| 15/7/17 | 9.30 | 11.41 | MUSIC | Bedroom | Couldn't go to bed when music had stopped. (10 minutes later in ending). |
| 25/11/17 | 10.15 | | " | BEDROOM & WHOLE HOUSE | " |

The noise diary sheet details dates and times I have been disturbed by noise. This information is true to the best of my knowledge and belief and I understand that if it is used as evidence, I may be prosecuted if I know it to be false or do not believe it to be true.

Signature

C. Pearson

Date

17/7/17



ENVIRONMENTAL HEALTH SERVICE

Noise Nuisance Diary Sheet

SHEET NUMBER:

| Your Name | | STEPHEN MARRIOTT | | Name(s) of Occupier(s) (if known) | | | |
|------------------------------|-----------------|--|--|--|--|---|--|
| Your Address | | 6 BOURNE WAY, MANFORD, WOKING, SURREY GU24 9QU | | Address Being Complained About | | MANFORD ARMS PUBLIC HOUSE, GILFORD ROAD, WOKING. GU24 9QT | |
| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? | | |
| Example: Saturday 11 June | 10:00pm | 11:30pm | Loud music | Bedroom | Stopped me getting to sleep | | |
| 31/3/18 | 22:20 | 23:35 | Loud music | Upstairs of house | Delayed getting to sleep. | | |
| 14/4/18 | 21:30 | 23:30 | Loud music | All over house even though doors/windows closed. | " " | | |
| 19/5/18 | 14:00 | 17:00 | Loud amplified music in back garden of pub | Everywhere in our house - you couldn't get away from it! | Made an afternoon in our home stressful. | | |
| 3/6/18 | 14:00 | 18:00 | Loud amplified music in back garden of pub | " " | " " | (Called noise line). | |



ENVIRONMENTAL HEALTH SERVICE
Noise Nuisance Diary Sheet

SHEET NUMBER:

| Your Name | | STEPHEN MARIOTT | | Name(s) of Occupier(s) (If known) | | | |
|--|------------------|---|--|--|--|---|--|
| Your Address | | 6 BOURNE WAY, WIMBORNE, WOKING, SURREY. GU24 0QU. | | Address Being Complained About | | MAYFORD ARMS PUBLIC HOUSE, GUILDFORD ROAD, WOKING GU24 9ET. | |
| Day and Date | Time Started | Time Stopped | Type of Noise | Where was it heard? | How did the noise disturb you? What did it prevent you doing? How did it make you feel? | | |
| Example: Saturday 11 June 9/6/18 | 10:00pm 20:45 | 11:30pm 23:30 | Loud music Loud amplified music inside pub. (Rear fire door of pub left open) | Bedroom Bedroom + living room | Stopped me getting to sleep Had to rearrange son's sleeping arrangements to help him fall asleep despite the noise + delayed own bedtime until after music stopped. | | |
| 10/6/18 | 15:00 | 15:45 | Amplified live music in pub garden. | All over house + especially our garden | Unable to spend time in our own garden + have windows open in my own house as the noise is too disturbing. | | |
| 10/6/18 | 16:30 | 18:00 | " | " | " | | |

Appendix 3 – Environmental Health Representation

From: Joseph Dutfield
Sent: 25 June 2018 11:46
To: Matthew Cobb
Subject: Licensing Review of Mayford Arms-Environmental Health response

Hi Matt

I am responding to the Licensing Review of the Mayford Arms, Guildford Road, Mayford. Environmental Health have had numerous complaints in relation to music arising from the premises over the years, however, we have never witnessed the music to be at a level to be causing a statutory nuisance. Below, I have detailed the complaints that have been made to our out of hours service from the beginning of May 2017, and the outcome of any visit undertaken by the Out of Hours Service.

27th May 2017, call from 1 complainant at 23.20 in relation to loud music at the pub. Complainant had tried phoning the pub but no answer. Out of Hours (OOH) officer phoned the pub, they advised that they had music earlier, but this has since finished, and that she could hear loud amplified music from another property, the OOH officer could not hear any music over the phone. Officer went back to the complainant, who advised he would walk around and listen. Call back from the complainant, they confirmed that the music was not coming from the pub, but they could not identify the source address.

24th June 2017, 2 complainants phoned OOH, band playing and the rear doors have been left open, call at 23.05. OOH officer phoned both complainants, one went straight through to answer phone, the other complainant advised that there had been a band and the rear door left open, but this has not been closed and although the band still playing, the volume is acceptable.

22nd July 2017, call from complainant re loud amplified music and band playing, duty officer called complainant at 21.55, and advised will instruct OOH officer to attend, at 22.45, OOH officer advised that stuck in traffic on M25 due to serious accident, duty officer phoned complainant to advice of delay, complainant advised that the doors have now been closed and she can hardly hear the music now.

19th Aug 2017 Complainant phoned regarding loud music. Duty officer phoned the complainant at 17.32, and the complainant advised that the music had been intolerable since 15.30. Advised would instruct officer to attend, OOH officer arrived at 18.35, noise was not at a level to be a statutory nuisance, officer stayed on site until 19.32, and no increase in the volume of music

04th Nov 11 Call regarding loud music from a band/disco at the premises. Duty officer called complainant at 22.38, and advised would ask officer to attend, officer arrived on site, music audible externally but not a stat nuisance, all windows and doors were shut, no music audible in the complainants lounge, they advised that it had been louder earlier.

24th Nov 2017 Calls to OOH by both complainants. Officer called first complainant back at 23.04, they advised that there had been loud music from the pub but since phoning it through to OOH, the music has now stopped, they advised that they normally get an email from the pub advising what time they are finishing, but nothing received for this event, confirmed rear door for the pub was closed. Phoned the second complainant at 23.20 straight after they phoned OOH, call reverted to answer phone, left message asking for call back, but non received.

16th Dec 2017 Call regarding loud music from the pub. OOH called the complainant at 22.25, since the complainant phoned OOH, the music has gone quiet, and they believe that the band may be on a break. They advised that music escapes when smokers go outside and leave the door open. OOH advised that they call back if necessary, no further call from the complainant.

Appendix 3 – Environmental Health Representation

14th April 2018 Loud music call at 22.10, complaint doesn't appear to have been passed through to duty officer.

19th May 2018 Complainant rang to advise that the pub were currently sound checking for a band/music in the rear garden. OOH called complainant at 13.40, complainant advised that the music has now stopped, advised that they phone back if the noise starts again, and in meantime, OOH will phone the pub. OOH phoned the pub at 13.50, spoke to Mrs Gould who advised that she had spoken to the Environmental Health on Friday (day before) to advise that having a keyboard player and guitarist in the garden until 17.00 between the Royal wedding and the FA cup final. They advised that their next door neighbour had knocked down wall between the pub and the neighbour to antagonise the situation.

03rd June 2018 Call regarding playing loud music outside, call at 15.26. It doesn't look like the complaint was passed through to the duty OOH officer.

09th June 2018 Complaints made to OOH by 2 separate complainants, OOH officer called one complainant at 21.12, the music was audible, but during phone conversation the back door was closed and the level of music was acceptable. OOH phoned the second complainant at 22.24, call reverted to answer phone, tried again at 22.37 and 22.48 but went through to answerphone, tried one last time at 22.58, spoke to complainant who apologised for not being available, complainant advised of loud music tonight and she felt that several patrons were trying to cause anxiety by intimidating remarks. They did not wish as officer to attend as had young grand children staying at the property, OOH advised to phone back if the music started again and they wished for a visit.

10th June 2018 2 complaints regarding loud amplified music from a band in the rear garden of the pub, same band as last week. OOH officer phoned the initial complainant, they feel that the music was excessively loud for a Sunday afternoon. Advised would attend site. Officer arrived on site at 16.50 after being held up in traffic due to an incident, as arrived on site, the second complaint came through. Witnessed noise from first complainant's bedroom with the window open, listened to 3 tracks, and felt that the volume was acceptable for a live band, low bass. Not a stat nuisance. OOH officer attended the second complainants property at 17.25, further 3 tracks listened to from the complainants garden, again they found the music inoffensive and easy to listen to and not at a level deemed to be a statutory nuisance. Both complainants were in agreement that the music was not as loud as it had been previous weekends.

Thanks

Joe

Joseph Dutfield| Environment Officer |Environmental Health

Appendix 3 – Environmental Health Representation

From: Joseph Dutfield
Sent: 17 August 2018 12:48
To: Matthew Cobb
Subject: Mayford Arms

Hi Matt

Last weekend, we had a complaint regarding music from the Mayford Arms. OOH attended and witnessed the noise, but it was not at a level to be causing a nuisance, however, the officer took the photos in the attached report showing the doors open at the time of the music being played.

I have phoned the complainant and left a message on their answer phone confirming that the music was not at a level to be causing a stat nuisance, and to phone OOH as soon as possible next time they are disturbed by the music to give OOH the best opportunity to witness the noise.

Thanks
Joe

Joseph Dutfield| Environment Officer |Environmental Health

Appendix 3 – Environmental Health Representation

| | | | | | | | |
|---|------------|---|------------|--|------------|--|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | | Service Request No. Time & Date Received | | Wok 242/17 2320hrs 27/5/2017 | |
| Complainants | | [REDACTED] | | | | | |
| Address | | [REDACTED] | | | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] | Surname | [REDACTED] | | |
| Complainants Contact Details: | | | | Any Additional Details: | | | |
| Phone | Home | [REDACTED] | | Time of visit by IHS V.O | | | |
| | Work | | | Previous Request | N | | |
| | Mobile | | | Via Cllr | Name | | |
| Email | | | | On Hot List? | N | | |
| Source of Problem | | Mayford Arms Guildford Road, Mayford. (later excluded as source) | | | | | |
| Request Nature | | Lam, Live Band | | | | | |
| Time/Date | Officer | Report & Actions | | | | | |
| 2320hrs 27/5/2017 | DH | Call received from call centre | | | | | |
| 2327hrs | DH | I called the complainant, spoke to [REDACTED] he said he is being disturbed by Lam from a Live Band the Mayford Arms, he said he has phoned them and cannot get an answer. I said I will call them myself, as a live music should have ceased at 2300hrs. | | | | | |
| 2333hrs | | I called the Pub spoke to the Manager, she told me they ad music earlier but had finished (no music could be heard), she said she could hear lam from somewhere further down Guildford road towards the roundabout, and she is fed up being blamed for noise when it is not her. | | | | | |
| 2336hrs | DH | I called [REDACTED] he was pretty sure the music was coming from the pub, and it is continuing, I said I could only hear people noise over the phone and if the music was playing then I would have heard it. He told me he will walk round and have a listen. I agreed to call him back. | | | | | |
| 2345hrs | DH | I called the complainant back he confirmed the Lam was not coming from the pub, and said he now does not know where it is from. NFA. Unless source identified. | | | | | |
| | | | | | | | |
| | | | | | | | |

Appendix 3 – Environmental Health Representation

| | | | | | |
|---|--|---|--|---------|---------------------------------------|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | | Service Request No. Time & Date Received | | Wok 255/16 2305hrs 24/06/17 |
| Complainants Address | 1. [REDACTED] 2. [REDACTED] | | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] | Surname | [REDACTED] |
| Complainants Contact Details: | | Any Additional Details: | | | |
| Phone | 1. | [REDACTED] | Time of visit by IHS V.O | | |
| | 2 | [REDACTED] | Previous Request | N | |
| | Mobile | | Via Cllr | Name | |
| Email | | | On Hot List? | N | |
| Source of Problem | | Mayford Arms PH, Mayford Woking. | | | |
| Request Nature | | Lam (Live Band) | | | |
| Time/Date | Officer | Report & Actions | | | |
| 2305hrs 24/06/17 | DH | Call received from call centre | | | |
| 2315hrs | | I called the complainants in the order listed above, [REDACTED]'s phone went to ansaphone, I then spoke to [REDACTED], she said there had been a live band at the Mayford Arms and the door was open allowing the sound to escape but now the door is closed, the band are still playing but the sound level is acceptable. I advised details of her complaint will be sent to the council on Monday morning. | | | |

Appendix 3 – Environmental Health Representation

| | | | |
|---|--|---|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 271/16 2145hrs 22/7/2017 |
| Complainants [REDACTED] | | | |
| Address | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] |
| Surname | | [REDACTED] | |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | [REDACTED] | Time of visit by IHS V.O |
| | | | 2250hrs DW Cancelled en-route |
| | Work | Previous Request | N |
| | Mobile | Via Cllr | Name |
| Email | | On Hot List? | Y |
| | | | JD 20/07/17 |
| Source of Problem | | Mayford Arms, Guildford Road, Mayford, Woking. | |
| Request Nature | | Lam | |
| Time/Date | Officer | Report & Actions | |
| 2145hrs 22/7/2017 | DH | Call received from call centre | |
| 2155hrs | | I called the complainant Lam coming from the Mayford Arms, rear doors open, I advised her I will request an officer attends and investigates. | |
| 2200hrs | | Instructed Vo(DW) to attend and investigate. | |
| 2245hrs | DW | Called DH to advise stuck in traffic on M25 Junction 9 due to Motorway closure following serious accident. | |
| 2248hrs | | I called the complainant to advise Vo delayed, she told me the noise has now gone down and she can hardly hear it as the doors have been closed, please cancel visit. | |
| 2250hrs | | Vo(DW) cancelled en-route. | |

Appendix 3 – Environmental Health Representation

| | | | | | | | |
|---|------------|---|--------------|--|------------|---|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | | Service Request No. Time & Date Received | | Wok 283/16 1726hrs 19/08/2017 | |
| Complainants | | [REDACTED] | | | | | |
| Address | | [REDACTED] | | | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] | Surname | [REDACTED] | | |
| Complainants Contact Details: | | | | Any Additional Details: | | | |
| Phone | Home | | | Time of visit by IHS V.O | 1835 | | |
| | Work | | | Previous Request | N | | |
| | Mobile | [REDACTED] | | Via Cllr | Name | | |
| Email | | | On Hot List? | Yes | | | |
| Source of Problem | | The Mayford Arms Public House | | | | | |
| Request Nature | | Lam | | | | | |
| Time/Date | Officer | Report & Actions | | | | | |
| 1726hrs 19/08/2017 | LJ | Call received from call centre | | | | | |
| 1732 hrs | LJ | Telephoned complainant. [REDACTED] informed that the loud music from The Mayford Arms pub has been 'intolerable' since 1530 hrs | | | | | |
| 1740 hrs | LJ | Contacted VO & requested to attend to witness & assess | | | | | |
| 1835 | DW | Arrived on site and witnessed music noise in tenant's garden. Informed that the noise wasn't a statutory nuisance. VO remained on site until 1932, During that time there was no increase in music volume. Complainant wishes it to be known that she would like to keep her identity anonymous | | | | | |
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Appendix 3 – Environmental Health Representation

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| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 304/16 2235hrs 4/11/2017 |
| Complainants | [REDACTED] | | |
| Address | [REDACTED] | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] Surname [REDACTED] |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | Time of visit by IHS V.O | MR 2250hrs 04/11/17 |
| | Work | Previous Request | N |
| | Mobile | Via Cllr | Name [REDACTED] |
| Email | | On Hot List? | Y JD 03/11/17 |
| Source of Problem | Mayford Arms Guildford Road, Mayford, Woking, GU22 9QT | | |
| Request Nature | Lam | | |
| Time/Date | Officer | Report & Actions | |
| 2235hrs 4/11/2017 | DH | Call received from call centre | |
| 2238hrs | DH | I called the complainant, lam from Live Band/disco in the Mayford Arms, I advised I will instruct an officer to attend and investigate. | |
| 2240hrs | DH | Instructed Vo (MR) to attend and investigate. | |
| 2250hrs | MR | I arrived at the location, music from pub audible but not a stat nuisance externally, all doors and windows were closed. I visited the complainant, no music audible in their lounge, they said it had been louder earlier. No nuisance witnessed left site. | |

Appendix 3 – Environmental Health Representation

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|---|--|--|---------------------------------------|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 307/16 2300hrs 25/11/17 |
| Complainants Address | | | |
| Title | Initial(s) | Surname | |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | Time of visit by IHS V.O | |
| | Work | Previous Request | N |
| | Mobile | Via Cllr | Name |
| Email | | On Hot List? | Y JD 20/07/17 |
| Source of Problem | Mayford Arms PH Guildford Road, Woking | | |
| Request Nature | Lam | | |
| Time/Date | Officer | Report & Actions | |
| 2300hrs 25/11/17 | DH | Call received from call centre | |
| 2304hrs | | I called the complainant, there had been lam coning from The Mayford Arms, but since calling it has now gone quiet and she is unable to hear it in her lounge said she normally gets an email from them saying what time they are finishing, but has not received one for this event but thinks it will be 2330hrs. I asked if the rear door to the pub was open and she sent her husband upstairs to check, he confirmed it was closed. | |
| 2320hrs | | Further complaint from Tel I called her straight back but her telephone reverted to voicemail, message left requesting call-back-none received. | |

Appendix 3 – Environmental Health Representation

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|---|--|--|---------------------------------------|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 314/16 2220hrs 16/12/17 |
| Complainants [REDACTED] | | | |
| Address | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] |
| Surname | | [REDACTED] | |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | Time of visit by IHS V.O | |
| | Work | Previous Request | N |
| | Mobile | [REDACTED] | |
| | Via Cllr | Name | |
| Email | | On Hot List? | Y JD 20/07/17 |
| Source of Problem | | Mayford Arms PH Guildford Road, Woking | |
| Request Nature | | Lam | |
| Time/Date | Officer | Report & Actions | |
| 2220hrs 16/12/17 | DH | Call received from call centre | |
| 2225hrs | | I called the complainant, there had been lam coning from The Mayford Arms, but since calling it has now gone quiet, and she believes the Live band maybe on a break, she told me the noise was escaping when the smokers went out the rear door to the garden area. I advised her to call back if necessary. | |

Appendix 3 – Environmental Health Representation

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|---|--|--|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 341/16 1330hrs 19/5/2018 |
| Complainants Address | | | |
| Title | Initial(s) | Surname | |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | Time of visit by IHS V.O | |
| | Work | Previous Request | N |
| | Mobile | Via Cllr | Name |
| Email | | On Hot List? | Y |
| Source of Problem | | Mayford Arms PH Guildford Road, Mayford | |
| Request Nature | | Lam/Sound checks being carried out | |
| Time/Date | Officer | Report & Actions | |
| 1330hrs 19/5/2018 | DH | Call received from call centre | |
| 1340hrs | DH | I called the complainant, she told me there is Lam coming from the Mayford Arms and they seem to be carrying out sound checks, she is concerned that they may be going to have music outside, which is apparently not allowed under the times of their licence. The noise had currently stopped at the time of my call to her so I advise her to call bac later if necessary, and I will speak to the DPS. | |
| 1350hrs | | I called the Pub spoke to Mrs Gould she told me she telephoned the council EH on Friday afternoon to advise she is having a keyboard player and a Guitarist playing in the garden until 1700hrs, she said [REDACTED] purposely knocked down his garden wall this weekend to antagonise Mrs Gould and said that [REDACTED] always complain about any events they hold. | |

Appendix 3 – Environmental Health Representation

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|---|--|--|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 347/16 2105 hours 09/06/2018 |
| Complainants [REDACTED] | | | |
| Address | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] |
| Surname | | [REDACTED] | |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | Time of visit by IHS V.O | |
| | Work | Previous Request | Y |
| | Mobile | Via Cllr | Name |
| Email | | On Hot List? | Y |
| Source of Problem | Mayford Arms, Guildford Road, Woking GU22 9QT | | |
| Request Nature | Lam | | |
| Time/Date | Officer | Report & Actions | |
| 2105 hours 09/06/2018 | LJ | Call received from call centre | |
| 2112 hours | LJ | I telephoned the complainant and spoke to [REDACTED] She informed that the fire door was left open tonight and the loud music could be heard more than usual. As we were speaking however, the door was closed and the level of the music was more acceptable. I asked the complainant to telephone the call centre if she is disturbed again and I will telephone her to discuss further. NFA | |

Appendix 3 – Environmental Health Representation

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|---|--|--|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | Service Request No. Time & Date Received | Wok 348/16 2217 hours 09/06/2018 |
| Complainants [REDACTED] | | | |
| Address [REDACTED] | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] |
| Surname | | [REDACTED] | |
| Complainants Contact Details: | | Any Additional Details: | |
| Phone | Home | Time of visit by IHS V.O | |
| | Work | Previous Request Y | |
| | Mobile | [REDACTED] | Via Cllr Name |
| Email | [REDACTED] | | On Hot List? Y |
| Source of Problem | | Mayford Arms, Guildford Road, Woking GU22 9QT | |
| Request Nature | | Lam | |
| Time/Date | Officer | Report & Actions | |
| 2217 hours 09/06/2018 | LJ | Call received from call centre | |
| 2224 hours | LJ | I telephoned the complainant which reverted immediately to voicemail. I requested a call back via the call centre to discuss further. I called again at 2237 hours & 2248 hours and received the same response. I informed the call centre at 2253 hours. I tried one last time at 2258 hours and spoke to the complainant who apologised for not being available. [REDACTED] informed of the loud music tonight and several patrons she believes are trying to cause her anxiety by intimidating remarks. I offered to attend but [REDACTED] has her young grandchildren to stay and did not want them to be disturbed so she declined my offer. She will telephone the call centre when disturbed again. NFA | |


Appendix 3 – Environmental Health Representation

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|---|------------|--|------------|--|------------|--|--|
| Woking BC Civic Offices Gloucester Square Woking Surrey | | ENVIRONMENTAL HEALTH SER- VICE Service Request & Complaint Record | | Service Request No. Time & Date Received | | Wok 349/16 1509 hours 10/06/2018 | |
| Complainants | | [REDACTED] | | | | | |
| Address | | [REDACTED] | | | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] | Surname | [REDACTED] | [REDACTED] | |
| Complainants Contact Details: | | | | Any Additional Details: | | | |
| Phone | Home | [REDACTED] | | Time of visit by IHS V.O | | [REDACTED] | |
| | Work | [REDACTED] | | Previous Request | Y | | |
| | Mobile | [REDACTED] | | Via Cllr | Name | [REDACTED] | |
| Email | [REDACTED] | | | On Hot List? | Y | | |
| Source of Problem | | Mayford Arms Pub.Guildford Road, Woking GU22 9QT | | | | | |
| Request Nature | | Iam | | | | | |
| Time/Date | Officer | Report & Actions | | | | | |
| 1509 hours 10/06/2018 | LJ | Call received from call centre | | | | | |

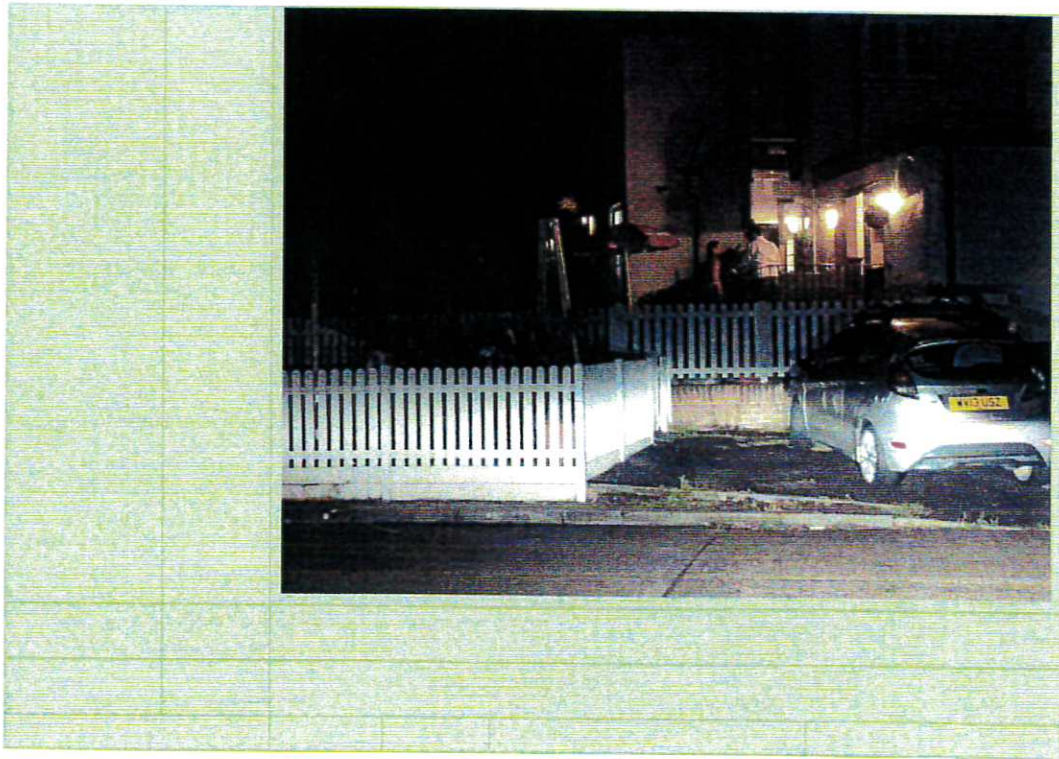
Appendix 3 – Environmental Health Representation

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|-------------------------------|------------|---|------------|--------------------------|------------|-------------|--|
| Woking BC | | ENVIRONMENTAL HEALTH SER- VICE | | Service Request No. | | Wok 378/16 | |
| Civic Offices | | | | Time & Date | | 2100hrs | |
| Gloucester Square | | Service Request & | | Received | | 11/08/18 | |
| Woking | | Complaint Record | | | | | |
| Surrey | | | | | | | |
| Complainants | | [REDACTED] | | | | | |
| Address | | | | | | | |
| Title | [REDACTED] | Initial(s) | [REDACTED] | Surname | [REDACTED] | | |
| Complainants Contact Details: | | | | Any Additional Details: | | | |
| Phone | Home | [REDACTED] | | Time of visit by IHS V.O | | 2159hrs | |
| | | | | | | 11/08/18 MR | |
| | Work | | | Previous Request | N | | |
| | Mobile | | | Via Cllr | Name | | |
| Email | | | | On Hot List? | Y | JD 20/07/17 | |
| Source of Problem | | Mayford Arms PH, Guildford Road, Mayford, Woking. | | | | | |
| Request Nature | | Lam (Live Band) | | | | | |
| Time/Date | Officer | Report & Actions | | | | | |
| 2100hrs | DH | Call received from call centre | | | | | |
| 11/08/18 | | | | | | | |

Appendix 3 – Environmental Health Representation

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| 2113hrs | I called the complainant, Lam from a Live band playing in the Mayford Arms, [REDACTED] said his son could not get to sleep with the windows closed due to the volume the band are playing at. I advised an officer will attend and investigate. |
| 2118hrs | Instructed Vo(MR) to attend and investigate |
| 2159hrs | I arrived at the location and made observations from Guildford Road, no music was audible, but the pub was full, doors and windows at the front of the premises were closed. I drove into Bourne Way, numerous people were sitting outside the pub at the rear, I noticed the door to the Patio area was wide open (Photo attached). I visited the complainant, as I entered his home I became aware the Band had restarted, I went into the upstairs rear bedroom, the window was open and the music was audible but not a stat nuisance. With the window closed the music was barely audible, [REDACTED] told me that the Bass had been much louder earlier. I left their premises and made further observations, the rear door to the Patio area was still wide open, music could be heard but was at an acceptable level. I left site. |
|  | |

Appendix 3 – Environmental Health Representation



Appendix 4 – Representations received in support of the Premises

From: Bill Payne [REDACTED]
Sent: 24 June 2018 10:18
To: Licensing
Subject: Allegations against The Mayford Arms 16/00077/PREMIS

We are local residents, now retired, and have known the licensee and his wife ever since they were appointed. The picture presented by the allegations listed seems totally incredible to us. We have lunch there most weeks, the food is excellent, and they are both friendly and helpful.

As for the allegation that he was drunk - I have never known him to drink at all when on duty. Also, apart from the unprovoked assault on him about a year ago (for which the assailant is serving a 4-year prison sentence) we know of no problems with other customers in the whole time we have gone there.

I would expect that the extensive CCTV installed by Greene King in the last year will support our views and provide the evidence you need to clear them, so that we can continue to be customers at The Mayford Arms.

Your sincerely

Bill and Jill Payne

Appendix 4 – Representations received in support of the Premises

From: Paul Flaherty [REDACTED]
Sent: 29 June 2018 11:53
To: Licensing
Cc: [REDACTED]
Subject: License Review - 16/00077/PREMIS (Mayford Arms)

FAO Licensing Team
Woking Borough Council
Civic Offices
Gloucester Square
Woking
Surrey
GU21 6YL

Dear Sir/ Madam

REF – Mayford Arms Public House, Guildford Road, Mayford, Woking, Surrey, GU22 9QT

In connection with the application for a licensing review for the Mayford Arms on the 9th of July 2018, I request the following to be taken into consideration by the Licensing Team.

I have lived in the local area of the Mayford Arms for approximately for 3 years and have visited frequently, so the proprietors are well known to me. Myself and family have held several functions on the premises and we have also attend functions for other friends and local residents. As such, I consider myself to have a very good understanding of the manner in which the premises are managed and run by the current proprietors.

In so far as functions and parties on the premises go, to my knowledge, there has always been a strict control of the noise levels at any time after 2300hrs, or earlier on Sundays. I have on many occasions, personally witnessed the proprietors close all external doors and windows before 2300hrs and make announcements to the effect that external doors and windows must remain closed to 'stop the neighbours complaining'. Any doors that are reopened by customers, especially on warm evenings, are very promptly closed. Signs are displayed at every door asking all customers to be quiet when outside of the premises to reinforce this message. There is and always has been a very acute awareness and control of the noise levels at night and all best practices are deployed by the proprietors to do everything they can to be good and responsible neighbours.

The garden at the Mayford Arms is one of the premises main features. Very few public houses in the area are able to offer such an amenity and it is a prime attraction on warm evenings and sunny weekends. Indeed the proprietors are acutely aware of this fact and make good use of this feature to generate additional income, as any sensible business would do, by having small BBQ's and/or live music on rare occasions. These events are much in tune with how any neighbour would use their garden and are neither loud or raucous on any occasion when I have been in attendance. Again, there

Appendix 4 – Representations received in support of the Premises

is an acute awareness of noise levels and these live music events are low key, with a maximum of 1 or 2 band members, 'Goldsworth Gerry' is a prime example of the type of low key soft rock music that is played at these occasional events.

On one recent occasion when 'Goldsworth Gerry' was playing at the premises on a Saturday afternoon, I witnessed the neighbour immediately adjacent to the premises (to the right when looking at the front of the Mayford Arms), shouting over the fence and generally acting in an unsavoury and aggressive manner. Given that neither the customers nor music was in any way loud and it was the middle of the day, he acted very unreasonably in my opinion. Indeed, this is the same neighbour who I have witnessed in front of the premises, on several occasions, taking videos on his mobile phone. While this in itself is unlikely to be considered to be against the law, it is a provocation when accompanied with shouted comments that the recordings will be used as 'evidence' in an attempt to revoke the proprietors license. To my knowledge, any noise complaints that have been raised with the council, have not been upheld.

Although the proprietors have been unreasonably provoked on several occasions by their neighbour, they have not sought to escalate the situation or engage in pointless 'tit for tat' arguments. They have at all times in my presence, acted with decorum and a level of dignity that puts the complainant to shame.

In short, I believe the complaints of excessive noise and disturbance from the premises that have been levied against the proprietors of the Mayford Arms to be nefarious and without any merit. Any sensible person buying a property next door to a very popular and busy public house, which is a focal point of the local community, cannot expect the premises to operate without any noise whatsoever. To expect so is, in my view, completely unreasonable and I reiterate that the proprietors, in my view, take all reasonable steps and more to reduce noise disturbance to reasonable levels at all times, within their control.

Respectfully yours

Paul Flaherty CEng CMarEng FIMarEST

'Leithacre'
Woodpecker Way
Woking
GU22 0SG

Appendix 4 – Representations received in support of the Premises

From: Martin Cuthew [REDACTED]
Sent: 03 July 2018 17:41
To: Licensing
Subject: Written representation re Application for Review of Existing Premises Licence

Notice of Application to call for a Review of an Existing Premises Licence of Club Premises Certificate

In respect of: Mayford Arms Public House, Guildford Road, Mayford, Woking, Surrey, GU22 9QT

Premises Licence Number: 16/00077/PREMIS

Dear Sirs,

My name is Martin Cuthew and I am a musician who has performed several times at the Mayford Arms, both as a solo musician and with my band Goldsworth Gerry.

Firstly, I have always found the landlords Dave and Nikki friendly, respectful and professional to deal with and all the regulars in the pub are friendly and I've never seen or experienced any trouble whilst I've been at the pub.

The volume that I have played at has never been any louder than what I have played at at other venues in residential areas. Whenever I've played indoors, the venue has always insured that all the doors and windows are shut, and I've never played beyond 11.30pm as the venue has always requested that I finish at this time. Whenever I've played outdoors in the beer garden, I've always insured the volume is greatly reduced from normal indoor volume – on one occasion, Dave actually asked me to turn the volume down whilst I was sound-checking so that my subsequent performance would not be too loud for the surrounding houses – and I've always finished by 6pm as requested by the venue.

On a closing note, I feel the Mayford Arms is acting in accordance with how any other venue in a residential area would act and is not unreasonable or inconsiderate as a live music venue. I also believe that it is very important for live music to exist at grass roots level and it would be a travesty if the premises were no longer granted the licence to operate as they currently do.

Yours Faithfully,

Martin Cuthew

Appendix 4 – Representations received in support of the Premises

Licensing Team
Woking Borough Council
Civic Offices
Gloucester Square
Woking
GU21 6YL

4th July 2018

16/00077/PREMIS – Mayford Arms Public House

To whom it may concern,

I am writing with regard to the Mayford Arms Public House and the application to review the license of the premises regarding the "Prevention of Public Nuisance" not being promoted.

I understand, although not party to any evidence that may have been provided to the council by the plaintiff, that a portion of the complaint relates to The Mayford Arms being the meeting place for a local classic and modern motor scooter club, "The Lost Souls"

I am the secretary of the scooter club, which has been in existence since 1997 and has been meeting at The Mayford Arms for over 15 years.

During the months between spring & autumn, the club meets at the venue every Wednesday evening, with members arriving between 7.30pm and 8.30pm and departing normally before 10pm. Average scooter numbers per week are 12 – 15, although some weeks are more and some are less. Once each person arrives at the venue, the scooters are parked at the front of the premises and generally not started or used until the rider leaves. 2 or 3 times a year we will use the venue as a meeting point on a Saturday or Sunday morning before going to a different destination. During the winter months these numbers and meetings are reduced.

Appendix 4 – Representations received in support of the Premises

Several instances have been reported to me by club members, where the occupier of the property directly adjacent and to the right of the Public House, has been verbally abusive and threatening towards club members. I cannot confirm these reports as I was not present when they occurred and can only relay what I have been told. Dates and times of these incidents have not been recorded.

Should you wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'J. Wade', with a long horizontal flourish extending to the right.

John Wade
Secretary, Lost Souls Scooter Club
28 Clinton Close
Woking
GU21 2AL



Appendix 4 – Representations received in support of the Premises

From: Bronwen Ives [REDACTED]
Sent: 05 July 2018 15:02
To: Licensing
Subject: Licensing review for The Mayford Arms

To whom it may concern

It has come to my attention that various complaints have been made against The Mayford Arms, as a patron of the pub since 2003, I feel a strong need to speak in favour of The Mayford and it's landlord and lady, Mr and Mrs Gould.

I have seen the pub go through many changes of management, and I can honestly say that Mr and Mrs Gould have taken every opportunity to create a welcoming, family friendly, community centred local pub atmosphere. Mr and Mrs Gould provide a safe, relaxed environment for a variety of customers, from the elderly enjoying a midweek meal, to families enjoying the safe, secure garden.

Community spirit is encouraged with fundraisers, and many locals use the pub as a basis for charity collections.

Many people, myself included, have found friendship and support through The Mayford, and in an increasing isolated world the need for places for face to face human contact is more desperate than ever.

I am aware that the live music events are an issue being looked at by the licensing committee. The music events at The Mayford are always much anticipated and appreciated those that attend. The band's are local entertainers, often just beginning on their 'live show' journeys. To be able to hear this talent for free, in a safe local pub, without having to venture into the centre of town, is a real rarity, and a commodity that needs to be protected. To lose The Mayford as a venue, would be to deny access to live music for so many people, including several wheelchair users, who would otherwise not have a chance to see these bands without great inconvenience.

David and Nikki Gould are family orientated landlords, whose only wish has been to improve the standards and reputation of The Mayford Arms. They are professionals, that understand the responsibility they carry. They work tirelessly, and are never intoxicated whilst working, and it is my true and honest belief that they have created a much better Mayford Arms for all to enjoy.

The Mayford Arms and Mr and Mrs Gould must be protected, and allowed to keep their place in our community. It is vital that we look to a future where we can all still gather together, relax and enjoy each other's company in a safe, friendly place, such as The Mayford Arms.

I truly hope that the licensing committee understands the depth of feeling that I have whilst writing this, and that I thank them for taking the time to read this e-mail.

Many Thanks

Bronwen and Martin Ives

Appendix 4 – Representations received in support of the Premises

From: miriam.sullivan [REDACTED]
Sent: 07 July 2018 19:01
To: Licensing
Subject: Ref: 16/00077/PREMIS Mayford Arms Public House

We have lived in Mayford for the last nineteen years directly opposite the Mayford Arms Public House. In that time, the Pub has had 5 Landlords and all with varying approaches to their neighbours welfare & interests. As far as we are concerned the current Landlords have been the most considerate Tenants. As soon as they took over the pub, they introduced themselves to us and were very insistent we to talk to them if we were unhappy about anything relating to their business and how it was managed. To this date, we have never had any problems with noise or anything else related to the pub and the way the business is managed.

Even though we are not regular customers of the Pub, they have always informed us of any events that may have an impact on us and have been great supporters of local & other charities.

We do believe a Pub is an important part of the fabric of any English Village and the life within that village and the direction of that Pub is down to the person or persons running that business!

David & Nicola have been great advocates of the village and will continue to receive or full support!

Kind Regards
Miriam Sullivan and Charles Mills
Bridge Cottage
Guildford Road
Mayford
Woking.

Appendix 4 – Representations received in support of the Premises

From: nick evans [REDACTED]
Sent: 08 July 2018 17:09
To: Licensing
Subject: Mayford Arms Ref 16/00077/premis

I write in response to the application for the licence review of the above premises.

I have been a regular user of the public house for the last 4 plus years my wife and /or I eating there approximately once a month. We have always been made welcome and have received excellent service from both bar staff and the landlady and her husband.

The tenants are always willing to try and raise funds for various local charities particularly Macmillan for which they host a Quiz evening most Monday evenings and have one of the local Choirs, St. Johns Community Choir, performing carols at Christmas and a selection of their repertoire in the garden on a spring and summer evening when their term time activities come to an end.

I am a 72 year old Chartered Accountant who lives within 100 yards of this public house and will say that neither I, nor my wife, has ever been aware of any problem with the operation or management of these premises during the current tenancy and certainly nothing which would be contrary to what one would expect living within 100 yards of a public house.

In conclusion, the pub which has, in the main, a clientelle aged over 35 years old who also bring their wives and children with them to enjoy the garden on warm evenings and the scooter club, who have been meeting there for a considerable number of years, are part of what makes this a great local public house in, what is becoming, a dying focal point for local communities.

N. T. Evans F.C.A

Appendix 4 – Representations received in support of the Premises

From: [REDACTED]
Sent: 08 July 2018 20:39
To: Licensing
Subject: Ref: 16/00077/premis

I have known the landlord of The Mayford Arms and his wife since 2016 and have attended functions run by the pub for local and national charities which included - on two occasions, carols sung by a well known local choir. The singing was excellent, not loud, just the right volume because there were conversations going on at the bar and at some tables where people didn't have to shout to be heard. On one occasion I was not far from the choir and recall that I had a conversation with two people and we didn't have to raise our voices to be heard.

I have attended the Mayford Arms on several occasions to meet friends for lunch and in the evening, and, have always found the atmosphere friendly, the landlord and his wife always courteous and helpful. It has the feel of a family pub and this is mainly because of the landlord and his wife.

Mrs S Grover

Appendix 4 – Representations received in support of the Premises

From: Catherine Black [REDACTED]
Sent: 09 July 2018 10:39
To: Licensing
Subject: Ref: 16/00077/PREMIS Mayford Arms Public House

I have lived in Mayford for the last four years directly opposite the Mayford Arms Public House. In that time, the current Landlords have been very considerate Tenants. They introduced themselves to me and were very insistent I to talk to them if I was unhappy about anything relating to their business and how it was managed. To this date, we have never had any problems with noise or anything else related to the pub and the way the business is managed.

Even though we are not regular customers of the Pub, they have always informed me of any events that may have an impact on me and have been great supporters of local & other charities.

We do believe a Pub is an important part of the fabric of any English Village and the life within that village and the direction of that Pub is down to the person or persons running that business.

David & Nicola have been great advocates of the village and will continue to receive my full support.

Kind Regards
Catherine Black
Gabriel Cottage
Guildford Road
Mayford
Woking.

Appendix 4 – Representations received in support of the Premises



Great Orchards Orchard Mains Hook Heath WOKING Surrey GU22 0ET United Kingdom



6 July 2018

Licensing Team
Woking Borough Council
Civic Offices
Gloucester Square
WOKING
GU21 6YL

I am writing to refute allegations made against Mr David Gould, who is married to the licensee of the Mayford Arms Public House, regarding his conduct on Sunday 3 June 2018. I understand that Mr Gould has recently been upset that a neighbour who lives close to the Mayford Arms had accused him of being drunk and incapable that afternoon.

By way of background, I regularly visit the Mayford Arms on Sunday afternoons to eat lunch there with my husband. I rarely visit at any other times. On that day we had lunch at approximately 3.30pm and were sitting in the garden. After we had finished, at approximately 5.15pm, Mr Gould came over to enquire if my meal had been satisfactory. We started chatting and he sat down briefly with us at our table. He told me that he was extremely tired as he had not been able to get to bed until the early hours of the morning as he had waited up for his wife to return from an event in London. I remember very clearly commenting that it seemed to have been a very busy day at the pub with many people there for lunch. He agreed and told me that he had personally cooked lunch for 45 people that day. Shortly afterwards he rested his head on his arms and fell asleep for about 15 minutes.

I can confirm that Mr Gould was most certainly not drunk. His demeanour was completely normal. He looked exhausted after a late night, an early start and after having catered for 45 people. Had he been drunk, he most certainly would not have been able to work effectively in the kitchen and produce food of very good quality for so many people.

I am happy to vouch for Mr Gould regarding this matter both to Woking Borough Council, and to Greene King Retailing Limited.

Yours faithfully

Wendy D Mullins

Appendix 4 – Representations received in support of the Premises

From: [REDACTED]
[REDACTED]

Sent: 09 July 2018 16:17

To: Licensing

Subject: Mayfield Arms

To whom it may concern

Premises licence no 16/00077/PREMIS

I refer to the notice served on the licensees of the Mayford Arms. My name is Mark Robertson and have worked as a DJ in the Woking area for more than 40 years. Whenever I have worked at the Mayford Arms, particularly since Dave and Nicki have managed the pub, all doors and windows remained closed, and finish times were adhered to assiduously. From my perspective as an entertainer, the pub is run in a professional and capable manner. Any suggestion to the contrary is wrong. I don't just visit the pub to work. I visit 3 or 4 times a week to enjoy a quiet drink in a pleasant, well run establishment. If required I would be happy to expand on the above.

Mark Robertson
12 The Triangle
Woking
GU21 7PP

Appendix 4 – Representations received in support of the Premises

Licensing Team
Woking Borough Council
Civic Offices
Gloucester Square
Woking
Surrey
GU21 6YL

10 Saunders Copse
Mayford
Woking
Surrey
GU22 0NS

5th July 2018

Ref: Mayford Arms Licence Review

Dear Sir / Madam,

I have noticed signs displayed outside of the Mayford Arms advising of the current review against public nuisance objectives.
I am not aware of the background to this situation but felt compelled to express my view & experience that, as a customer of the Mayford Arms over the last few years I wouldn't consider that the premises represented any problem of public nuisance.

Indeed, since Mr & Mrs Gould took on management of the Mayford Arms, what was previously a pub that we would not consider using, has become an asset to a village that is sorely short of amenities.
In my view they have created a family-friendly place for drinking & dining that we have regularly used and been pleased to recommend to neighbours & family members.
On a weeknight local clubs and groups use the pub as their meeting venue and this creates a nice atmosphere of regulars.
A glance at reviews on such sites as Trip Advisor will confirm this.

As well as using the Mayford Arms in a personal capacity, as chairman of the Mayford Village Hall Trustees, we have been happy to direct customers whose bookings that we cannot accommodate in MVH towards the Mayford Arms as an alternative local venue.
As trustees, we would not put our reputation at risk by recommending a place that was in any way considered a public nuisance.

I recognise that any establishment can experience problems on occasions but the Mayford Arms has a positive reputation in the village and I believe that the efforts that Mr & Mrs Gould have put into creating this local asset deserve to be supported in these days of a rapidly declining number of pubs across the country.

Yours Sincerely,



Paul Atkins

Appendix 5 – Representations received in support of the Review Application

From: June Stonard [REDACTED]
Sent: 20 June 2018 12:56
To: Licensing
Subject: Re Mayford Arms Pub Music licence

Dear Sir/Madam,

We would like to make the following comments with regard to the above.

Once again over the past few weeks our lives have been blighted by excessive noise coming from live music in the back garden of the pub. It was totally unnecessary and could have been avoided by confining the music to within the pub it's self and turning down the amplification. Instead we all suffered, with excessively loud music disturbing our peace, on a lovely day.

Over many months we have found it necessary to complain about activities going on in the pub. Loud music in particular. The landlord appears to have little regard to licencing times, and on many, many, occasions Friday nights have turned into " rave " nights. Again music was so loud we could hear it through double glazed windows with our television on. The landlord appears to ignore the drunk, foul mouthed customers sitting in the garden long after time. On one night we could quite clearly hear a group of drunk aggressive customers threatening to kill each other, this has now become standard behaviour often with fights breaking out.

We have lived in Bourne Way for 42 years and seen many tenants/landlords come and go, but we have always been able to approach them with any problems, which were then dealt with, amicably with apologies. Sadly I think this landlord lacks any control with the operating of a decently run pub. Both the landlord and his wife are unapproachable people, preferring to carry on annoying the neighbour hood, instead of working with them to resolve any problems.

Yesterday the landlord appeared whimpering on my doorstep trying to find out " the general feelings" of my neighbours. Where has he been all these months?? I asked myself. Has he seriously not realised the general feelings of people? I was not prepared to discuss anything with him at this late stage.

I think it is now time for their music licence to be **very seriously** reviewed.

Yours Faithfully,

June & Robert Stonard

Appendix 5 – Representations received in support of the Review Application

From: Reece Marriott [REDACTED]
Sent: 22 June 2018 16:30
To: Licensing
Subject: Mayford Arms Complaint Ref 16-00077-PREMIS

To Whom it May Concern,

I am writing in response to the notices I have seen around the Mayford Arms pub regarding the review of their live music license. I would just like to raise to your attention of the fact that on both the 3rd and 10th of June, I was hoping to undertake some revision for my upcoming A Level mock exams. Unfortunately, I was unable to do so, due to the volume of the live band the pub had playing on these two occasions. I strongly feel because of these events, I couldn't not perform as well as I could in my exams, which also are strong factors in determining my predicted grades for university. Please do not hesitate to contact me for any more information.

Kind regards,
Reece Marriott.

Appendix 5 – Representations received in support of the Review Application

From: [REDACTED]
Sent: 24 June 2018 18:50
To: Licensing
Subject: Mayford Arms public house

Being a close neighbour to the above we accepted the music in the garden to celebrate the royal wedding but to continue for the following 2weeks it intruded on us enjoying our garden on those days.

Evening events also cause noise to travel and on occasion disturb us. So we would be grateful for the review.

I would like this statement to remain anonymous as I would be wary of repercussions.

[REDACTED]

Appendix 5 – Representations received in support of the Review Application

From: Roy Rose [REDACTED]
Sent: 27 June 2018 19:48
To: Licensing
Subject: Licensing of The Mayford Arms

We have been on holiday for a while and have only recently read the notices re licensing of the The Mayford Arms.

We have lived in Bourne Way for over 40 years and have experienced a procession of licensees/publicans over this time. In our view this current one displays absolutely no consideration for his neighbours. Live music is a regular feature at weekends, and even sometimes during the week. When played inside the pub we can still hear the thumping of the bass and also singing voices inside our house even with our double glazed windows closed. (This is to such an extent that when laying in bed trying to sleep we can often identify the song.

Of late, live music has been played in the pub garden during weekend afternoons. The level of amplification of the guitar and singing was such that we could not enjoy sitting in our own back garden - every note and every word was inescapable. It was little better when we retreated indoors.

Some years ago a previous licensee caused so much noise disturbance to his direct neighbours that the licensing department placed a condition on the licensee that when playing music in the pub he had to keep all the rear facing windows closed and had to ensure that any doors between the bar and garden were to be closed as quickly as possible after customers had used them. This appears not to have been carried through subsequent licensing.

A further point that demonstrates the lack of respect for neighbours is that while he employs gardeners to manage his garden, the hedging forming the boundary between his garden and Bourne Way is never attended to. It has overgrown considerably into the road boundary, including the dreaded Japanese Knotweed, and frequently lorries which access Bourne Way cause branches and debris to be broken off and scattered along our road. If it wasn't for neighbours clearing this into their own green bins our road would be a mess.

Talking of mess. The area where the pubs bins are kept, and also the carpark itself, is always a mess, and his customers, who frequently park along Bourne Way often leave there own contribution to the general detritus around the area.

We recognise that any publican wants to make a good living from the business he/she runs, but this surely cannot be at the expense of creating a nuisance to his neighbours. The last few years have definitely seen our worst experience of living behind the Mayford Arms.

With regards
Roy and Margaret Rose

Appendix 5 – Representations received in support of the Review Application

From: Gabriele Kapfer-Gill [REDACTED]
Sent: 08 July 2018 10:11
To: Licensing
Subject: Public Notice 16/00077/Premis

Re Public Notice
Greene King Retailing Ltd
16/00077/Premis

Dear Sirs,

With reference to the above, we support the application for a review made on the grounds that the licencing objectives of the Prevention of Public Nuisance of the Premises Licence Premises Certificate are not being promoted.

We have lived at 1 Bourne Way for nearly 26 years and have not considered it necessary to address any negative issues in relation to being situated next to the Mayford Arms Pub.

However, live music blasting from the pub's premises has now become a nuisance. Whenever live music is being played, we can hear the noise at home. Recently, the live performance at weekends has been loud enough to disturb us in the back garden. One should be able to enjoy a sunny weekend afternoon in the garden without having to endure music being played, on repeat, at an extreme decibel level.

Please can we keep Bourne Way as the peaceful and quiet residential area it has been until now.

Yours faithfully

Gabriele Kapfer-Gill

Appendix 5 – Representations received in support of the Review Application

July 04, 2018

FAO: The Licensing Review Team, Woking Borough Council

We write in response to the License Review for The Mayford Arms Pub on Guildford Road, licensed issued to Greene King Retailing Ltd.

We have written in anonymously as we do not wish to be identified for fear that this leads to an adversarial relationship with the premises. We would also like to feel we can visit the pub which being identified as a complainant would preclude. We hope this point is deemed to be fair and reasonable.

We refer to recent events:

On three recent weekends out of four, local residents were disturbed by live amplified music being played outside in the beer garden of The Mayford Arms Pub.

Saturday 19 May: live amplified music, played during the afternoon, was extremely loud and intrusive. However, we did not feel it warranted a complaint because we (wrongly) assumed it was a one-off due to the occasion of the Royal Wedding and the FA Cup Final.

Sunday 3 June: live amplified music played outside in the beer garden between 3-6pm. Again, this was extremely loud and intrusive. Due to the volume, local residents were unable to be in their gardens and the music remained audible with the windows shut and television on.

***Saturday 9 June:** loud music inside the pub in the evening until around 11 or 11.30pm.

Sunday 10 June: just one week on, live amplified music was played outside again between 3-6pm, albeit not as loudly as on previous occasions. However, at this point it started to feel like this would be a regular event which in itself leads to an anxiety of anticipation. We now hesitate to invite friends and family over at the weekend for fear of noise disturbance from the pub.

For local residents the music from the pub has marred a number of weekends and we wonder how many more weekends might follow suit if the current licensing conditions remain unchanged. There is no prior warning - the pub's website has been down for a while and events are posted on their Facebook page, but usually with little notice i.e. either on the day itself or the day before and not everyone uses Facebook.

It is important to note that as local residents we sincerely want the pub to flourish and do well - that is in everyone's best interests - but we are in favour of a ban on live or recorded music being played outside simply so that local families in the village can enjoy their weekends in peace. This also promotes goodwill between the pub and its neighbours. As it says on the Greene King website:

"Pubs are part of communities. They're the place where everyone comes together to relax and enjoy the time with family and friends. We want to play a role in supporting our communities and maintaining their strength."

Furthermore, children need to be able to revise for their exams during the summer months and residents to enjoy the sunshine while tending their gardens in what is usually a tranquil residential village. We, and many others, greatly value this aspect of living in Mayford.

Appendix 5 – Representations received in support of the Review Application

*We would also ask that Greene King takes steps to minimise the noise of music coming from inside the pub so that local residents are able to sleep.

Again, taken directly from the Greene King website:

"We know how important it is to behave in a responsible, caring and sustainable way. It matters to our customers, our team members, our neighbours, and it also matters to us."

We do hope this representation can be included for consideration in the review; and that Greene King will indeed be in support of promoting responsible management when it comes to the surroundings of its pubs and the impact on local residents.

Yours faithfully,

Concerned Local Residents

Appendix 6 – Supporting evidence from the Applicants Solicitors

From: Stephen Thomas [REDACTED]
Sent: 27 August 2018 19:46
To: Matthew Cobb
Cc: [REDACTED]
Subject: RE: License Hearing Attendance - The Mayford Arms Public House - 12th September
Importance: High

Dear Sir,

We refer to our e-mail last week advising that we are instructed to represent the Applicants for Review of the above Premises Licence. Having taken instructions from our clients please find attached:

1. Submissions and further evidence on behalf of the Applicants,
2. Typed up diary log of Mr and Mrs Hughes – please note the colour coding
3. Typed up diary log of Mr and Mrs Marriott – please note the colour coding
4. Photo of the location of Friars (Mr and Mrs Hughes house) and Mayford Arms
5. Facebook page on Mayford Arms site
6. By e-mail we have forwarded a video of entertainment held by the premises on 11th August to assist the committee in understanding the level of the nuisance

The writer is currently on holiday returning on Thursday. We have copied in the solicitor for the Premises Licence Holder. Please could you arrange for this information to be forwarded to members of the committee and any other persons who are parties to the hearing. Should there be any queries regarding this application please do not hesitate to contact me.

We will arrange for the hard copy to be sent in the post on Thursday.

Kind Regards,
Stephen

Stephen Thomas LAW

[REDACTED]

website: stephenthomaslaw.co.uk

Stephen Thomas LAW is a firm authorized and regulated by the Solicitors' Regulatory Authority.

Appendix 6 – Supporting evidence from the Applicants Solicitors

SUBMISSIONS AND FURTHER EVIDENCE

APPLICANTS Mr and Mrs Hughes and Mr and Mrs Marriott

1. Application has been made for review of the Premises Licence held by Greene King for the Mayford Arms.
2. The Applicants have very reluctantly decided they have no option other than to take action for a review of the licence. There have been a number of approaches to the managers of the Mayford Arms, the Premises Licence Holder, Greene King, the Licensing Authority and Environmental Health Authority. Additionally to work with the Licensee and mitigate any noise created by the premises Mr and Mrs Hughes installed secondary glazing to ground and first floor windows (front and rear of the property) nearest to The Mayford Arms and AAA rated glazing to the child's bedroom nearest to The Mayford Arms at the rear of the property. The source of the problem is breach of the Prevention of Noise Nuisance Objective stemming from the playing of music at the premises.
3. A diary log was kept by the Applicants in 2017 and 2018 detailing the catalogue of nuisance created. Attached at Appendix 1 is the typed-up log of the diary log. Highlighted in red are incidents of noise nuisance when music is played inside the premises. Highlighted in green is the log of incidents where music was played outdoors. Highlighted in blue are engagements with officials to try and resolve the problem. Other forms of nuisance are shown in black from the log. Attached at Appendix 2 is the diary log of Mr and Mrs Marriott using the same colour code.
4. Attached at Appendix 3 is a photo showing the location of Friars, the property of Mr and Mrs Hughes located next to the Mayford Arms.
5. Attached at Appendix 4 is a Facebook page posted on the Mayford Arms in 2016 advising that their patrons are drunk and expected to make a noise to disturb neighbours.
6. Exhibited with this email marked video of incident 11th August 2018 is a Video taken by Mr and Ms Marriott from their son's bedroom at 21.00. Although the bedroom window is closed the words of the song can be heard clearly. EHO were contacted at 21.00 and advised of the nuisance.
7. The evidence of the noise heard on this occasion is similar to the type of nuisance that has occurred on every occasion music has been played inside the premises and a nuisance caused as shown on the log in red. When played in the garden it is unbearable.
8. Further nuisance is caused by the anti-social behaviour which includes shouting, brawling and general bad behaviour of patrons when they leave the premises after music has been played.

Appendix 6 – Supporting evidence from the Applicants Solicitors

9. The Applicants identify the following issues as being the cause of the breach of the Licensing Objective that the Premises Licence Holder prevent a noise nuisance.

LACK OF EFFECTIVE MANAGEMENT

CONTINUOUS BREACH OF CONDITIONS OF THE LICENCE

THE FACT THAT THE PREMISES LICENCE HOLDER DOES NOT OFFER LATE NIGHT REFRESHMENT

THE LACK OF A PROPER AND EFFECTIVE CHILL DOWN PROCEDURE

A FAILURE TO EFFECTIVELY MONITOR NOISE LEVELS WHEN MUSIC IS PROVIDED SO AS TO AVOID A NOISE NUISANCE

10. The Facebook entry (see para 5 above) demonstrates a willingness by the Managers to breach s 141 Licensing Act 2003 relating to the sale of persons who are drunk. The entry shows a deliberate intent to breach the prevention of the noise nuisance objective.
11. The Applicants have tried to resolve matters amicably with the Premises Licence holder over a period of many years and with the record of continuous noise nuisance when music is played have decided they have no option other than to ask the Licensing Committee to review the Premises Licence.
12. The Premises Licence Holder has shown itself to be in breach of the following conditions of Annex 2 to the licence:

The condition requiring local residents to respect the needs of local residents
– see Facebook page.

All doors and windows to be kept closed during the playing of amplified music – *customers prop a fire exit door open with a traffic cone and management fail to close the doors*

Strong management controls and effective training of staff so that they are aware of the four key licensing objectives – *the failure to close doors, the continuous noise nuisance and the Facebook entry prove breach of this condition.*

Responsible Management of the premises - *this is exemplified by the above failures.*

UNDER THE PREVENTION OF NUISANCE OBJECTIVE

Responsible management of customers, staff, deliveries and premises at all times to prevent incidents of public nuisance – *there is no complaint over the time of deliveries otherwise the evidence produced establishes breach of the remainder of this condition.*

13. It is noted that the Licence Holder did not apply for a Late Night Refreshment Licence. Further there is only a 30 minute period for customers to chill down after

Appendix 6 – Supporting evidence from the Applicants Solicitors

cessation of the playing of music during which alcohol is sold. The Applicants feel that management has not put in place appropriate chill down procedures. The effect is that customers are excited by the music, then consume more alcohol resulting in bad behaviour and nuisance when the patrons leave the premises.

14. It is considered that this is a contributory factor to the bad behaviour of customers when they leave the premises after a music event.
15. No measures are in place within the premises to limit the sound level at which music can be played so as to prevent a noise nuisance.
16. Sadly, the Applicants feel that the Managers are either deliberately or unable to provide effective management of the premises.
17. It is a matter for the Licensing Committee to consider having considered the evidence and all of its powers what action it should take for breach of the objective.
18. The Applicants have suffered much emotional and physical stress, spent a lot of time in trying to amicably resolve this matter and are nervous about attending a public hearing. As a result, because of the seriousness of the breach they have engaged professional assistance at their own cost which they realise cannot be recovered. They are keen that this issue is resolved once and for all and do not want to have to incur further costs going forward.

MEASURES TO AVOID BREACH OF THE NOISE NUISANCE OBJECTIVE

19. The Applicants simply wish to exercise their right to have a quiet and peaceful enjoyment of their properties. To that end a simple solution is the Premises Licence Holder be prohibited from providing any form of live or recorded music.
20. However, in an attempt to be constructive if the Licensing Committee feel that management can be trusted to comply with conditions in attempt to enable the Licence Holder to provide music within the premises and not cause a nuisance the Committee is asked to consider the imposition of the following conditions on the licence. The reason for the condition is set out in italics.

PROPOSED ADDITIONAL CONDITIONS – MAYFORD ARMS

- 1 No live or recorded music will be played outdoors – *this is because music played into the open air is unbearable and no measures can be put in place to prevent a noise nuisance.*
- 2 The terminal hour for the provision of live or recorded music inside the premises will be Monday – Thursday 10.00, Friday and Saturday 10.30 and Sunday 09.00. – *this will enable the licensee to calm customers down and lead to better behaviour before leaving the premises.*

Appendix 6 – Supporting evidence from the Applicants Solicitors

- 3 No live or recorded music with or without amplified voice will be provided until the Premises Licence Holder has served a Noise dispersal policy on the Woking Licensing Authority and Woking EHO to ensure quiet effective departure of patrons upon leaving the premises and received confirmation in writing that the Licensing Authority and EHO approve of the policy. This Policy to be reviewed annually and any update served on the Licensing Authority and EHO department of Woking Borough Council. - *this will reduce into writing strict controls that management can adhere to and train their staff to follow to ensure no noise nuisance is created.*
- 4 A noise management report be prepared by an independent expert providing a system that can be put in place to ensure that there will be no escape of noise if music is played provided the recommendations of the report are put in place – *this will provide a reliable source to ensure that all parties, management residents and Licensing Authority are aware of everything that needs to be done to prevent a noise nuisance*
- 5 That with the agreement of the owners of Friars, Guildford Road, GU22 9QT and 6, Bourne Way, Mayford GU22 9QU noise levels be determined by an independent noise expert with levels being checked in the houses of Mr and Mrs Marriott and Mr and Mrs Hughes and the decibel level that no music can be heard inside the premises. – *this will ensure that Management are given clear guidance over the levels amplified music should be set, when music or any form of amplification is used within the premises.*
- 6 A noise limiter be fitted to control any form of amplified music at the premises – *as in point 5 above for the purpose of preventing a noise nuisance.*
- 7 For the avoidance of doubt amplified music includes amplified voice. – *it is recognised that persons may play acoustic instruments but wish to use amplification to sing. This clarification condition enables the Licence Holder to be clear that a noise nuisance is created by an amplified voice.*
- 8 The premises licence holder to ensure that the noise limiter levels once set are not exceeded. *It is recognised that DJ's and performers have their own ways to try and over ride a noise limiter. If the Licensee wishes to engage performers/DJ's and obtain financial profit it is his responsibility to put in place systems to ensure this does not occur.*
- 9 Door alarms be fitted to all outside doors to prevent patrons opening the doors but if they do certainly alert management that that is happening so that the door can be immediately closed and prevent an escape of noise - *the existing condition that doors and windows should not be open except for ease of access or egress when music is played within the premises remains. However, it is not unknown for customers to open fire doors. Whilst it is noted that the doors are currently propped open by a traffic cone when music is played the fitting of door alarms will provide extra support to management to ensure the condition is not inadvertently breached.*

Appendix 6 – Supporting evidence from the Applicants Solicitors

- 10 At least 14 days' notice to be given in writing of any TEN involving the playing of live and recorded music to be given to the owners of Friars, Guildford Road, GU22 9QT and 6, Bourne Way, Mayford GU22 9QU. *It is recognised that whatever action the Committee takes today that the Licensee can apply for 15 TENS covering 21 days in any given year. Whilst it will be a matter for EHO to decide whether the Noise Nuisance objective will be breached, and conditions imposed or the event objected to, this condition will enable to the residents to consider how to plan their lives for these events.*

At the time of preparation of these submissions Mr and Mrs Marriott are on holiday although are in contact with the writer by e-mail to provide instructions concerning these submissions. If upon their return from holiday any further matters arise or they have any further evidence that will assist the Committee we reserve the right to serve that evidence as soon as it becomes available.

Stephen Thomas LL.B., A.K.C
Solicitor for the Applicants

27th August 2018

Appendix 6 – Supporting evidence from the Applicants Solicitors



Mayford Arms

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Nicola Home

6

?

MAYFORD ARMS

Mayford Arms ✓
@mayford.arms

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Mayford Arms shared a photo.
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12

...

Guildford Rd
Woking GU22 9QT
Get Directions
01483 228926
Typically replies within a few hours
Send Message
www.mayfordarms.co.uk
Pub
Opens at 12:00 PM
Closed Now
Suggest Edits

Related Pages

The Star Inn Pub
Saddlers Arms Pub
O'Neill's Woking Bar & Grill

Pubs in Woking

Send Message

Appendix 6 – Supporting evidence from the Applicants Solicitors

Mr & Mrs Hughes EHO Noise Nuisance Diary Sheet

Friars, Guildford Road, Mayford, Surrey GU22 9QT

Address being complained about
Mayford Arms Pub

| day & date | time started | time stopped | type of noise | where was it heard? | how did this disturb you? | notes |
|-------------------------------|--------------|--------------|--|-----------------------------|---|---|
| 2017 | | | | | | |
| Monday, 20th March 2017 | 11.15pm | 11.30pm | loud shouting in garden | son's bedroom | he was woken up | |
| Saturday, 25th March 2017 | 9pm | 10.30pm | shouting in garden | son's bedroom | he was woken up | |
| Wednesday 29th March 2017 | 9.45pm | 10pm | several motorbikes revving | lounge | couldn't hear the TV | |
| Saturday, 8th April 2017 | 10pm | 11.55pm | Loud music | master bedroom | couldn't sleep | |
| Saturday 20th May 2017 | 9pm | 11pm | loud music | master bedroom | couldn't sleep | |
| Saturday 27th May 2017 | 9pm | 11pm | loud music | lounge | couldn't hear the TV | |
| Saturday 3rd June 2017 | 8pm | 11.30pm | loud music | lounge | couldn't hear the TV | |
| Saturday 3rd June 2017 | 9pm | 11.30pm | shouting in garden | son's bedroom | he couldn't sleep | |
| Saturday 17th June 2017 | 9.30pm | 10.30pm | Loud music | lounge | couldn't hear the TV | called EHO noise line 10.30pm |
| Saturday 24th June 2017 | 9.45pm | 11.35pm | loud music | lounge | couldn't hear the TV | |
| Saturday 24th June 2017 | midnight | | shouting out front | master bedroom | woken up | |
| Saturday 24th June 2017 | 4am | | shouting out front | master bedroom | woken up | |
| Wednesday 28th June 2017 | 11.05pm | | shouting out front | master bedroom | woken up | |
| Thursday 29th June 2017 | 11pm | 11.30pm | shouting in garden | son's bedroom | son woken up | |
| Friday 30th June 2017 | 11.10pm | | shouting out front | master bedroom | woken up | |
| Wednesday 5th July 2017 | 9.30pm | 10pm | several motorbikes revving | lounge | cannot hear the tv | |
| Friday 7th July 2017 | 10pm | 11pm | Bonfire in pub garden thick smoke | all over the upstairs | had to close windows | |
| Wednesday 12th July 2017 | 9.30pm | 10pm | several motorbikes revving | lounge | cannot hear the tv | |
| Saturday 15th July 2017 | 9.30pm | 11.40pm | loud music | bedrooms - master and son's | cannot sleep | |
| Saturday 15th July 2017 | 11.50pm | | shouting out front | master bedroom | cannot sleep | |
| Saturday 19th August 2017 | 3.30pm | 7pm | amplified music in garden | EVERYWHERE | impossible to talk, speak listen to anything | called EHO line at 4pm and 6pm |
| Monday 28th August 2017 | afternoon | | police presence at pub | | | |
| Tuesday, 12th September 2017 | 6.30pm | | live amplified music in garden | EVERYWHERE | impossible to talk, speak listen to anything | |
| Saturday 16th September 2017 | | | meeting with WBC officials at Mayford Hall to discuss issues | | | |
| Thursday, 21st September 2017 | | | councillors meet with Mark Oford, neighbourhood police | | | |
| Saturday 4th November 2017 | 10.30pm | 11.30pm | loud music | bedrooms - master and son's | can't sleep | called EHO and officer came out at 11pm, music turned down |
| Saturday, 11th November 2017 | 11pm | | loud live music | lounge | | |
| Saturday, 11th November 2017 | 11pm | | shouting out front | bedrooms | | |
| 2018 | | | | | | |
| Saturday, 31st March 2018 | 11.35pm | | loud music | master bedroom | woken up | |
| Saturday 14th April 2018 | 9.30pm | 11pm | loud music | master bedroom | woken up repeatedly | |
| Wednesday, 18th April 2018 | 8pm | 10pm | several revving motorcycles | lounge | cannot hear the tv, or have a conversation | |
| Saturday 18th of May 2018 | 2pm | 5pm | loud amplified music in the pub garden | EVERYWHERE | impossible to talk, speak or listen to anything | call EHO line no licence granted |
| Sunday 3rd of June 2018 | 3pm | 6pm | loud amplified music in the pub garden | EVERYWHERE | impossible to talk, speak or listen to anything | |
| Wednesday 6th of June 2018 | 9pm | 9.45pm | several revving motorcycles | lounge | cannot hear the tv, or have a conversation | |
| Saturday, 8th June 2018 | 9pm | 23.10pm | loud music | lounge and bedrooms | can't sleep | called EHO line at 22.23pm |
| Sunday 10th June 2018 | 4.30pm | | loud amplified music in the pub garden | EVERYWHERE | impossible to talk, speak or listen to anything | called EHO at 16.40 (no answer) called again at 16.45 action being taken |
| Wednesday 13th of June 2018 | 9.30pm | | 20+ revving motorcycles + beeping horns | lounge | son woken up | landlady shouts through our hedge to my husband who is loading his car up for the next day "they aren't doing anything wrong" in aggressive manner" |
| Wednesday 20th June 2018 | 8pm | | several revving motorcycles | lounge | cannot hear the tv, or have a conversation | |

Appendix 6 – Supporting evidence from the Applicants Solicitors

Mr & Mrs Marriott EHO Noise Nuisance Diary Sheet
6 Bourne Way, Mayford GU22 9QU

Address being complained about

Mayford Arms Pub

| day & date | time started | time stopped | type of noise | where was it heard? | how did this disturb you? | notes |
|---------------------------|--------------|--------------|---|--|--|-------|
| 2017 | | | | | | |
| Saturday 25th March 2017 | 8.50pm | | shouting in garden | son's bedroom | bad language, stopped him going to sleep | |
| Saturday 25th March 2017 | 10.10pm | 10.30pm | shouting in garden | son's bedroom | continued and woke son up | |
| Saturday 8th April 2017 | 9.40pm | 10.00pm | base from disco in pub | lounge | unable to watch tv | |
| Saturday 8th April 2017 | 11.40pm | 11.55pm | very loud disco | master bedroom | unable to sleep | |
| Saturday 20th May 2017 | 10.30pm | 11.00pm | very loud music | lounge | couldn't hear TV | |
| Saturday 17th June 2017 | 10pm | 11.50pm | loud music and people talking and shouting in garden | all over the house! | prevented everyone from going to sleep. All doors and windows were open in pub | |
| Saturday 24th June 2017 | 8.55pm | 9.25pm | loud music and people talking and shouting in garden | upstairs in our house | prevented my son from going to sleep. Back door was open with a cone and it's a fire door | |
| Saturday 24th June 2017 | 10pm | 11.15pm | loud music and people talking and shouting in garden | upstairs in our house | very frustrated rang noise line and the music volume kept going up for a few minutes, then down again as the fire door was left open and then shut again | |
| Thursday 29th June 2017 | 11pm | 11.20pm | people shouting and laughing in pub garden | in our bedrooms | frustrated as there should not be customers in the garden after 11pm it delayed us in getting to sleep | |
| Friday 30th June 2017 | 11pm | midnight | people talking in the pub garden | in bedrooms | as above | |
| Wednesday 5th July 2017 | 9pm | 9.30pm | shouting in garden | in bedrooms | bad language being used near my children's bedrooms | |
| Saturday 7th July 2017 | 10pm | 11pm | shouting and noise from bonfire | bedrooms and living room | shouting in the garden due to a bonfire in pub garden | |
| Sunday 15th July 2017 | 9.30pm | 11.41pm | music | bedroom | couldn't go to bed until music had stopped (10 minutes late in ending) | |
| Wednesday 19th July 2017 | 11pm | 11.20pm | shouting and laughing in pub garden | bedrooms | stopped us from going to sleep | |
| Friday 21st July 2017 | 8pm | 10.30pm | loud music | bedrooms | our 10 year old couldn't sleep | |
| Friday 21st July 2017 | 10.50pm | | fight in garden (police incident) | bedrooms | 16yr old son witnessed this and we were anxious to leave children when we go out as a result | |
| Saturday 22nd July 2017 | 9pm | 11pm | music amplified and back door left open | bedrooms | 10 yr old couldn't sleep in his own room | |
| Sunday 25th November 2017 | 10.15pm | | music | bedroom and whole house | couldn't go to bed until music had stopped (10 minutes late in ending) | |
| 2018 | | | | | | |
| Sunday, 31st March 2018 | 22.20pm | 23.35pm | loud music | upstairs of house | delayed getting to sleep | |
| Sunday 14th April 2018 | 21.30pm | 23.30pm | loud music | all over the house, even though doors and windows closed | delayed getting to sleep | |
| Sunday 19th May 2018 | 2pm | 5pm | loud amplified music in pub garden | everywhere in our house you couldn't get away from it | mad an afternoon in our home stressful | |
| Monday 3rd June 2018 | 2pm | 6pm | Loud amplified music in pub garden | everywhere in our house you couldn't get away from it | called noise line | |
| Sunday 9th June 2018 | 20.45pm | 23.30pm | loud amplified music inside pub (rear fire door of pub left open) | bedrooms and living room | had to re-arrange son's sleeping to help him fall asleep despite the noise and delayed own bedtime until after music stopped | |
| Monday 10th June 2018 | 3pm | 3.45pm | amplified live music in pub garden | all over the house and especially our garden | unable to spend time in our own garden and have windows open in my own house as the noise is too disturbing | |
| Monday 10th June 2018 | 4.30pm | 6pm | amplified live music in pub garden | all over the house and especially our garden | unable to spend time in our own garden and have windows open in my own house as the noise is too disturbing | |

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 30 January 2017 10:31
To: Licensing
Subject: mayford arms

Further to my conversation with your department this morning, I wanted to get in touch regarding the increasing noise disturbance and anti social behaviour from the Mayford Arms pub on Guildford Road, in Mayford.

We have lived [REDACTED] to this pub for 4 years. Over this time, we, and the surrounding neighbours, have tried to forge a relationship with the tenants of the Mayford arms. We are all affected by the behaviour of their customers and the noise coming from their events, but they are not interested. We have also spoken to Greene King – at length - and they have washed their hands of the whole thing saying that it is a tenanted site and thus, it is not something that Greene King will get involved in (even if their name is on the sign). We have supporting emails documenting our conversations with Greene King in this regard and listing specific incidents in previous years.

We had to call the police out last year (incident number [REDACTED]) further to a fight, involving many individuals and an ambulance was called. This year so far, I had to call 999 on the 1st of January 2017 at around 4am as there was brawl involving several individuals (7-8 people) in the street outside the pub and again this weekend – 28th of January – I called 101 due to very loud music, shouting, screaming, wheel spinning cars.

This is a residential area, most of the properties are owned by families, with children and these types of events are upsetting and alarming. The 1st of January incident was so loud it woke up our children. This has been going on long enough and we would be grateful for some assistance in this.

I look forward to hearing how we can proceed in this matter.
Yours sincerely

[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 17 February 2017 22:09
To: Matthew Cobb
Subject: Re: mayford arms

Dear Matthew,

My neighbour passed on your email after finding out that I also tried to complain to the Mayford Arms pub recently.

I meant to email you a couple of weeks ago, but got reminded by the loud music I can hear right now!

I have lived in Bourne Way with my wife since April 2014 and we now have a 1 yr old son. Since that time there have been a number of times where the noise level and client behaviour has frustrated, and where entertainment has exceeded the hours permitted by their license. I have a few times tried calling the pub when it has got particularly bad, but there is never any answer from the pub.

More recently this has grown from an occasional annoyance to a problem.

I have come back to my house late at night to find two youths drinking opposite my front door, where they had no reason to be, had to clear up bottles and broken glass from the pavement where we must walk our son, listened to fights taking place, been blocked from getting to work by their delivery truck that chooses not to use their own car park, had my car blocked in due to pub clients parking all the way up our road (regularly) and been disturbed by increasingly loud music events.

On the night referred to most recently, the music was so loud it woke my son up who's room is the furthest from the pub and on the opposite side of the house to the pub. I had no choice but to walk to the pub to request it be turned down. Luckily I met the landlord outside, who advised the issue was with clients leaving the rear door open, which allows the music to escape. Apparently it is a sound proof door, but I can assure you it doesn't do its job even when closed as you can still hear music through double glazing with the TV on.

The landlord cannot lock it as it also functions as a fire escape, and he seems to have no control over the volume of his entertainment or his clients. On the walk back I was followed by a very drunk man, who then got into his car to drive away, having previously abandoned it straight across the driveway of my neighbour. The noise continued after closing hours as it took a while for the vocal guests to leave the pub area.

I hope that the majority of these issues can be resolved soon, and conscious that the pub tends to hold more events as the weather improves including live music in their garden during the daytime. If I can be of any further help, please let me know.

Kind regards

[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 20 February 2017 09:23
To: Matthew Cobb
Subject: Re: mayford arms

Hi Matthew
I hope you are well.

We had another weekend of disturbance from the Mayford arms:
Friday, 17th of February – there was VERY loud music (not live) from the pub. Woke the kids up at 11.30 and kept us awake. Again, we always try ringing them (several times) but they either never answer the phone or pick the phone up and put it down
Saturday, 18th of February – loud LIVE music from the pub this time, again, we tried ringing them at 10.30 to ask them to turn it down, keep the back door closed but same as above. I called 101 in the end reference number [REDACTED]

There is never any notice of these events, either sent to the neighbours in advance, or posted on the website. It is becoming increasingly regular. The fall out from such events is very unpleasant in terms of lack of sleep for everyone and anti social behaviour from the punters who leave the pub after such events (see my previous email about new years eve).

There must be something we can do about this? This is a residential area not a city central location but whatever the location, the general disregard for the neighbours in such a situation is very upsetting.
Thank you
[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 25 June 2017 18:03
To: Matthew Cobb
Subject: Re: mayford arms

Dear Mr Cobb,

I am sorry to report that another weekend has passed and yet another night at the Mayford arms has disrupted our lives.

Live music on Saturday night was loud, doors were propped open, there was noise coming from the back, from the front, there was literally no escape. I was one of the neighbours who phoned the out of hours environmental health line at around 10.45pm and when the officer called me back at 11.15, the doors had been shut, but the music was still going on and continued until they finished off at 11.35 with a rendition of You'll never walk alone. Then the fallout onto the street started. Shouting, anti social behaviour culminating in a girl screaming in a very distressing way at midnight, which woke our children. As if that wasn't enough, the band left at 4am which woke us up AGAIN.

How much more? It is literally Every. Single. Weekend. We have put all this on our log we are keeping for the environmental health team, but I have also contacted 2 councillors at Woking Borough Council (Mrs Azad and Mr Ali) in this regard and our local MP Mr Lord, as something really has to be done about this stretch of Guildford Road as things are getting out of hand and it feels like we are living in the middle of Woking town centre, not a village on the outskirts.

I look forward to hearing about next steps in this regard as clearly the Mayford Arms aren't taking your correspondence seriously.

With best wishes
[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 10 July 2017 12:11
To: Matthew Cobb
Subject: Re: Mayford Arms 17th June 2017

Dear Matthew

Further to your recent letter to Ms Gould at the Mayford Arms – Licence Number 16/00077/PREMIS, relating to a noise complaint on Saturday 17th June 2017, I am writing to you, to strongly refute the allegation that music was still playing at 23.50 on the night in question. The party held that evening was a 60th Birthday Party for my partner [REDACTED], I organised the event and the DJ myself – and he finished promptly on time at 23.30, having been booked to play from 7.30pm through to 23.30. Despite the evening being very warm – all windows and doors were kept shut during the evening to minimise any noise nuisance to the neighbouring properties. So I was very shocked and surprised when it was brought to my attention that a complaint had been received by yourself relative to this event. Given the age group of the attendees of the party – the music certainly wasn't played at an excessive volume. Furthermore, having worked in the licensing trade for 15 years myself, consideration for the neighbours has always been part of my remit when organising an event – I even checked the outside areas during the course of the evening – to ensure that the music wasn't at a level that would cause any problems to those living in the immediate vicinity.

To this end, I find that on this occasion the complaint to be completely unfounded. If you require me to furnish you with more information relative to the 17th June, please don't hesitate to contact me.

Yours sincerely

[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 21 August 2017 09:31
To: Matthew Cobb
Cc: Cllr Ayesha Azad; [REDACTED]
Subject: Mayford Arms 19th of August

Dear Mr Cobb

Once again, I am obliged to inform you that we have had another incident with the Mayford Arms this weekend.

An event began in the garden of the pub at approximately 3.30pm on Saturday 19th of August accompanied by external amplified recorded music. We decided to give them the benefit of the doubt but after a further hour and with no reduction in volume, in fact the music became so loud the speakers were distorting, we called the Environmental Health Out of Hours Hotline as advised by EH. After checking their records and noting that this is a priority case, they dispatched an officer to monitor the noise. I called them again at 5.30 as no one had turned up and the music was still very loud. The Environmental Health Officer turned up at 6.30pm at which point the music volume had noticeably reduced (typical!) but he was satisfied that he had witnessed a license violation along with variation in volume to the music.

Apart from the disruption and the fact our afternoon was ruined, the Mayford Arms licence clearly states that music, recorded or live, is not permitted until after 7pm and therefore they were in breach of the conditions.

I trust you are also aware of a further incident in late July which resulted in both Police attendance & Environmental Health Dept involvement as reported by neighbours.

In addition to updating you of recent events, we have been advised that we should seek further input and action from the local Police Licensing Liaison Officer.

Regards

Best wishes
[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: Joseph Dutfield

Sent: 21 August 2017 10:34

To: Matthew Cobb; Geanine Crowley (Geanine.Crowley@surrey.pnn.police.uk)

Subject: RE: Mayford Arms 19th of August

Hi Matt

Out of Hours was called, and an officer attended, arriving on site at approx. 18.35. At the time that they arrived, music was audible in the complainants garden, but was not at a level to be causing a statutory nuisance. The officer remained on site for an hour, and during that time, the music was not increased in volume. The complainant was advised at the time by the visiting officer that the noise was not at a level to be causing a statutory nuisance. From looking at the information that I have received, it has been logged that the complainant phoned OOH twice, but the times of these calls have been logged as 17.20 for both calls, so doesn't fit in with the complainant said below, so will confirm with OOH if the times that they have provided are correct in terms of the times of the calls.

If the pub had reduced the volume of the music before an officer attended, although it means that we did not witness at its loudest, but on the other hand you could argue that it demonstrates that the pub may have taken steps to control the noise to reduce the impact on neighbours.

Happy to have catch up before next week if felt needed to discuss before the meeting, or as we have no evidence that there is a problem at the moment, also happy to wait for the meeting, I am off Thursday and Friday.

Thanks

Joe

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 27 November 2017 12:53
To: Cllr Ayesha Azad; Matthew Cobb
Cc: Cllr John Kingsbury; Cllr Kevin Davis; [REDACTED]
Subject: Mayford Arms/Licensing Review

Dear Ayesha and Mr Cobb

I write again further to issues with the Mayford Arms pub again this weekend.

We have had bands every weekend for the last 3 weeks and whilst the previous 2 weeks were relatively calm, this last Saturday wasn't. The music was very loud and went on well past 11pm – both myself and my neighbour called the Environmental noise line – as we were under the impression that the cut off was 11pm - and were told that they had been granted an extended music licence until 11.30 that night and that we should have been informed.

The music was loud, the environmental health officer didn't attend due to the event being within apparent licensing hours. On the council website, it states they can have music until 11.30pm on Fridays and Saturdays: has this changed recently and if so, from what date?

The neighbours are still of a mind to push for a licence review. We have families trying to sleep and the constant thumping of a base until 11.30pm most weekends in a residential area is unacceptable and still needs addressing.

I look forward to hearing from you.

Thank you
[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 03 June 2018 18:02
To: Licensing
Subject: Mayford Arms Pub Live, Amplified Music - Sunday 3rd June

Dear Sir/Madam,

I am contacting you with regard to live, amplified, music that started at 3pm today (3rd June) at the Mayford Arms pub in Mayford. We live in Bourne Way, the road adjacent to the pub. We have endured almost 3 hours of the noise on an otherwise quiet, peaceful Sunday afternoon in a residential neighbourhood.

I would like to understand the requirements of the pub in this instance and the recourse if this happens again in future? My wife asked the pub landlord when it would finish, at the start of the music, 3pm, and they informed her it would finish at 5. As I type this email, the singer has just finished, at 6.01pm on a Sunday evening.

I know this is a commercial pub, but I am not sure the handful of people sitting in the garden are enough to justify the inconvenience to the surrounding residents.

Unfortunately, this isn't the first incident of the summer. Amplified live music was also played in the garden on the day of the Royal Wedding a couple of weeks ago. You can imagine our thoughts of this happening every two weeks over the summer feels us with dread.

I appreciate your timely response.

Regards,
[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 04 June 2018 14:17
To: Matthew Cobb
Subject: Amplified music from the Mayford Arms pub

Dear Matthew,

Many thanks for the call and useful information.

Just to reiterate, on Sunday 3 June there was very loud amplified live music played in the garden of the Mayford Arms pub between 3-6pm.

This follows on from very loud amplified live music played just two weeks ago on Saturday 19 May (the day of the Royal Wedding so understandable from the pub's point of view and not something to complain about given the occasion).

The pub is in a quiet residential area in the village of Mayford. We were enjoying a tranquil Sunday afternoon at home in our garden (as I am sure many residents were) until the music commenced. We had had no prior notification that this would be taking place but I have since been told that they post updates regarding events on their Facebook page. There are no future updates posted at this time.

I tried to call the pub a number of times to find out when the live music was due to finish but it went to voicemail every time. I also tried to access their website for further information but it was unavailable and remains so.

We do not wish to fall out with the pub but the music was at such a volume that our family could no longer remain in the garden and this was for three hours on a sunny Sunday afternoon. The music was also very loud within our home.

As we discussed I am willing to log the incident in case this becomes a regular occurrence.

However, as we also discussed, you can understand that we have no desire to fall out with the pub so I would appreciate this being handled sensitively and anonymously from our point of view.

Thank you so much for your consideration in this matter and your ongoing liaison. I would greatly appreciate any updates or further information/advice as and when.

Many thanks.

[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 04 June 2018 17:32
To: Matthew Cobb
Subject: Fw: Amplified music from the Mayford Arms pub

Hi Matthew,

Due to some searching on the internet I have found a listing for the same band/individual (Martin Paul Cuthew) to play live acoustic music at the Mayford Arms AGAIN on Sunday 10 June between 3pm and 5.30pm. I have found this at <http://www.lemonrock.co.uk>.

Surely this cannot be acceptable for local residents in Mayford as this will be the third time within a month that there will have been SEVERE noise disruption. There is no listing on the Mayford Arms Facebook page under events and there is still no access to the pub's website.

Please advise ASAP. Can Environmental Health do anything about this?

Thank you.

[REDACTED]

Appendix 7 - Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 05 June 2018 10:39
To: Matthew Cobb
Subject: Re: RE: Amplified music from the Mayford Arms pub

Hi Matthew,

Of course - please do forward on this email and thank you for your assistance.

There is still no notification on The Mayford Arms Facebook page (it says no upcoming events) but I have found the event listed on the band's Facebook page. The pub's website continues to be inaccessible.

I am especially concerned about music being played outside this Sunday as my son is revising for an exam so really just need to be advised on whether this acceptable in a quiet residential area two weekends in a row (plus 19 May). It may be that it is perfectly within the limits of their license in which case we will just have to be out for the afternoon.

I look forward to hearing from Joseph and again thank you so much for your help.

[REDACTED]

Appendix 7 – Licensing Department Emails relating to the Premises

From: [REDACTED]
Sent: 22 August 2018 21:39
To: Licensing
Subject: Mayford Arms 11th August

To whom it may concern

I am writing to ask you to log another complaint against the Mayford Arms public house.

The Mayford Arms held a disco on the evening of 11th August, the volume of which made it very difficult to put my son in bed to sleep at his bedtime. (Around 9pm).

The volume could also be heard in our living room whilst we were trying to watch TV.

I called the Environmental Health out of hours service and an officer did come out to us about an hour after my call but by the time he arrived the volume had decreased. Presumably this was because the rear fire door had been closed as it is supposed to be, where earlier in the evening it had been propped open.

The continued disturbance around our and our children's bedtimes is becoming increasingly distressing.

If you could log this appropriately to time with the licensing hearing on 12th September I would be grateful.

Yours sincerely
[REDACTED]

The licensing objectives : Public Nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be

Appendix 8 – Excerpts from the National Guidance

attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Powers of a licensing authority on the determination of a review

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 promoting 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. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

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

Appendix 8 – Excerpts from the National Guidance

- 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 to address the causes of concern that instigated the review.

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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

Licence conditions: Live Music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.

16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Beer gardens

16.42 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.

16.43 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.

16.44 However, a licensing authority may, where justified, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

16.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements

Appendix 9 – Pool of Conditions

Supporting Guidance - Pools of Conditions

The content of this guidance broadly reflects but is not the statutory guidance (or any part of the statutory guidance) issued by the Secretary of State under section 182 of the Licensing Act 2003. This good practice guidance should be viewed as indicative and may be subject to change. Revised statutory guidance issued under section 182 of the Licensing Act 2003 was laid in Parliament on 25 April 2012 and is available on the Home Office website.

CORE PRINCIPLES

1. Licensing authorities and other responsible authorities (in considering applications) and applicants for premises licences and clubs premises certificates (in preparing their operating schedules) should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises and the nature of the local area, and take into account a range of factors including:
 - the nature, type and location of the venue;
 - the activities being conducted there and the potential risk which these activities could pose to the local area;
 - the location (including the locality in which the premises are situated and knowledge of any local initiatives); and
 - the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate, they become enforceable under the law and breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with conditions attached to a licence or certificate could give rise to a prosecution, in particular, as the provision of unauthorised licensable activities under the 2003 Act, which, on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce must be excluded.

PART 1. CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

RADIO LINKS AND TELEPHONE COMMUNICATIONS

Two-way radio links and telephone communications connecting staff of premises and clubs to local police and other premises can enable rapid responses to situations that may endanger the customers and staff on and around licensed premises. It is recommended that radio links or

telephone communications systems should be considered for licensed premises in city and town centre leisure areas with a high density of premises selling alcohol. These conditions may also be appropriate in other areas. It is recommended that a condition requiring a radio or telephone link to the police should include the following requirements:

- the equipment is kept in working order (when licensable activities are taking place);
- the link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- relevant police instructions/directions are complied with where possible; and
- instances of crime or disorder are reported via the radio link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

DOOR SUPERVISORS

Conditions relating to the provision of door supervisors and security teams may be valuable in relation to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that queues outside premises and departure of customers from premises do not undermine the licensing objectives.

Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, it may also be appropriate for conditions to stipulate:

- That a sufficient number of supervisors be available (possibly requiring both male and female supervisors);
- the displaying of name badges;
- the carrying of proof of registration; and
- where, and at what times, they should be in operation.

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

RESTRICTING ACCESS TO GLASSWARE

Traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Conditions can prevent sales of drinks in glass for consumption on the premises. This should be expressed in clear terms and can include the following elements:

- no glassware, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; or
- no customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be given to customers for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

The banning of glass may also be a relevant and appropriate measure to promote public safety (see Part 2).

ALTERNATIVES TO TRADITIONAL GLASSWARE

Where appropriate, consideration should therefore be given to conditions requiring the use of safer alternatives to prevent crime and disorder, and in the interests of public safety. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of alternatives to traditional glassware may be an appropriate condition during the showing of televised live sporting events, such as international football matches, when there may be high states of excitement and emotion.

OPEN CONTAINERS NOT TO BE TAKEN FROM THE PREMISES

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons, or to prevent consumption of alcohol, in surrounding streets after individuals have left the premises. Restrictions on taking open containers from the premises may also be appropriate measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise location of each camera, the requirement to maintain cameras in working order, to retain recordings for an appropriate period of time and produce images from the system in a required format immediately to the police and local authority. The police should provide individuals conducting risk assessments as part of preparing their operating schedules with advice on the use of CCTV to prevent crime.

RESTRICTIONS ON DRINKING AREAS

It may be appropriate to restrict the areas of the premises where alcoholic drinks may be consumed after they have been purchased. An example would be at a sports ground where it is appropriate to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances and times during which the ban would apply.

Restrictions on drinking areas may also be relevant and appropriate measures to prevent public nuisance (see Part 4).

CAPACITY LIMITS

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but can also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be required to ensure that the numbers are appropriately controlled (see above).

PROOF OF AGE CARDS

It is unlawful for persons aged under 18 years to buy or attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, the mandatory conditions require licensed premises to ensure that they have in place an age verification policy. This requires the production of age verification (which must meet defined criteria) before alcohol is served to persons who appear to staff at the premises to be under 18 (or other minimum age set by premises).

Such verification must include the individual's photograph, date of birth and a holographic mark e.g. driving licence, passport, military ID. Given the value and importance of such personal documents, and because not everyone aged 18 years or over necessarily has such documents, the Government endorses the use of ID cards which bear the PASS (Proof of Age Standards Scheme) hologram. PASS is the UK's national proof of age accreditation scheme which sets and maintains minimum criteria for proof of age card issuers to meet. The inclusion of the PASS hologram on accredited cards, together with the verification made by card issuers regarding the personal details

of an applicant, gives the retailer the assurance that the holder is of relevant age to buy or be served age-restricted goods. PASS cards are available to people under the age of 18 for other purposes such as access to 15 rated films at cinema theatres so care must be taken to check that the individual is over 18 when attempting to purchase or being served alcohol.

CRIME PREVENTION NOTICES

It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to voluntarily display such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

DRINKS PROMOTIONS

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. It is also likely to be unlawful for licensing authorities or the police to promote generalised voluntary schemes or codes of practice in relation to price discounts on alcoholic drinks, 'happy hours' or drinks promotions. The mandatory licensing conditions (see chapter 10 of the statutory guidance) ban defined types of behaviour referred to as 'irresponsible promotions'.

SIGNAGE

It may be appropriate that the hours at which licensable activities are permitted to take place are displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises that have exceptionally high capacities, are used primarily or exclusively for the sale and consumption of alcohol, and provide little or no seating for their customers.

Where appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;

- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see Chapter 10 to control entry for the purpose of compliance with the capacity limit.

PART 2. CONDITIONS RELATING TO PUBLIC SAFETY

The attachment of conditions to a premises licence or club premises certificate will not relieve employers of their duties to comply with other legislation, including the Health and Safety at Work Act 1974 and associated regulations; and, especially, the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore inappropriate.

From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies. See Chapter 2 of the statutory guidance for more detail about the Order or <http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>

GENERAL

Additional matters relating to cinemas and theatres are considered in Part 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules; and licensing authorities and other responsible authorities may consider the following guidance, where relevant:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

In most premises, therefore, relevant legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

SAFETY CHECKS

- Safety checks are carried out before the admission of the public.
- Details of such checks are recorded and available to the relevant authorities for inspection.

ESCAPE ROUTES

- Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily opened without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

DISABLED PEOPLE

That adequate arrangements exist to enable the safe evacuation of disabled people in the event of an emergency; and that disabled people on the premises are made aware of those arrangements.

LIGHTING

- That lighting in areas accessible to the public, members or guests shall be adequate when they are present.
- That emergency lighting functions properly.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

CAPACITY LIMITS

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and be required to inform any authorised person on request.

ACCESS FOR EMERGENCY VEHICLES

- Access for emergency vehicles is kept clear and free from obstruction.

FIRST AID

Adequate and appropriate supply of first aid equipment and materials is available on the premises.

If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

TEMPORARY ELECTRICAL INSTALLATIONS

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

In relation to the point in the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams (for example, where temporary electrical installations are made in theatres for television show performances). In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons (for example, those employed by the television company).

INDOOR SPORTS ENTERTAINMENTS

- If appropriate, a qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed by a competent person and/ or inspected by a competent authority.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools Issued jointly by the Health and Safety Executive and Sport England).

SPECIAL EFFECTS

The use of special effects in venues being used for regulated entertainment can present significant risks. Special effects or mechanical installations should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Part 3.

ALTERATIONS TO THE PREMISES

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

The application for variation will enable responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

OTHER MEASURES

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be appropriate to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Part 1 for further detail).

PART 3. THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)

In addition to the points in Part 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

PREMISES USED FOR CLOSELY SEATED AUDIENCES**ATTENDANTS**

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

| Number of members of the audience present on a floor | Minimum number of attendants required to be present on that floor |
|--|---|
| 1 – 100 | One |
| 101 – 250 | Two |
| 251 – 500 | Three |
| 501 – 750 | Four |
| 751 – 1,000 | Five |
| And one additional attendant for each additional 250 persons (or part thereof) | |

- (b) Attendants shall not be engaged in duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.
- (c) Attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to an authorised person on request.

- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of temporary seating shall be kept available at the premises and shall be shown to an authorised person on request.

SEATING

Where the potential audience exceeds 250 all seats in the auditorium should be securely fixed to the floor or battened together in lengths of not fewer than four and not more than twelve.

Standing and sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
 - (i) sit in a gangway;
 - (ii) stand or sit in front of an exit; or
 - (iii) stand or sit on a staircase, including landings.

DRINKS

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to, or be consumed by, a closely seated audience except in plastic and paper containers.

BALCONY FRONTS

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

SPECIAL EFFECTS

Special effects or mechanical installations should be arranged and stored so as to minimise risk to the safety of the audience, the performers and staff.

Special effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;

- firearms;
- motor vehicles;
- strobe lighting;
- lasers; and
- explosives and highly flammable substances.

In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order. Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95)
- 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

CEILINGS

Ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person, who will decide when a further inspection is necessary, and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

PREMISES USED FOR FILM EXHIBITIONS

ATTENDANTS – PREMISES WITHOUT A STAFF ALERTING SYSTEM

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

| Number of members of the audience present on the premises | Minimum number of attendants required to be on duty |
|--|---|
| 1 – 250 | Two |
| And one additional attendant for each additional 250 members of the audience present (or part thereof) | |
| Where there are more than 150 members of audience in any auditorium or on any floor | At least one attendant shall be present in any auditorium or on any floor |

ATTENDANTS – PREMISES WITH A STAFF ALERTING SYSTEM

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

| Number of members of the audience present on the premises | Minimum number of attendants required to be on duty | Minimum number of other staff on the premises who are available to assist in the event of an emergency |
|---|--|--|
| 1 – 500 | Two | One |
| 501 – 1,000 | Three | Two |
| 1001 – 1,500 | Four | Four |
| 1,501 or more | Five plus one for every 500 (or part thereof) persons over 2,000 on the premises | Five plus one for every 500 (or part thereof) persons over 2,000 on the premises |

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

MINIMUM LIGHTING

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

PART 4. CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from public nuisance, including noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

HOURS

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted for the prevention of public nuisance. Licensing authorities are best placed to determine what hours are appropriate. However, the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

NOISE AND VIBRATION

In determining which conditions are appropriate, licensing authorities should be aware of the need to avoid disproportionate measures that could deter the holding of events that are valuable to the community, such as live music.

Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licence holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licence holder to undertake routine monitoring to ensure external levels of music are not excessive and take action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful);
- prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises to take place at times that will minimise the disturbance to nearby properties.

NOXIOUS SMELLS

Noxious smells from the premises are not permitted to cause a nuisance to nearby properties; and the premises are properly vented.

LIGHT POLLUTION

Flashing or particularly bright lights at the premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

OTHER MEASURES

Other measures previously mentioned in relation to the crime prevention objective may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

PART 5. CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

ACCESS FOR CHILDREN TO LICENSED PREMISES – IN GENERAL

The 2003 Act prohibits unaccompanied children from premises that are exclusively or primarily used for the supply of alcohol for consumption on the premises. Additional restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where they are appropriate to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

It is recommended (unless there are circumstances justifying the contrary) that in relation to:

- premises with known associations (having been presented with evidence) with or likely to give rise to: heavy or binge or underage drinking;
- drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years;
- premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances should, when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, it is recommended that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children, subject to the terms of the 2003 Act.

AGE RESTRICTIONS – SPECIFIC

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- The hours in a day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day.
- Types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - alcohol free events for young age groups, such as under 18s dances,
- Types of event or activity which give rise to a more acute need for age restrictions than normal, for example: during "Happy Hours" or drinks promotions;

AGE RESTRICTIONS – CINEMAS

The British Board of Film Classification classifies films in accordance with its published Guidelines, which are based on research into public opinion and professional advice. It is therefore recommended that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role.

Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Suitable for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – Suitable for viewing by persons aged 15 years and over.
- 18 – Suitable for viewing by persons aged 18 years and over.

- R18 - To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions. In addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

Persons under the age of [insert Appropriate age] cannot be admitted to any part of the programme

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

THEATRES

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is appropriate to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be appropriate. Entertainment may also be presented at theatres specifically for children (see below). Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children during any emergency (See Part 3).

PERFORMANCES ESPECIALLY FOR CHILDREN

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

CHILDREN IN PERFORMANCES

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended prescribe requirements for children performing in a show. Licensing authorities should familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is appropriate to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.

- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

THE PORTMAN GROUP CODE OF PRACTICE ON THE NAMING, PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

PROOF OF AGE CARDS

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder.