

## APENDIX 2

Resubmission to the Licensing Authority of my request for action to be taken against Punch Tavern's premises licence for The Horse and Jockey pub at 9/10 New Street, Ross-on-Wye. By Mrs J Roberts of 8 New Street, Ross-on-Wye. Dated 1/6/2008.

My original request was for:

- \* the premises music licence to be suspended until the pub was sound-proofed
- \* the premises licence be endorsed to prevent:
  - \* excessive customer noise inside and outside the pub, particularly by football fans.
  - \* Customers drinking and smoking on the pavement outside the pub. Often joined by the landlady & family, smoking.
  - \* Noisy customers using foul language in the pub, the garden and on the pavement outside the path.
  - \* Drunken and disorderly behaviour by customers. Eg, fights and foul-mouthed abuse outside the pub and our homes; vomiting outside my front door.

I now request that the premises licence be rescinded on the above grounds plus that:

- \* The pub is no longer run in a manner suited to a residential area.
- \* Punch Taverns have proved themselves unable to control the effectiveness of the current Landlady and her partner either to manage the pub professionally and without nuisance to neighbours or to protect the welfare of residents' persons and property. I have no confidence, either, in their ability properly to control any future tenants.
- \* The Licensees are demonising me to anyone who will listen thereby promoting customer aggression towards me; their and certain of the pub customers' attitude is unlikely to change and I remain at risk.

In evidence:

- \* The report of the Ross Station PC of the incident (no. S732512) that occurred on Wed 21/5/2008 which will confirm my statement that:

After an exceedingly noisy evening (inside the pub) since

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7.70pm (a football match, I gather), I was driven from my bedroom at around 10.30 pm by really excessive noise that sounded like a herd of charging elephants but was, I believe, prolonged and heavy table-banging. Standing at my front window, I saw one man running up and down and in and out of the pub, yelling and swearing. Then at least three young men (apparently drunken football fans) possibly more, erupted from the pub and started shouting and hammering with their fists on my window.

One shouted "you've ruined this pub".

Then came the sound of smashing glass which I thought meant that they were trying to break in through the window but in fact was beer glasses being smashed on the pavement beneath it.

They ran away before the Police could get here. Whilst the PC was recording this incident in my sitting room, the pub barman was sweeping up the broken glass outside. My neighbour Mr Neil Mainey had joined me and has my very real gratitude for his kind support.

The Police Constable advised me to set up a CCTV camera, to record any further attacks upon me, which was done immediately by Mr Mainey.

The CCTV video records behaviour that should shame any pub manager. It is my submission that the Horse & Jockey is catering for the evening pub trade that the town centre pubs, (in my experience, professionally managed) refuse to serve.

Mr Mainey's detailed diary after the 28<sup>th</sup> May details the CCTV evidence except, of course, where the smoking shelter is mentioned. The CCTV sound/vision evidence shows or illustrates:

The regular pub customer who deliberately woke me on Wed 28/5 (the date of the hearing) by ringing my doorbell. The video also records the revoltingly foul-mouthed description he used for me. The Landlady will be able to name him for me so that I may make formal complaint to the Police.

The inability of Punch Taverns to ensure that the Landlady and her partner comply with instructions given to them and the contempt with which those instructions are treated by the Landlady and her partner.

The mendacity of the Landlady and her partner particularly in protesting that there is no bad behaviour or if there is, it is not by their customers.

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The contemptuous attitude of some of the customers towards me, in my view fuelled by the Landlady's partner's attitude towards me.

Presentation of evidence:

May I request the Licensing Authority, please, to obtain the Ross Police Constable's report of the 21<sup>st</sup> May and a recording of my 999 call to the police. Both will illustrate the severe distress and fright this incident caused me.

In addition, may our video recording of events since the hearing please also be shown in illustration of Mr Mainey's submission. It should take less than 10 minutes.

The statement of submission by Mrs Harmer is a clear attempt at character assassination rather than any real defence. May I therefore please request that Victoria Woodland (Licensing) and Aris Trezins (Environmental Health) be present (or provide a written submission) to confirm:

- \* my many and patient past attempts to solve the noise problem in a civilised fashion and without any personal animosity towards the licensees.
- \* That my complaint against the licensee was not vexatious.
- \* The many occasions and mendacious excuses used by the Landlady's partner for his failure to stay within the noise limit set informally with Punch Taverns in July. Eg, "A customer must have switched on the speaker" - this in relation to a speaker that he had already agreed to disable.
- \* My increasingly frequent comments on the new type (since this tenancy) of nuisance of customer noise penetrating my walls. eg, yelling and shouting.
- \* The combination of the leaving of Sally Williams and Gareth from Mr Trezins and Punch Taverns staff (respectively) occurred before the results of the acoustic tests organised by Punch were produced.

Mrs Williams was having great difficulty in contacting Ms Banks (replacement for Gareth) and Mr Trezins at that time had no replacement for Mrs Williams.

Those two events (plus my own illness) meant that no action was taken nor progress made in the matter of the internal noise nuisance from roughly November to February

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of this year. And no agreement with Punch or the Landlady was ever concluded and formalised.

May I also request that Mr Del Pinto and Mr Mainey be allowed to address the Committee on the subject of noise nuisance in the pub garden since that is another element of unprofessional pub management that has not yet been aired in chambers.

Diary of nuisance caused by the Horse & Jockey pub landlords and customers since the date of the first application for a review of the premises licence. By Mrs J Roberts. Dated 1/6/08.

Note: there is so much that only the worst/lengthiest incidents are recorded here but my original notes exist if required.

1. Music penetrating walls of my living room and kitchen at loud or very loud volume. Where it also penetrated my 1<sup>st</sup> floor bedroom preventing sleep '(B)' will follow the date

Mon 31/3(B)      Fri 11/4(B)      Sat 12/4      Sun 13/4(B)      Mon 4/4(B)  
Tue 15/4      Wed 16/4      Fri 18/4(B)      Thu 24/4(B)      Fri 25/4  
Sat 26/4(B)      Sun 27/4      Sun 27/4      Sat 3/5(B)      Fri 9/5(B)  
Sat 10/5      Sat 17/5(B)      Sun 18/5      Mon 19/5(B)      Tue 0/5(B)  
Fri 23/5(B)      Sat 24/5      Sun 25/5

2. Customers outside the pub, smoking. Where the customers were seen to be drinking also, '(D)' follows the date. There was usually more than one occasion, per day, recorded in my notes.

Mon 31/3(D)      Tue 1/4      Fri 11/4      Sat 12/4      Sun 13/4      TUE 5/4  
Wed 16/4      Sat 19/4      Wed 30/4(D)      Sat 3/5      Fri 9/5      Sat 0/5  
Mon 26/5      **Note: Police called 30/4. I No. 700s300408.**

3. one or more of the Landlady, her partner, his daughter, his elder grandson and the barman outside the pub smoking. Where customers were doing the same, the dates will co-incide with 2 above and are highlighted, here, in red.

Fri 11/4      Sat 12/4      Sun 13/4      Tue 15/4      Tue 13/5

4. Loud shrieking, yelling, sometimes foul language penetrating the walls of my living room and kitchen.

Fri 11/4      Sat 19/4      Sun 27/4      Wed 30/4      Sun 27/4      Sat 10/5  
Sun 11/5      Wed 21/5      Fri 23/5      Sun 25/5

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5. Very noisy behaviour outside the pub and my house. Where fights or foul language apply '(F) follows the date. similarly, where police were called, (P)

Tue 11/4 Sat 19/4 Wed 30/4(P) Sat 3/5 Fri 9/5 Wed 21/5 F) (P)

Wed 28/5 Fri 30/5 . Incident No for 21/5 is S732512