

Accept 77

Appendix 4



9th August 2017

Licensing Section,
Herefordshire Council,
8 St Owen Street,
Hereford
HR1 2PJ

Re. The Horse & Jockey pub Ross-on-Wye licensing review

We are writing in support of the licensee of this pub.

We live on the opposite side of the road from the pub, only 30 metres away.

Since the current licensee has been at the pub, we have not experienced any disturbance of any kind, specifically, there has been no noise disturbance.

There is usually music playing in the pub, but the volume is such that conversation is easy without the need to raise ones voice.

The pub is a popular, friendly and pleasant meeting place, for people of all ages. It appears to be well run. It also appears that the licensee has been keeping to the terms of his licence.

The licensee takes part in a variety of local charity events (such as the recent Ross-on-Wye Carnival), supports various local sports groups, and is altogether an asset to the community.

We cannot understand why there have been any complaints.

Yours faithfully,

Janet Nelson B.Sc. M.Sc.

Nick Nelson B.Sc. C.Eng. M.I.E.T.

From: [REDACTED]
To: [Licensing](#)
Subject: Attn: Lucy Bond Re: Horse and Jockey
Date: 22 August 2017 15:29:49
Attachments: [horse & jockey representation 2017-08-22.docx](#)

Dear Mrs Bond

I am making a representation from [REDACTED] with regard to the Horse and Jockey public house, New Street, Ross on Wye, in the belief that the owners and operators of the premises have undermined the licensing objectives - in particular those of the prevention of crime and disorder and the prevention of public nuisance. The evidence I wish to rely on is contained in the attached statement. Please notify me of the date and time of the hearing.

Yours sincerely

Clare Parfitt

Horse and Jockey pub license review: local resident representation

2017-08-22

1. Introduction and summary

The following is a statement from [INSERT NAME AND ADDRESS]. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

Concerns about the pub centre on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub owners have not demonstrated consideration for local concerns, or intent to control problems associated with the pub.

2. Problems with the current terms of the license

- The pub has a longer than normal license, at weekends until 12:30.
- The pub has an extra hour for entire bank holiday weekends and other public holidays, until 1:30.
- The license does not prohibit the holding of events liable to create a public nuisance.
- The license allows amplified music to be played up to midnight.
- the license does not control noise from the pub garden and designated smoking area.
- the pub is not obliged to ensure clients disperse quietly at closing time.
- the pub is not obliged to ensure people smoking on the street are not served at the bar.

3. Problems with the current owners/management of the pub

a) Breach of license

The pub has contravened the terms of its license as follows:

- noise nuisance from the pub after closing time
- open bottles and containers taken off the premises.
- noise and vibration so as to cause a public nuisance.
- serving people at the bar after smoking outside the pub.
- music and tv broadcasting in the garden and smoking area after 9 pm.

b) responsibility to prevent public nuisance

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility.

Prevention of public nuisance

- loud amplified music all hours inside the pub and relayed via speakers in the pub garden.
- events inappropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Inadequate notice given and inadequate measures to minimise impact on the local community.
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub, also leads to littering, broken glass etc.

Protection of public safety

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

Prevention of crime and disorder

- Fighting and other disorderly conduct outside the pub and down the street

4. Conclusions and recommendations

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However further steps are necessary to resolve the situation. We propose”

- **Replacement of the current management**, and
- **Formal agreement** between owners, Environmental Health Authority and Police to ensure improved pub management, or
- **Revoke the license** altogether.

From: [REDACTED]
To: [Licensing](#)
Subject: Horse and Jockey pub
Date: 22 August 2017 21:55:30
Attachments: [horse & jockey representation 2017-08-22.docx](#)

We have since new tenants moved in a lot of loud music, disturbed late at night and early hours of the morning with customers of the Horse and Jockey leaving and smoking outside the front of their and our own doorstep, fighting in the street, we would like the licence to be reviewed knowing it is on a residential street with private households as if we did the same to their customers at their homes I don't think they would be able to put up with the disturbances as we all have for the period of time the street.

Yours sincerely Donna Dickens

David Cole

Horse and Jockey pub license review: local resident representation

2017-08-22

1. Introduction and summary

The following is a statement from [INSERT NAME AND ADDRESS]. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

Concerns about the pub centre on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub owners have not demonstrated consideration for local concerns, or intent to control problems associated with the pub.

2. Problems with the current terms of the license

- The pub has a longer than normal license, at weekends until 12:30.
- The pub has an extra hour for entire bank holiday weekends and other public holidays, until 1:30.
- The license does not prohibit the holding of events liable to create a public nuisance.
- The license allows amplified music to be played up to midnight.
- the license does not control noise from the pub garden and designated smoking area.
- the pub is not obliged to ensure clients disperse quietly at closing time.
- the pub is not obliged to ensure people smoking on the street are not served at the bar.

3. Problems with the current owners/management of the pub

a) Breach of license

The pub has contravened the terms of its license as follows:

- noise nuisance from the pub after closing time
- open bottles and containers taken off the premises.
- noise and vibration so as to cause a public nuisance.
- serving people at the bar after smoking outside the pub.
- music and tv broadcasting in the garden and smoking area after 9 pm.

b) responsibility to prevent public nuisance

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility.

Prevention of public nuisance

- loud amplified music all hours inside the pub and relayed via speakers in the pub garden.
- events inappropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Inadequate notice given and inadequate measures to minimise impact on the local community.
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub, also leads to littering, broken glass etc.

Protection of public safety

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

Prevention of crime and disorder

- Fighting and other disorderly conduct outside the pub and down the street

4. Conclusions and recommendations

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However further steps are necessary to resolve the situation. We propose”

- **Replacement of the current management**, and
- **Formal agreement** between owners, Environmental Health Authority and Police to ensure improved pub management, or
- **Revoke the license** altogether.

Horse and Jockey pub license review: representation from residents of [REDACTED]

2017-08-22

1. Introduction and summary

The following is a statement from Denise and Peter Hewett of [REDACTED]. We belong to the local community group composed of a number of residents from New Street and Morley Square, which formed in June 2016 in response to nuisance from the Horse and Jockey Pub. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

We are not opposed in principle to having a licensed premises on the street – we, and some other local residents even supported efforts to keep the pub open as a local community asset after it was threatened with closure in 2015. Since New River Retail took over the license, however, they, and the current management, have squandered local goodwill by failing to accommodate the legitimate concerns of the neighbourhood community. Concerns have centred on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Although requests to reduce noise in connection with license breach have been occasionally acted upon, and apologies were even made on one occasion after a particularly noisy Halloween event in 2016, this has never translated into a sustained policy of respect and cooperation. Requests have more frequently been ignored, or met with unhelpful responses such as “this is a pub – what do you expect?”. The pub management have not responded to requests to moderate anti-social behaviour of clients outside the premises, or to clean up hazardous broken glass or mess left in the street by pub users as they do not see that as their responsibility. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub management’s increasingly resentful attitude is considered to have tacitly sanctioned unacceptable behaviour by regular clientele towards objecting local residents, including verbal abuse, harassment, and most recently, repeated malicious damage to property.

Nor have the pub owners shown any consideration for local concerns, or demonstrated any intention to control problems associated with the pub. At a meeting with New River Retail brokered by the police on 05/09/2016, New River Retail’s legal adviser, David Crank, stated that there was nothing in the license to specifically oblige the pub to control behaviour of pub clients on the street, that it was impossible to control noise coming from the smoking area in the garden, and that he could see no reason for the current license to be changed.

2. Problems with the current terms of the license

- The long licensing hours include a half-hour drinking up time, which means that clients don’t begin to disperse on Thursday, Friday and Saturday nights until 12:30.
- This problem is exacerbated by late-night revellers who have already spent the evening in other pubs in the town, and come to the Horse and Jockey after other pubs close. Clients are therefore often extremely drunk and rowdy when they leave the pub and dispersal is often noisy and protracted. Local residents are often prevented from sleeping until after 1 am, which is particularly problematic for residents who are shift-workers or have young children.

- The license gives the pub an extra hour for entire bank holiday weekends and other public holidays, which means that local residents are often disturbed by noise until 2 in the morning on these occasions.
- The license does not prohibit the holding of parties and other events which are liable to create a public nuisance in a residential area.
- The license currently allows amplified music to be played up to midnight, which is not appropriate for the Horse and Jockey as the premises cannot be adequately sound-proofed to prevent noise nuisance to residents.
- Many local residents' properties back onto the pub garden but the license currently has no specific provision for the control of the considerable noise nuisance emanating from this location, where the designated smoking area is also located.
- Under the prevention of public nuisance section, the license obliges the pub to display a notice to ask clients to disperse quietly and respect the interests of the local residents, but it does not oblige the pub to do anything to ensure that this happens.
- Similarly, a condition attached to the license following a hearing on 18th June 2008 obliges the pub to display a notice warning that clients smoking on the street will be refused further service at the bar, but it does not oblige the pub to enforce this.

3. Problems with the current owners/management of the pub

a) Breach of license

The pub has contravened the terms of its license on many occasions, for example:

- Even when ostensibly closed, noise nuisance from music and people remaining in the pub substantially after closing time has continued on many occasions [at least 7 instances reported to the police/council between June 2016 and July 2017]. When challenged, pub management have said that they have the right to have 'friends' stay on in the pub whenever they like.
- In breach of license (Annex 2: public safety) the pub management allows open bottles and containers to be taken off the premises. This frequently results in broken glass on the pavement and in the street, causing a hazard for cars and pedestrians, and the unwelcome deposition of glasses and bottles on the doorsteps and window-sills of houses near to the pub [incidents reported to police 03/03/2017, 18/03/2017, 30/04/2017];
- In breach of license (Annex 2: prevention of public nuisance): the management allows noise and vibration to emanate from the premises so as to cause a public nuisance [at least 20 instances reported to police/council between June 2016 and July 2017].
- In breach of license (Annex 3) the pub management continue serving people at the bar after smoking outside the pub.
- In breach of license (Annex 3) pub management have regularly played TV and/or amplified music outside the pub after 9 pm.

b) responsibility to prevent public nuisance

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility. Noise nuisance resulting from the playing of loud music has only reduced to acceptable levels since the recent imposition of a noise abatement notice on the premises. Instances include:

Prevention of public nuisance

- Unacceptably loud, pounding amplified music regularly played day and night inside the pub and relayed via speakers in the pub garden [see above for reported instances].
- the holding of events which are not appropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Notice of these events, and provision to minimise impact on the local community have been inadequate [instances reported 30/10/2016, 28/05/2017].
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management [at least 17 incidents reported to police/council between June 2016 – July 2017].
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub.

Protection of public safety

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

Prevention of crime and disorder

- Fighting and other disorderly conduct outside the pub [instances reported 12/08/2016, 30/10/2016, 11/11/2016]
- Harassment of local residents by regular pub clientele including swearing, and banging on the door late at night and running away [instances reported 15/04/2017, 28/05/2017].
- malicious damage to cars belonging to residents at [REDACTED] in connection with complaints to police and council [instances reported 22/07/2016, 09/07/2017, 31/7/2017, 11/08/2017].

4. Conclusions and recommendations

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However, we still face a raft of other problems emanating from the pub, and further steps are necessary to resolve the situation. Although the license is clearly inadequate, the current management has a long history of license breach, so amendments are unlikely to be respected. Furthermore, changes to the license would not address some of the other problems highlighted in this representation.

- These could only be addressed by **replacing the current management**.
- The owners must also take on **more responsibility for management standards and quality surveillance**, and a **more cooperative attitude** to the authorities and residents if an equitable arrangement is to be reached.
- Otherwise we can see no other solution but to **revoke the license** altogether.

From: [REDACTED]
To: [Licensing](#)
Date: 22 August 2017 14:58:46

Dear Ms Bond,

Re: Horse and Jockey pub license review: local resident representation

2017-08-22

1. Introduction and summary

The following is a statement from Mr & Mrs Knight, [REDACTED]

[REDACTED]. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

Concerns about the pub centre on issues of public nuisance and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub owners have not demonstrated consideration for local concerns, or intent to control problems associated with the pub.

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- The license allows amplified music to be played up to midnight.
- the license does not control noise from the pub garden.
- the pub is not obliged to ensure clients disperse quietly at closing time.

3. Problems with the current owners/management of the pub

a) *Breach of license*

The pub has contravened the terms of its license as follows:

- noise nuisance from the pub after closing time
- noise so as to cause a public nuisance.
- music and tv broadcasting in the garden after 9pm.

b) *responsibility to prevent public nuisance*

The pub management and owners have failed to comply with two of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility.

Prevention of public nuisance

- loud amplified music all hours inside the pub and relayed via speakers and in the pub garden.
- events inappropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Inadequate notice given and inadequate measures to minimise impact on the local community.
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management.
- Gatherings of people in the garden causing noise nuisance during opening hours and after closing time.

Prevention of crime and disorder

- Arguing and other disorderly in the pub garden.

4. Conclusions and recommendations

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However further steps are necessary to resolve the situation. We suggest below an option for consideration;

- **Replacement of the current management**, and
- **Formal agreement** between owners, Environmental Health Authority and Police to ensure improved pub management

Yours sincerely

Mr & Mrs Knight

Sent from my iPhone

Horse and Jockey pub license review: representation from residents of [REDACTED]

2017-08-22

1. Introduction and summary

The following is a statement from Lisa Shekede and Stephen Rickerby of [REDACTED]. We belong to the local community group composed of a number of residents from New Street and Morley Square, which formed in June 2016 in response to nuisance from the Horse and Jockey Pub. We identify two main problems with the situation as it stands:

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Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Although requests to reduce noise in connection with license breach have been occasionally acted upon, and apologies were even made on one occasion after a particularly noisy Halloween event in 2016, this has never translated into a sustained policy of respect and cooperation. Requests have more frequently been ignored, or met with unhelpful responses such as “this is a pub – what do you expect?”. The pub management have not responded to requests to moderate anti-social behaviour of clients outside the premises, or to clean up hazardous broken glass or mess left in the street by pub users as they do not see that as their responsibility. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub management’s increasingly resentful attitude is considered to have tacitly sanctioned unacceptable behaviour by regular clientele towards objecting local residents, including verbal abuse, harassment, and most recently, repeated malicious damage to property.

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Prevention of public nuisance

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- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub.

Protection of public safety

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

Prevention of crime and disorder

- Fighting and other disorderly conduct outside the pub [instances reported 12/08/2016, 30/10/2016, 11/11/2016]
- Harassment of local residents by regular pub clientele including swearing, and banging on the door late at night and running away [instances reported 15/04/2017, 28/05/2017].
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4. Conclusions and recommendations

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- Otherwise we can see no other solution but to **revoke the license** altogether.