

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.

Herefordshire Council - Environmental Health Department

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Horse And Jockey Inn, 9-10 New Street,	
Post town Ross On Wye	Post code (if known) HR9 7DA

Name of premises licence holder or club holding club premises certificate (if known) NewRiver Retail Limited, 37 Maddox Street, London, W1S 2PP

Number of premises licence or club premises certificate (if known) PR00478
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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
- 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)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Elisabeth Laughland
Principal Environmental Health Officer
8 St Owens St
Hereford

Telephone number (if any)
01432 261676

E-mail address (optional)
elaughland@herefordshire.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Since Mar 2016 Environmental Protection has received a total of 9 complaints from 3 separate households and 9 referrals from the police. Within the 9 complaint records there were multiple reports of noisy events made over this time.

Mr Hudson (the DPS) and NewRiver Retail Limited have been give noise control advice over this time. The advice included that the Horse and Jockey premises has a history of being a poor sound insulator and is therefore a noise sensitive premises. As such it was advised that amplified music needed to be careful managed within the premises to ensure the volume was kept down to a reasonable level and music with a dominant bass sound should be avoided

Following this advice two more loud music events with dominant bass sound were held at the premises over three nights and two separate weekends; 16 June 2017 and 7 & 8th July 2017. This was a breach of their licence condition which states that 'The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.'

On the 7th July officers from Environmental Health witnessed the music to be causing a statutory noise nuisance in the neighbouring property. Noise abatement notices were served on Mr Hudson and NewRiver on the 11 July 2017.

The Environmental Health Department is satisfied that that the premises licence holder and the DPS are breaching the condition on the licence which states "The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance' on a regular basis and therefore are not promoting the licensing objective of the prevention of public nuisance.

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

Background

Historically the premises has been known as a noise sensitive premises due to its location and structure i.e. a Mid terrace property, poor sound attenuation between the adjoining properties, predominantly a residential street close to Ross town centre. As a result amplified music and bass music in this property has caused noise nuisance complaints. This has resulted in past enforcement action where notices were served on previous landlords for playing excessively loud music through a juke box.

Case Information

Mar 2016 to 21 July 2017 - From 2016 the service has received an increase in complaints regarding the premises. A total of 9 complaints from 3 separate households and 9 referrals from the police, since Mar 2016. Within the 9 complaint records there were multiple reports of noisy events made over this time.

Summer 2016 - Environmental Health carried out an extensive investigation in the summer 2016 where visits were made over 11 Friday or Saturday evenings. It was noted that people noise was the most significant noise impact on the area. Although, audible music was witnessed on two occasions outside of the premises, but not sufficient to be a Statutory Nuisance.

Autumn 2016 - Further noise complaints received by Environmental Health (EH). Noise equipment was installed into an adjoining neighbouring property in November where bass beat music was clearly audible within the neighbour's property. The complainant confirmed this music was emanating from the Horse & Jockey public house.

8 April 17 EH received a complaint that loud bass music was causing a noise nuisance to neighbouring properties on Friday 7th April. Also concerns over a future advertised Drum and Bass night at the Horse and Jockey premises

11 May 2017 EH held meetings and discussions with NewRiver, Mr Hudson, the police and licensing to discuss music and people noise issues in anticipation of a drum and bass night advertised and detailing concerns over the suitability of the premises to hold such events.

DPS and NewRiver agreed they would provide a noise management plan to be agreed by Environmental Health before planning any further events.

16 June 2017 Mr Hudson held a birthday party following an agreement not to hold such events until a noise management plan had been submitted and agreed by all parties.

22 June 2017 A noise management plan was supplied to the EH which was inadequate and the premises licence holder was informed of this.

7 & 8th July 2017 - Bass music and people noise over two nights on Friday 7th & Sat 8th July causing noise disturbance and complaints. On Friday 7th July noise officers from the Environmental Health team witnessed loud bass music that was causing a statutory nuisance to the neighbours. Sound Clips and noise measurements were made.

11 July 2017 A noise abatement notice was served on Mr Hudson and NewRiver.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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 (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 21.7.17

Capacity **Principal Environmental Health Officer Environmental Protection**

Contact name (where not previously given) and postal 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.