

David Crank

From: David Crank
Sent: 15 August 2017 08:00
To: Laughland, Elisabeth; Trezins, Aris (Aris.Trezins@herefordshire.gov.uk)
Cc: Spriggs, Fred (fspriggs@herefordshire.gov.uk)
Subject: Horse and Jockey Ross on Wye [DWFLLP-Active.FID3558018]

Hello,

I write further to the meeting last Thursday and am grateful for your time and that of Mr Haskins, I realise I did not check the correct spelling of his name or details of his email to copy him in but would ask if you could share this with him please?

I have looked to draft the wording for what I would hope would be a Minor Variation as it reduces the licensable activities. I have taken further instructions from my client and would ask for two further concessions based on our discussions please? They both relate to seasonal variations, on New Year's Eve I would ask if we could agree that licensable activities be allowed until midnight thirty, still with a 01.00 close and on Boxing Day night that licensable activities be allowed until midnight with a 00.30 close. I have included this in the draft below but wanted to point it out for discussion and hopefully agreement.

There are a couple of conditions I have looked to remove that are now obsolete, but if any of them cause you concern please advise.

I think all the other points are those that we discussed, but if I have interpreted any element incorrectly please let me know.

The proposed variation to the licence would be requested as follows;-

The hours for operation of the premises be amended to allow licensable activities on Sunday between midday and 22:30, on Monday to Thursday from 11:00 to 23:00, and on Friday and Saturday from 11:00 to 23:30 with the opening hours of the premises to the public on Sunday being to 12:00 to 23:00, Monday to Thursday being 11:00 to 23:30 and Friday and Saturday being 11:00 to midnight.

The following seasonal timings would apply to allow licensable activities on New Year's Eve 11:00 to 00.30, on Boxing Day night from 11.00 to 00.00, and on a Sunday preceding a Bank Holiday 12:00 to 23:30, with the opening hours of the premises on New Year's Eve being 11:00 to 01:00, on Boxing Day 11.00 to 00.30 and on Sundays preceding a Bank Holiday 12:00 to midnight.

The following licensable activities would be removed from the Licence: facilities for similar entertainment, dancing and performance of live amplified music.

The following conditions would be added to the Licence:

On occasions when the premises are open after 23:00 hours then any sound system, other than if required for emergency, would be turned to silent from then until the premises are closed to the public.

No amplified live music should be provided at the premises.

Any performance of live unamplified music shall not be performed by more than 2 entertainers.

All windows to the licensed area shall be kept closed after 22:30 hours,

The outside area shall not be used for the consumption of alcohol after 22:30 hours.

There should be no use of televisions or amplified music in any external area of the premises.

The following conditions shall be removed:

First aid – the licensee shall ensure that an adequate and appropriate supply of first aid equipment and material is available on the premises.

No amplified live music or recorded music shall be provided at the premises after 00:00 (midnight) on any day.

All windows to the entertainment area shall be kept closed during performance and on any day after 23:00 hours.

On public safety remove "there is no smoking in the dining area",

On public nuisance remove "There are 5 clean air/extractors situated throughout the pub and a kitchen extract. There is a managed customer departure policy in place. There are no other pubs in close proximity".

Remove "A liaison group to be set up between all parties involved with mediation offered by council officers when reasonable" and replace with "The representatives of the Premises Licence Holder will meet representatives of West Mercia Police and the Herefordshire Council Environmental Health Team and, if necessary, Licensing Team, before the end of February 2018 and confirm any further variations that would be appropriate."

I look forward to your comments and hope that the proposals are acceptable. If anything further is required please advise.

Kind regards

David

David Crank Associate

Litigation, Licensing and Regulatory

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NOTICE OF INTENTION

1. I do/do not (delete as appropriate) consider a hearing to be necessary for the following reason(s).....
 it is agreed there will need to be a hearing at present

2. I/We [~~Insert Name of Applicant/Premises Licence Holder/Solicitor~~] shall/shall not (delete as appropriate) be attending the hearing in respect of the application to review the licence for **Horse & Jockey Inn, 9-10, New Street, Ross on Wye, HR9 7DA**. We ~~have asked~~ will represent to attend and represent us.
 DWA LLP for New River Retail (manly) Ltd
3. I wish to withdraw my application/representation for the following reason(s)

4. I request permission for the following person to appear at the hearing: -
 (Insert Name of Person)..... DANIEL CRANK, MICHAEL HUDSON, MR J. ALLAN
 Mr Clive Greene
5. Brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request
 MR CRANK to represent the Premises licence Holder
 MR GREENE AS OPERATIONS MANAGER to deal with questions
 re operation
 Mr HUDSON AS DPS to address question of future operation
 Mr ALLAN as a resident supportive of the premises

6. Please tick if appropriate:
 I agree to be contacted by email. My email address is: -
 [REDACTED]

Signature <u>DWA LLP</u>	Name (please print) <u>DWA LLP DANIEL CRANK</u>
Capacity <u>Solicitor Agent</u>	Date <u>31 August</u>

This form must be returned at least FIVE working days before the day of hearing. FAILURE TO DO SO WILL MEAN THAT YOU WILL BE UNABLE TO ADDRESS THE COMMITTEE. Please forward it to: -

Herefordshire Council
 Licensing Section
 8 St. Owens Street
 Hereford
 HR1 2PJ

If you wish to email your response our address is licensing@herefordshire.gov.uk




Date : 5th August 2017

To whom ever it may concern,

I was recently visited by a gentleman named Michael who is known to me because he is the landlord at the nearby Horse and Jockey public house. I have only met him a handful of times and we have exchanged words pleasantly on passing. He seems a polite, courteous and amicable character. He asked me, when he visited, if I had been experiencing any problems with regard to noise nuisance, damage to property and people loitering in New Street near his premises.

I am a property owner on New Street and have a personal office at the above address which I often work long and late hours in. I do not frequent the Horse and Jockey, purely because my social scene is not largely public house based, although I have been there on occasion in the past. I have lived in Ross-on-Wye, besides a few years abroad and a couple of years in London, since I was eleven years of age, so at the age of forty-eight I know the town pretty well. I might add that for the majority of that 37 years I have lived in or very near the centre of Ross-on-Wye, residing in High Street, Wye Street, Edde Cross Street, Swan Court and now New Street. I have lived near various public houses in that time and in making my decision to live close to a public house I knew the potential for footfall during public house opening times and other related issues such as deliveries and a degree of social interaction on the pavements near to such establishments. In my mind, anyone that chooses to live close to a public house should consider these factors before making such a decision.

I personally enjoy living in a vibrant environment and take pleasure from what that brings socially and to the community. Public houses have always been a focal point for socialising and without local residents using and appreciating such establishments, a vital part of the history and social interaction of this town would be lost. I believe that face to face social interaction is a vital part of human life and in an ever growing electronic culture such establishments should be regarded as very important for the community.

Having lived close to many public houses during my time in Ross-on-Wye, The Man of Ross, The Hope and Anchor, The Riverside, The Swan, The Rosswyn and now the Horse and Jockey to name a few, I can honestly say that I have not experienced any degree of nuisance in relation to the Horse and Jockey that I would not expect living in close proximity to any public house. Yes there are conversations on the street, yes there are taxis picking up and dropping people off, yes there is a degree of music and other entertainment noise that all public houses are allowed to produce, but I have never experienced noise levels that I would consider abnormal from the Horse and Jockey. Between  New Street and the Horse and

Jockey there are 18metres of road and pavement and I can see the frontage of the Horse and Jockey from all of my windows and doors facing New Street. Having been an Environmental Health Officer for several years, both in London and Gloucester, I have a wide experience of environmental nuisance issues and an in depth knowledge of noise nuisance and the associated monitoring of this type of problem. I regularly monitored public houses, night clubs, social events and residential areas and dwellings for decibel levels both inside and outside premises. Although I have not monitored the noise levels emitted by the Horse and Jockey electronically, I do not consider the audible levels to be above normal and in fact would say that the Horse and Jockey is one of the quieter public houses that I have lived near to.

I feel that it is important to note that New Street is not a solely residential street and has been an industrial and commercial street dating back to the 16th century. Times have changed and although there are now more residential dwellings on New Street it is still both residential and commercial, having business premises, public car parks, access roads to Broad Street businesses, various offices along its length and a public house. This type of street is always going to be busy and anyone choosing to live on such a street should consider these factors before deciding to live here. Common sense should prevail and to ignore such obvious factors during a decision to live on New Street would be ignorant and indeed foolhardy.

I am aware that there have been some localised issues with regard to the Horse and Jockey and have indeed been approached both in writing and in person several times by the residents of [REDACTED] New Street regarding this. I also found them to be amicable and pleasant in character although the conversation and written matter I found to be more than a little persuasive in nature. I also got the impression that they were regretting their decision to live at No12 and have progressively developed a somewhat psychological fixation against the Horse and Jockey. This unfortunately is often the case in such circumstances and usually escalates to the point where normal noise levels become unacceptable to the affected individuals. This was a regular occurrence in my professional career as an Environmental Health Officer. Perhaps their circumstances are different from mine in that their property is indirectly physically attached to the Horse and Jockey and due to my Environmental Health experience I know that sound can travel in various ways. I also fear that, in their decision to move to [REDACTED] New Street common sense did not, on this occasion, prevail. This is nothing personal against the residents of [REDACTED] but they clearly should have considered the proximity of the Horse and Jockey to [REDACTED] prior to committing to reside there.

No-one else on New Street has ever said to me that they have had problems of any nature relating to the Horse and Jockey. I have seen various residents of New Street visiting the Horse and Jockey on a regular basis and can only assume that most local residents do not have a problem living near to a pub, probably because they used common sense when deciding to live where they do.

I also feel it is important to note that New Street is both a vehicular and pedestrian thoroughfare that is busy and at times bustling with members of the public using it as pedestrians for various reasons. My view point from [REDACTED] New Street is extensive and besides the final twenty or so metres towards Broad Street I can see all of New Street. I also, to the rear of my property can see the public car park accessed directly opposite the Horse and

Jockey. On the rare occasions that I have experienced noise nuisance during the evenings or late at night and viewed the source, it has not originated from the Horse and Jockey, but in fact from people coming from Broad Street and the centre of town. I personally have not experienced any damage to property and feel that as New Street is accessed from more than five possible directions it would be wrong to assume that any damage to property was directly associated to the Horse and Jockey. Of all the pedestrians that use New Street throughout the day and night I think it is a safe to say that 1% are patrons of the Horse and Jockey and far more people pass through New Street late at night coming from the centre of town than people entering or leaving the Horse and Jockey.

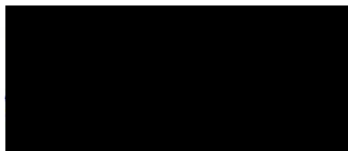
When I have heard and then seen any arguments or physical confrontations in New Street the persons involved are invariably coming from the Broad Street direction and usually at a time long after the Horse and Jockey has closed. This type of disturbance is more than likely related to people that have been to establishments that close in the early hours of the morning on Broad Street or Gloucester Road.

As is often the case, in my professional experience, authorities only become aware of the people that have a problem with noise and other types of nuisance. They are not aware of all the people that do not have a problem, and who may well like to live on a street that has a public house within it. Some people may well have even chose to live in New Street because it has a public house within it. I feel this is a very important point! In essence complaints get heard, but you rarely hear from all the people that are happy to live in that same environment, hence the reason for my writing this letter. I am pretty sure the number of people that do not have a problem far outweigh those that do!

Surely if a human being wishes to live in a peaceful environment without disturbance they should seek an environment that provides such solitude and not seek one that doesn't and try to change it to suit their personal needs!

I consider my opinion, as should you, to be unbiased and impartial in this matter.

Yours sincerely, J.Allan



Jim Frick

August 22nd 2017

Dear neighbour,

Herefordshire Environmental Health Authority have called for a review of the Horse and Jockey's license, and are working with the police to get some amendments made to the terms of the license and possibly to call for the owners to change the management of the pub.

As residents we have the right to make representation of our views, and we have been told that the best chance of getting anything done is if we get a good response from local residents. But we have an urgent deadline - **the submissions have to be in by the end of the day today.**

If you would like to help, I am including a print-out of a statement which you can use as a template, or you can do your own. I can email an e-copy to you if you get in touch with me at [REDACTED] You will need to:

- prepare your representation (put your own details in in the paragraph at the top)
- attach it to an email with the following message (or similar):

I am making a representation from (your address) 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 time and date of the hearing.

- email it to Lucy Bond at the following email address: licensing@herefordshire.gov.uk

If you need help, let me know as I can always pop round sometime today.

all the best,

Lisa, [REDACTED]
[REDACTED]

PTO.

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.

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.**

for example: the glasses and bottles you speak of are placed by people coming from other pubs or shops before they enter the Horse and Jockey. The people that stand outside the front of the Horse and Jockey smoking are finishing the cigarettes that they smoked on the way to the pub. The "fighting ~~you~~ and other disorderly conduct" that you mention is assumed by you to be connected with the A&J. I have not experienced any for over a year and I sleep with my windows open. Any such trouble that I have experienced comes from town not the H&J.

I find your methods to be inappropriate and inconsiderate of all the people on New Street that like to live near a public house and understood the implications of living where they do when they decided to move into New Street.

I also find your methods of communication impersonal and dictatorial in approach.

There are many residents on New Street that do not have a problem with the Horse and Jockey and in fact know that at present the nuisance levels are very low compared to the past years. Residents that have lived here for 20 years or more such as myself know that the present situation is fine and don't wish for change of management or operating hours.

You cannot move into a house near a pub and expect a ~~totally~~ peaceful life within the regulations of which you speak. Humans are humans and you are a minority. A lot of your points are assumptions as you cannot even see out of your boarded up windows.

I find myself wondering if you had any similar problems where you used to live as I get the impression you live a secluded "boarded up" life, do not integrate into your surroundings and feel that your opinion regarding your frustrations should permeate into the other residents minds and that they should all agree with you. It doesn't work like that I'm afraid!

I'm pretty sure the Police think that the Horse and Jockey is one of the better pubs in Ross, or at least they did until you started living in New Street and began your "campaign".

I personally am sick of hearing about your problems a lot of which are blown out of proportion and, I believe, fabricated. I do believe you have a problem with the Horse and Jockey and I do sympathise, but you should have considered your own needs better and your state of mind before buying your house.

To whom it may concern

The Horse & Jockey Pub, New Street, Ross-on-Wye

We have been very concerned to hear that there have been renewed complaints about this pub from certain residents in the street.

We would like to make it clear that, while the current landlord and manager have been in charge, we have had no disturbances of any kind from the pub or its patrons.

We live on the opposite side of the road from the pub, literally a stone's throw away from the entrance.

We have seen that the pub is currently well managed, and we have never seen any trouble of any kind.

Of course, as there are far fewer pubs than there used to be in the town, any well-managed establishment is bound to be reasonably popular. The Horse and Jockey caters for a wide variety of people - young and old, locals and visitors. It is inevitable that there will be people entering and leaving the premises regularly.

There has been a pub on the site for at least 200 years. The Horse and Jockey is listed as an "Asset of Community Value".

We think it is very unfair to complain about a well run business that is so well liked by many people. We have heard that the source of the complaints are not the immediate neighbours, who we understand are on good terms with the pub management.

25th May 2017

Nick & Janet Nelson



MR. T. LLOYD



Dear Sir,

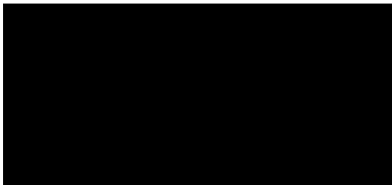
I understand that a meeting has been arranged to discuss the Horse and Jockey public house.

As a retired engineer I regularly enjoy a quiet beer there. I have not seen any trouble inside the premises. However I have witnessed trouble and noise issues in the street caused by houses in the street and pedestrians that haven't been in the pub but are using the road as a cut through.

It is my opinion that a small number of neighbours are using those occurrences, and exaggerate others to create trouble, for what is a successful small business. The pub welcomes locals and tourists alike, and provides a friendly atmosphere in which to spend time.

Best regards

Mr T. Lloyd



To: Whom Ever It Concerns.

From: Dominic William Green


Ross on Wye

Date: 1-8-2017

Ref: Horse and Jockey Pub

Ross on Wye.

I have been attending this pub on a regular basis for two years or more.

It would seem to me that the Horse and Jockey is being subjected to a campaign of mischief and malevolent nonsense.

Why am I motivated to write to you?

I am a regular driver for the ROSS ON WYE ACTION COMMITTEE; we take old people out and about, you may have heard of us or even seen me driving the bus, as I am one of the main drivers and staunch supporters of ROWAC.

The Horse and Jockey pub have been very helpful to the ROSS ON WYE ACTION COMMITTEE run by Rosemary Rigby MBE. They have shown great support and enthusiasm for the cause, raised substantial funds and I can't thank them enough.

Does this sound like a public house set on the disharmony of the local community? Definitely not: quite the opposite.

Moving in next to a pub (an established long running pub) and then complaining about the noise when you are quite frankly NOT a helpful member of the community and a part timer, is very much like moving in next to a church and complaining about the bells: ridiculous.

The main face of the bar: Mick Hudson is very approachable, very friendly and a real community player..... for anyone to cast aspersions on this man and his pub is quite frankly offensive and should be dismissed as mischief making by non community players.

Mick is a big fit man and therefore could be perceived as 'threatening'; he is anything but, he's just a big, healthy, happy man trying to run a pub, get on with his life and serve the community.

I serve the community, The Horse and Jockey serves the community and should be cherished not vilified.

Sincerely 

Dominic William Green: Ross On Wye Action Committee.



Dear sir/madam

I'm writing this letter after hearing some unsettling rumours concerning the Horse and Jackie New Street Ross-on-Wye, my local public Inn. My understanding of the situation is that complaints of noise have been made more than once and other complaints of antisocial behaviour have also been alleged. As a resident of Eddle Cross St Ross-on-Wye I find these allegations to be nothing less than Pappycok. I live with my grandparents and our garden is only one garden from the Horse and Jackie's garden so we're close enough to hear any noise or other disturbances if they ever happen to occur. I am very pleased to say that since the new landlord has taken over the lease there has been no reason for complaint from my-self my grandparents or any of our other neighbours should such incidence arise in the future I feel the landlord is friendly enough to approach and voice any issue and responsible enough to take the correct actions to rectify the problem himself.

yours faithfully

Ray Marchant

To whom it may concern:-

I am aware of concerns of some in the community of the noise & behavioural goings on surrounding the Horse & Jockey Public House situated in new street, as a middle aged man who uses this establishment frequently, I can only support Mr Hudson & his family for their hard work in restoring this public house to some of its former glory, in the current climate where public houses are being closed at somewhere between 25-30 a day, surely as a community we should applaud & support this landlord & staff in their quest to provide an excellent service to all.

Whilst I don't condone bad behaviour, and some of the problems running such a business will incur, in my experience, Mr Hudson & staff keep a very close eye on their patrons and will deal with situations that could get out of hand appropriately & methodically, unfortunately what happens outside isn't always the fault of that particular pub (in my view) and in this day & age attitudes of certain people are absolutely unacceptable but this is not the fault landlord, so long as the offending party hasn't been allowed to get so intoxicated on the premises that causes them to behave inappropriately then I think this is all one can do, and I do believe the landlord a staff work hard to eradicate these situations.

Yes there will be some tom foolery, yes there will be noise, and let's say high spirited actions, but no more than any other establishment of this kind in the area, I do think it's sad that this particular pub seems to be continuously victimised for this type of thing, yes we need to keep things under control, but all these people want to do is make a good honest living, without having to face constant barrage of moaning & groaning and possible threat of closure, please let us not forget, this public house has been in existence since the mid 1700's, far longer than current residents, and whilst I can sympathize with residents and the occasional associated problems that may be caused by living in its close vicinity, they live there by their own choice and have purchased their property knowing full well of the existence of this venue, therefore I would urge these people to

work and discuss feelings with the Landlord, Area Managers, and council etc. so any problems can be dealt with in the appropriate way, rather than in what I consider to be a somewhat continuous belligerent manner.

We need to keep venues like this alive for the sake of the town, and I hope common sense will prevail, I look forward to my next pint and many more in this great little pub with its wonderful atmosphere, well done the Horse & Jockey.

Yours Sincerely

Mr Coleman

